

## **Transcript Redaction Procedure**

**Notice to the Bar - Starting May 15, 2008, transcripts of proceedings will be electronically filed in all ECF cases, along with the Notice of Filing.**

At its September 2007 session, the Judicial Conference approved a new policy regarding the availability of transcripts of court proceedings.

Each party is required to review a transcript to redact personal information covered by the Judicial Conference's privacy policy, Federal Rule of Civil Procedure 5.2,<sup>1</sup> A party may review a transcript for redaction purposes either by purchasing a copy from the court reporter or transcriber or by inspecting the transcript at the courthouse using the public terminal.

During the 90-day restriction period, both unredacted and redacted transcripts will be available at the public terminals in the clerk's office for inspection only. The clerk's office cannot make a copy of a transcript during the restriction period, and will refer anyone requesting a copy of a transcript to the court reporter or transcriber who prepared it. During this restriction period, a party in the case who purchases the transcript will be given remote electronic access to the transcript via CM/ECF and PACER. However, members of the public who purchase a transcript from the court reporter or transcriber will not be granted remote electronic access until after the restriction period ends. At that time, the public will have remote access only to a redacted version of the transcript if it was redacted during the 90-day restriction.

The PACER fees apply at all times when accessing transcripts remotely. Charges will accrue for the entire transcript rather than being capped at 30 pages.

### **Effective date -**

This procedure applies to all transcripts of proceedings filed on or after May 15, 2008, regardless of when the proceeding took place.

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<sup>1</sup> The best practice is to keep personal information out of the transcript in the first place. Counsel should take this into account when questioning witnesses or making other statements in court. If information subject to this policy is mentioned in court, counsel may ask the judge to have it stricken from the record or partially redacted.

### **Individuals responsible for reviewing the transcript -**

The following individuals are required to review the transcript for personal data that should be redacted:

- each party's attorney
- unrepresented parties.

**Note:** Redaction responsibilities apply to attorneys even if the person requesting the transcript is a judge or a member of the media or the public.

### **Attorneys must file Notice to Request Redaction –**

Within seven calendar days after the Clerk files the official transcript on CM/ECF, a party must file a Notice of Intent to Request Redaction. If a party does not file notice during the seven-day period, the court will assume that redaction of personal data is not necessary. The transcript will remain restricted during the 90-day period even if no notice is filed.

### **Time to review the transcript –**

After filing a Notice of Intent to Request Redaction, a party has 21 calendar days from the filing of the unredacted transcript to submit a redaction request to Heritage Court Reporting. The redaction request must list the places in the transcript where personal information to be redacted appears. During the 21-day period, the transcript is available for inspection at the court's public terminal or for purchase from Heritage Court Reporting, but it will not be available remotely to the public on PACER or for copying from the court's public terminals until the 90-day restriction period has ended.

During the 21-day period, or longer if the court so orders, parties may move for additional redactions to the transcript. The transcript will not be available through PACER or for copying from the court's public terminal until the court has ruled on any such motion. The court may allow more than the 21-day period, for good cause shown.

If a redaction request is not submitted within 21 calendar days (where the party

has filed a Notice of Intent to Request Redaction), the court may enter an Order to Show Cause or an order directing the clerk to withdraw the Notice of Intent.

**Court Reporter will submit redacted transcript to the Clerk -**

The court reporter must, within 31 calendar days of the filing of the transcript, or longer if the court so orders, perform the requested redactions, and submit a redacted version of the transcript for filing on CM/ECF.

**Redacting personal data**

Personal data must be redacted as follows:

- Social Security numbers should show only the last four digits.
- Birth dates should contain only the year of birth.
- Individuals known to be minors should be referred to by initials.
- Financial account numbers should be redacted to the last four digits.

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See Fed. R. Civ. P. 5.2 . Other personal information may be redacted only with the court's leave.

**Questions –**

Please direct all questions concerning this procedure to the Office of the Clerk. The phone number for the Clerk's Office is (202) 357-6406.