

Transcript Filing Instructions for Attorneys and Pro Se Litigants

In compliance with the Judicial Conference Policy to Make Transcript of Court Proceedings Available Electronically via CM/ECF and PACER, the following procedure will become effective on **April 28, 2008**.

Official Court Transcript Filing Procedure:

- The official court transcript will be filed into CM/ECF by the court reporter 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 who have purchased a copy from the court reporter and others as directed by the court. However, copies may be purchased from the court reporter 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 reporter 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 days after the filing of the original transcript. It will not be available through PACER until the 90-day period has ended. See 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, the attorney 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:
 - Individuals' Social Security numbers
 - Names of minor children
 - Financial account numbers
 - Dates of birth
 - Home addresses in criminal cases

- 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.
- Parties have the responsibility of requesting redaction even if the requestor of the transcript is a judge or a member of the public/media.
- 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 the Clerk's Office are responsible for the identification of the need for redaction of transcripts. Instead, it rests on the attorneys to tell the court reporter where to redact, and on the court reporter 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 of the filing of this Notice.
- Attorneys and 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 within the 21 days, the court may issue a Order to Show Cause or take other action. If the 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.
- The court reporter will then file a 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 un-redacted transcript will remain restricted.

- Access privileges for non-court users automatically propagate forward but not backward. If an attorney purchases the un-redacted transcript, and subsequently a redacted transcript is filed, the attorney will be granted access to it.. However, if an attorney purchases only a redacted transcript, he does not acquire access rights to the un-redacted version.

Note to CJA Attorneys:

An attorney appointed under CJA is entitled to reimbursement for the costs of obtaining a transcript for purposes of review as well as for functions performed to fulfill his or her obligations including the following:

- (1) traveling to gain access to the transcript, if needed;
- (2) reviewing a transcript to determine whether to file a notice of intent to redact;
- (3) filing a notice of intent to redact or a motion for extension of time;
- (4) reviewing a transcript to determine the location of information to be redacted or whether to file a motion for additional redaction;
- (5) preparing and filing a redaction request or motion; and
- (6) other actions (including creating pleadings, attending hearings or other follow-up).

If a case is closed the CJA attorney may submit a supplemental voucher for compensation if a final voucher has already been filed. If the original attorney is no longer available a new attorney may be appointed under CJA and compensated as set out above.

Note to Appellate Attorneys:

If an attorney of record for the appellate case only, wants remote access to a transcript within the 90 day restriction period, the attorney is required to purchase the transcript from the court reporter, who will inform the court that this transaction has occurred. After the appellate attorney has requested access and provided the required information, the district court will create an ECF account for the appellate attorney and enable remote access to the transcript. The appellate attorney will not be added to the ECF case record.