

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

NOTICE TO MEMBERS OF THE BAR

Effective November 1, 2008, the U.S. District Court for the District of New Jersey in accordance with Judicial Conference Policy and amendments to Federal Rule of Civil Procedure 5.2 and Federal Rule of Criminal Procedure 49.1, will implement the following policy regarding official court transcripts:

Official Court Transcript Filing Procedure:

- Official court transcripts ordered and purchased will be filed into CM/ECF and all filing users in the case will receive a Notice of Electronic Filing. **For a period of 90 calendar days the transcript will be restricted** in CM/ECF to court users, public terminal users, attorneys/parties who have purchased a copy from the court reporter/transcriber and others as directed by the court. In addition, the public may purchase copies from the court reporter/transcriber during this period. Attorneys for parties in the case purchasing a copy of the transcript will be given remote electronic access through CM/ECF and PACER by the court upon payment of the transcript fee. Since Pro Se litigants are not registered users in ECF, electronic access cannot be granted until the transcript is available through PACER for public access.
- All filed transcripts are subject to redaction of personal identifiers as identified by counsel of record or parties to the case. If applicable, the redacted transcript must be filed **within 31 calendar days** after the filing of the original transcript. It will not be available through PACER until the 90-day period has ended. See Redaction Requirements below.
- Charges for access through PACER will accrue during and after the 90-day restriction period. Charges will accrue for the entire transcript and will not be capped at 30 pages. There will not be a free copy of the transcript. When purchasing the transcript from the court reporter/transcriber, the attorney/party can receive the original and/or redacted transcript in both paper and/or electronic format.
- After the 90-day period has ended, the filed transcript (or redacted transcript) will be available for inspection and copying in the Clerk's Office as well as through CM/ECF and PACER.

Redaction Requirements:

- Attorneys and parties in the case must review the transcript for redaction of these personal identifiers. **(Note: This procedure is limited to the redaction of the specific personal data identifiers listed below):**

Social security numbers to the last four digits
Financial account numbers to the last four digits
Dates of birth to the year
Names of minor children to the initials
Home addresses to the city and state (criminal cases only)

- Attorneys and parties must review the following portions of the transcript:
 - Opening and closing statements made on the party's behalf
 - Statements of the party
 - Testimony of any witnesses called by the party
 - Any other portion of the transcript as ordered by the court

- If only part of the transcript is ordered, attorneys and parties are not responsible for ordering and reviewing other parts of the proceeding.
- Attorneys and parties have the responsibility of requesting redaction even if the requestor of the transcript is a judge or a member of the public/media.
- If the transcript relates to a panel attorney representation pursuant to the Criminal Justice Act (CJA), including serving as standby counsel, the attorney conducting the review is entitled to compensation under the CJA for functions reasonably performed to fulfill the redaction obligation and for reimbursement for related reasonable expenses.
- An attorney serving as court appointed standby counsel for a pro se defendant in defense of a criminal case must review the same portions of the transcript as if the pro se defendant were their client.
- Neither court reporters nor transcribers nor the Clerk's Office are responsible for the identification of the need for redaction of transcripts. Instead, the responsibility rests on the attorneys or party to tell the court reporter/transcriber where to redact, and on the court reporter/transcriber to perform the redaction.

Redaction Procedure:

- If redaction is necessary, a Notice of Intent to Request Redaction must be filed **within 7 calendar days, from the filing of the transcript**. The form is available on the Court's Website and should be filed into ECF using the event Notice of Intent to Request Redaction located on the Notices Menu. Attorneys and parties are responsible for notifying the court reporter/transcriber of the filing of this Notice.
- Attorneys/parties must provide a statement directly to the court reporter, **within 21 calendar days of the filing of the transcript**, listing the information to be redacted by page and line number. If this statement is not provided to the court reporter/transcriber within the 21 days, the court may issue an Order to Show Cause or take other action. If the attorney or party wishes to redact other information, a motion must be filed. The transcript will remain restricted until this motion is ruled on, even though the 90-day period may have expired.
- After the redaction of information, the court reporter/transcriber will then file a redacted transcript **within 31 calendar days of the filing of the un-redacted transcript**, which will also remain restricted from remote access for the 90-day period.
- After the 90-day period has expired, the redacted transcript will be available through PACER and the unredacted transcript will remain restricted.

William T. Walsh
Clerk

Dated: October 3, 2008