

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

OFFICE OF THE CLERK OF COURT

**Notice of Electronic Availability of Transcripts
in Case Management/Electronic Case Files (CM/ECF)
and Transcript Redaction**

At its September 2007 session, the Judicial Conference of the United States approved a new policy to make electronic transcripts of court proceedings available to the public. **Effective immediately**, this new policy will be implemented in the Office of the Clerk, United States District Court, Eastern District of Pennsylvania, as follows:

- Transcripts of civil court proceedings will be placed on CM/ECF or **PACER** unless the presiding judge otherwise directs.
- Transcripts of criminal court proceedings will not be placed on CM/ECF or **PACER** unless the presiding judge otherwise directs after giving the prosecution and defense counsel an opportunity to be heard.

If electronic transcripts are to be made available to the public upon approval of the assigned judge:

- A transcript provided to the court by a court reporter or transcriber will be available at the office of the clerk for inspection for a period of 90 days after it is delivered to the clerk.
- During the 90-day period a copy of the transcript may also be obtained by purchase from the court reporter or transcriber through the office of the clerk. An attorney who obtains the transcript from the office of the clerk will be allowed remote electronic access to the transcript through the court's CM/ECF system.
- After the 90-day period has expired, 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.

In addition, amendments to the Federal Civil and Criminal Rules of Procedure (Civil Rule 5.2 and Criminal Rule 49.1) require that personal identification information be redacted from documents filed with the court, including Social Security numbers, names

of minor children, financial account numbers, dates of birth, and in criminal cases, home addresses. Under the new transcripts access policy, procedures for applying redaction requirements to transcripts of court proceedings are outlined in the attachment to this Notice. It is important to note that it is *not* the responsibility of the court reporter nor transcriber to identify material in the transcript that should be redacted. The Judicial Conference policy imposes that responsibility on counsel.

Should you require clarification or additional information on this new policy, please contact Joan Carr, Supervisor of Court Reporters (267-299-7104) or Phyllis Frazier, Court Reporter and Recorder Administrator (267-299-7103).

Attachment

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- The requirement of the court reporter and transcriber to provide a certified copy of a transcript to the clerk for the records of the court has not changed, i.e. when a transcript is originally produced, a certified copy must be promptly delivered to the clerk. The Guide to Judiciary Policies and Procedures states that the transcript copy should be delivered to the clerk concurrently with - but not later than three working days after - delivery to the requesting party. Sealed transcripts are excluded from electronic filing.
- Transcripts of civil court proceedings will be placed on CM/ECF or **PACER** unless the presiding judge otherwise directs.
- Transcripts of criminal court proceedings will not be placed on CM/ECF or **PACER** unless the presiding judge otherwise directs after giving the prosecution and defense counsel an opportunity to be heard.
- If electronic transcripts are to be made available, a certified transcript provided to the court by a court reporter or transcriber will be available for review and inspection at the court's public terminal in the office of the clerk for a period of 90 days after it is delivered to the clerk.
- If electronic transcripts are to be made available, during the 90-day period a copy of the transcript may also be obtained by purchase from the court reporter or transcriber through the office of the clerk. An attorney who obtains the transcript from the office of the clerk will be allowed remote electronic access to the transcript through the court's CM/ECF system. Counsel of record in a case who have not purchased a copy of the transcript will not have access to the transcript through CM/ECF until they purchase it from the court reporter or transcriber through the office of the clerk or until the 90-day period has expired.
- If electronic transcripts are to be made available, after the 90-day period has expired, 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 electronic transcripts are to be made available, members of the public, including the news media, who purchase a transcript from the court reporter or transcriber through the clerk's office within the 90-day period, will not be granted remote electronic access during the restriction period. At the end of the restriction period,

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the public will be provided remote electronic access through PACER to the transcript originally submitted, or, if redaction was made, to the redacted transcript, unless it is under seal.

- The redaction of transcripts will be requested by counsel to a case. Even if the court reporter or transcriber notices that redactions will be necessary as he/she is preparing a transcript, he/she does not have the responsibility to redact information unless there is a redaction request made by the parties to the case. Court reporters and transcribers also do not have a responsibility to notify the parties of material that should be redacted. The Judicial Conference policy imposes the responsibility on counsel to identify material in the transcript that should be redacted.
- **Personal identifiers that a party may request be redacted:** Social Security numbers (or taxpayer identification numbers) to the last four digits, financial account numbers to the last four digits, dates of birth, individuals known to be minor children to the initials, and in criminal cases, any home addresses stated in court to the city and state. Information other than these specified identifiers may be redacted only if the moving party receives a ruling of the court to do so.
- The portion of a transcript that includes the voir dire or other juror information will not be made available thorough electronic access.
- Unless otherwise ordered by the court, the attorney must review the following portions of the transcripts:
 - (a) opening and closing statements made on the party's behalf;
 - (b) statements of the party;
 - (c) the testimony of any witness called by the party;
 - (d) sentencing proceedings; and
 - (e) any other portion of the transcript as ordered by the court.
- Counsel is to file a Notice of Intent to Request Redaction with the clerk within seven business days of the transcript being delivered to the clerk (or filing in CM/ECF). Counsel is then to follow-up, within 21 calendar days of initial delivery of the transcript to the clerk, with a specific request for redaction noting the page numbers and line numbers where redaction is required.

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- If an attorney files a Notice of Intent to Request Redaction or a motion for extension of time to file this notice, and then does not submit a Redaction Request, the court may take action, either to have the attorney withdraw the Notice of Intent to Request Redaction or to issue a show cause order as to why the attorney has not met the redaction requirements.
- Once a court reporter or transcriber receives the list of redactions (Redaction Requests) from the clerk's office, he/she has ten days after the deadline for receipt of the attorneys' redaction request to redact the transcript and file the redacted transcript with the clerk. The original unredacted electronic transcript will be retained by the clerk of court as a restricted document.
- The court reporter or transcriber does not have the obligation to notify the parties that the certified copy of the transcript has been filed, nor is the court reporter or transcriber required to send a copy of the redacted transcript to the parties who originally ordered the transcript. The Clerk of Court notifies the parties that the transcript has been filed so that the parties are aware that the 7-day period within which to request redaction has begun.
- Statements of redaction (Redaction Requests) are to be filed by attorneys with the clerk. The statement should be worded in such a way that the personal information at issue is not repeated (i.e. Redact the Social Security number on page 12, line 9 to read xxx-xx-6789.) since the document is publicly available. There is no requirement that the redaction statements should be served on opposing counsel or parties.