

Proposed Changes to 9.5 of ECF Policies and Procedures

9.5 Transcripts of this Court (both civil and criminal) shall be filed electronically in PDF Format. The Judicial Conference has established a policy ~~on electronic availability before making official transcripts of court proceedings electronically available to the general public.~~ The policy establishes a procedure whereby counsel can request the redaction from the transcript of specific personal data identifiers ~~before the transcript is made electronically available to the general public.~~ regarding the electronic availability of transcripts of court proceedings. The policy establishes a procedure whereby counsel can request the redaction from the transcript of specific personal data identifiers before the transcript is remotely electronically available to the public and also recognizes the court reporters' statutory authority to sell copies of the transcript.

9.5.1 A transcript filed by a court reporter or transcriber will be available at the office of the clerk for inspection only for a period of 90 days after it has been filed. A party must file a Notice of Intent to Request Redaction of Specific Personal Data Identifiers within five business days of the filing of the official transcript by the court reporter. Note: If a party fails to request redaction of specific personal data identifiers within this time frame, the transcript will be made electronically available (remotely) without redaction. Neither the court nor court reporters will review the original transcript for specific personal data identifiers. A Notice of Intent to Request Redaction of Specific Personal Data Identifiers form is available on the court's website at <http://www.pawd.uscourts.gov>. (See Exhibit C).

During the 90 day restriction period, a copy of the officially transcribed transcript may be purchased from the court reporter/transcriber at the rate established by the Judicial Conference and will be available for inspection only on the public terminal in the clerk's office. After the 90 day period has ended, the filed transcript will be available for inspection and copying in the clerk's office and for download from the court's CM/ECF system through the PACER system.

~~If a party files a Notice of Intent to Request Redaction of Specific Personal Data Identifiers, the transcript will not be made remotely electronically available to the general public until the party submits a statement of redaction of specific personal data identifiers to the court reporter/transcriber and the redactions are made. Note: a copy of the officially transcribed transcript may be purchased from the court reporter/transcriber or the clerk's office during this time and will be available for viewing on the public terminals in the clerk's office.~~

Following the filing of a Notice of Intent to Request Redaction of Specific Personal Identifiers, the parties have 21 calendar days from

the date the transcript is filed with the clerk, or longer IF ordered by the court, to submit a statement to the court reporter/transcriber indicating where the specific personal data identifiers appear in the transcript by page and line and how they are to be redacted. See 14.1 of these Procedures for Redacted Identifiers . The court reporter/transcriber shall have ~~7~~ 31 calendar days from the date of ~~submission of the request for redaction of specific personal data identifiers~~ the filing of the official transcript with the clerk of court to **electronically file the redacted transcript. The redacted transcript filed with the clerk will be made available to the general public and remotely electronically available once the initial 90 day restriction period of the original transcript is lifted. The original or unredacted transcript will remain restricted.**

Note: If a party fails to submit the statement within this time frame, the transcript will be made remotely electronically available without **redaction of specific personal data identifiers 90 days after the initial filing of the transcript with the clerk.**

Note: The 90 day restriction time calculation begins with the electronic filing of the initial official transcript by the court reporter or transcriber and does not begin again should a redacted transcript be subsequently filed. The initial calculated release date of the 90 day restriction applies to the redacted transcript.