

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

NOTICE TO MEMBERS OF THE BAR

REMOTE ELECTRONIC AVAILABILITY OF TRANSCRIPTS OF PROCEEDINGS BEFORE THE U.S. DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA POLICY AND PROCEDURES

Pursuant to the Requirements of the E-Government Act of 2002, as referenced in Misc. Ord. No. 3228, and effective May 7, 2008, these policies and procedures are established concerning the remote electronic availability of transcripts of proceedings held in this court. This policy will apply to all transcripts of proceedings or parts of proceedings ordered on or after this date, regardless of when the proceeding took place, with the exception of jury selection/voir dire proceedings, unless otherwise ordered by the Court. Please read this policy and the redaction procedures carefully. This policy establishes procedures for counsel to request the redaction from the transcript of specific personal data identifiers before the transcript is made electronically available to the general public.

Counsel are strongly urged to share this information with all clients so that an informed decision about the inclusion of certain materials may be made. **The responsibility for redacting personal identifiers rests solely with counsel and the parties. The Clerk and court reporter will not review transcripts for compliance with this policy.**

Transcripts of proceedings before the U.S. District Court of the Middle District of Alabama which are ordered and transcribed by staff or contract court reporters are now being filed with the court in electronic format. Electronic transcripts of court proceedings, unless otherwise sealed, will be e-filed and available for viewing at the Clerk's Office public terminal, but may NOT be copied or otherwise reproduced by the Clerk's Office for a period of 90 days. During the initial 90 days after the transcript is e-filed, individuals wishing to purchase a copy of a transcript must do so through the court reporter. If an attorney of record on the case has purchased and received the transcript from the court reporter, the court reporter will notify the Clerk's Office; the Clerk's Office will enable electronic access to the transcript through the court's CM/ECF system for that attorney. No other electronic access will be available outside of the court during the 90-day period.

Counsel appointed pursuant to the Criminal Justice Act, including those serving as "stand-by" counsel, may claim compensation, at the applicable rate, for the time spent reviewing the transcript and preparing the Redaction Request as well as for costs associated with obtaining a copy of the transcript. As a reminder: In multi-defendant cases involving CJA defendants, no more than one transcript should be purchased from the court reporter on behalf of CJA defendants. One of the appointed counsel or the Clerk of Court should arrange for the

May 6, 2008

duplication, at commercially competitive rates, of enough copies of the transcript for each of the CJA defendants. The cost of such duplication will be charged to the CJA appropriation. This policy would not preclude the furnishing of duplication services by the court reporter at the commercially competitive rate.

After 90 days, if there are no redaction requests pending, the viewing restrictions will be removed. If no redactions are requested, the original transcript will be made available for remote access; if redactions have been made, the redacted version will be made available.

After the 90-day restriction is removed:

- the transcript will be available remotely to view, download or print from CM/ECF/PACER ([Public Access to Court Records](#)) at 10¢ per page;
- copies will be available for printing from the public terminal in the Clerk's Office at a rate of 10¢ per page; or
- the transcript may be purchased from the court reporter or from the Clerk's Office.

PROCEDURES

Filing of Official Transcript

When an official transcript of a court proceeding has been filed by the court reporter, the CM/ECF notice of electronic filing (NEF) will include various standard deadlines:

- 7 business days after the filing of the transcript, party to file a Notice of Intent to Request Redaction, if necessary
- 21 calendar days after the filing of the transcript, party to file the Redaction Request, if necessary
- 31 calendar days after the filing of the transcript, court reporter to file the redacted transcript, if requested
- 90 calendar days after the filing of the transcript, normal release of remote restrictions, unless redaction issues are pending

Notice of Intent to Request Redaction within 7 Business Days

If redaction is determined to be necessary, a party must file a Notice of Intent to Request Redaction (sample attached) within seven business days of the filing of the official transcript.

If a party files a Notice of Intent to Request Redaction, the transcript will not be made remotely available to the general public until the redactions have been made. A copy of the officially filed transcript will be available for reviewing in the Clerk's Office or may be purchased from the court reporter during this time.

Redaction Request within 21 Calendar Days

Within 21 calendar days from the filing of the transcript with the Clerk (or longer if ordered by the Court), if redaction is required, the parties must e-file a Redaction Request (sample attached) indicating where the personal identifiers appear in the transcript (by page and line) and how they are to be redacted.

For example, if a party wanted to redact the Social Security number 123-45-6789 appearing on page 12, line 9 of a transcript, the Redaction Request would include the information: "Page 12, Line 9, SSN to read xxx-xx-6789." Access to the Redaction Request document will be restricted in PACER and CM/ECF to the court and the attorneys of record in the case.

A party is generally only responsible for reviewing and indicating the redactions in the testimony of the witnesses it called and its own statements (e.g., opening statements and closing arguments). One exception: in sentencing proceedings, both sides must review the full transcript.

Per Judicial Conference policy on the Electronic Availability of Transcripts, only the following personal identifiers, may be redacted using a Redaction Request. All other requests for redaction shall be by motion.

1. Minors' names: use the minors' initials
2. Financial account numbers: use only the last four numbers of the account number
3. Social Security numbers: use only the last four numbers
4. Dates of birth: use only the year
5. Home addresses: use only the city and state

Motion to Redact (other than five listed personal identifiers) within 21 Calendar Days

If a party wants to redact other information not listed in the five items above, that party must, within 21 days of the filing of the transcript, file a Motion to Redact Transcript and serve the motion on all parties. This is a special motion event in CM/ECF which will restrict access to the document to the court and the attorneys of record in the case.

Redacted Transcript within 31 Calendar Days

Within 31 calendar days from the filing of the transcript with the Clerk (or longer if ordered by the Court), if redaction is requested, the court reporter will file the redacted transcript.

Remote Public Access Restrictions Removed - 90 Calendar Days

Remote Access restrictions to the transcript will be removed 90 calendar days after the filing of the transcript with the Clerk, or longer if ordered. If no redactions were made, the original transcript will be available through PACER. If redactions were made, the redacted version of the transcript will be available remotely.

****SAMPLE NOTICE FORMAT****

Note: the event is located on CM/ECF by clicking:
Civil or Criminal > NOTICES > Notice of Intent to Request Redaction.

A **screen-fillable** Adobe Acrobat PDF form is available on-line at http://www.almd.uscourts.gov/formfeespubs/att_forms.htm

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

| | | |
|-----------------|---|----------|
| _____ ,) |) | |
| Plaintiff(s),) |) | Case No. |
| vs.) |) | |
| _____ ,) |) | |
| Defendant(s).) |) | |

NOTICE OF INTENT TO REQUEST REDACTION

Notice is hereby given by _____, Plaintiff/Defendant, that a Redaction Request for the transcript filed on (Date) shall be filed with the Court within 21 days from the filing of the transcript with the Clerk of Court.

Date: _____

/s/ _____
 Attorney for (Plaintiff or Defendant)
 Address: _____

CERTIFICATE OF SERVICE

I hereby certify that on ___(Date)___, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: _____, and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:
_____.

/s/ _____

****SAMPLE REDACTION REQUEST FORMAT****

Note: the event is located on CM/ECF by clicking:
[Civil or Criminal > OTHER DOCUMENTS > Redaction Request - Transcript.](#)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

| | | |
|---------------|---|----------|
| _____ ,) |) | |
| |) | Case No. |
| Plaintiff(s), |) | |
| vs. |) | |
| |) | |
| _____ ,) |) | |
| Defendant(s). |) | |

REDACTION REQUEST - TRANSCRIPT

Pursuant to Fed.R.Civ.P. 5.2/Fed.R.Crim.P. 49.1, _____, Plaintiff/Defendant, requests the following personal identifiers be redacted from the transcript filed on (Date) :

| <u>Doc#</u> | <u>Page</u> | <u>Line</u> | <u>Identifier</u> | Note: the Court Reporter will make the appropriate modification, you do not need to specify <u>how</u> to make the redaction, just <u>what</u> needs to be redacted [edit JUL09] |
|-------------|-------------|-------------|--------------------------|---|
| 70 | 12 | 8 | Social Security Number | |
| 70 | 32 | 5 | Taxpayer ID Number | |
| 71 | 22 | 14 | Date of Birth | |
| 73 | 13 | 5 | Minor Child's Name | |
| 73 | 56 | 3 | Financial Account Number | |
| 73 | 44 | 2 | Home Address | |

Date: _____ /s/ _____
 Attorney for (Plaintiff or Defendant)
 Address: _____

CERTIFICATE OF SERVICE

I hereby certify that on ___(Date)___, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: _____, and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

_____.

/s/ _____