

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA**

TRANSCRIPT REDACTION POLICY

This court follows the Judicial Conference policy on electronic availability of transcripts of court proceedings. This policy applies to all transcripts of proceedings ordered on or after August 1, 2008. Please read this notice carefully.

- (1) A transcript provided to a court by a court reporter will be available at the office of the clerk of court for inspection only, for a period of 90 days after it is delivered to the clerk.
- (2) During the 90-day period, a copy of the transcript may be obtained from the court reporter at the rate established by the Judicial Conference, the transcript will be available within the court for internal use, and an attorney who obtains the transcript from the court reporter may obtain remote electronic access to the transcript through the court's CM/ECF system for purposes of creating hyperlinks to the transcript in court filings and for other purposes.
- (3) 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 judiciary's PACER system.

In addition, amendments to the Federal Civil and Criminal Rules of Procedure implementing the E-Government Act of 2002's requirement to protect the privacy and security of publicly available electronic filings took effect on December 1, 2007. The amendments to Civil Rule 5.2 and Criminal Rule 49.1 require that personal identification information be redacted from documents filed with the court – individuals' Social Security numbers, names of minor children, financial account numbers, dates of birth, and, in criminal cases, home addresses.

Any party needing to review the transcript for redaction purposes may purchase a copy from the court reporter or view the transcript at the courthouse using the public terminal to CM/ECF. If a party purchases the transcript from the court reporter, and he or she is an attorney on the case, he or she will be given remote access to the transcript via CM/ECF and PACER. PACER fees apply at all times when accessing transcripts remotely.

IMPORTANT NOTE REGARDING REDACTION PROCEDURE:

Once a prepared transcript is delivered to the clerk's office pursuant to 28 U.S.C. § 753, the attorneys in the case are (or, where there is a self-represented party, the party is) responsible for reviewing it for the personal data identifiers required by the federal rules to be redacted, and providing the court reporter with a statement of the redactions to be made to comply with the rules. Unless otherwise ordered by the court, the attorney must review the following portions of the transcript:

- (a) opening and closing statements made on the party's behalf;
- (b) statements of the party;

- (c) the testimony of any witnesses called by the party;
- (d) sentencing proceedings; and
- (e) any other portion of the transcript as ordered by the court.

Within twenty-one (21) calendar days of the filing of the official transcript in CM/ECF by the court reporter, each party must inform the court, by filing a notice of redaction with the clerk, of his or her intent to direct the redaction of personal data identifiers from the electronic transcript of the court proceeding, as required by Federal Rule of Criminal Procedure 49.1 and Federal Rule of Civil Procedure 5.2. In CM/ECF, this event is called Notice of Intent to Request Redaction. If no such notice is filed within the allotted time, the court will assume redaction of personal data identifiers from the transcript is not necessary, and the transcript will be made remotely electronically available to the public without redaction after 90 calendar days.

An attorney serving as “standby” counsel appointed to assist a *pro se* defendant in his or her defense in a criminal case must review the same portions of the transcript as if the *pro se* defendant were his or her client. If the transcript relates to a panel attorney representation pursuant to the Criminal Justice Act (CJA), including serving as standby counsel, the attorney conducting the review is entitled to compensation under the CJA for functions reasonably performed to fulfill the redaction obligation and for reimbursement for related reasonable expenses.

If redaction is requested, a party is to submit to the court reporter, within 21 calendar days of the filing of the transcript in CM/ECF, or longer if a court so orders, a statement indicating where the personal data identifiers to be redacted appear in the transcript. The court reporter must redact the identifiers as directed by the party. For example, if a party wanted to redact the Social Security number 123-45-6789 appearing on page 12, line 9 of the transcript the statement would read: Social Security number 123-45-6789 on page 12, line 9 should be redacted to read xxx-xx-6789.

These procedures are limited to the redaction of the specific personal data identifiers listed in the rules. During the 21-day period, or longer if the court so orders, an attorney may move the court for additional redactions to the transcript. The transcript shall not be made available on the internet until the court has ruled upon any such motion.

The court reporter must, within 31 calendar days of the filing of the transcript in CM/ECF, or longer if the court so orders, perform the requested redactions, and electronically file a redacted version of the transcript. The original unredacted electronic transcript will be maintained in CM/ECF as a restricted document.

Please direct all questions concerning the court’s transcript policy:

Charles R. Diard, Jr., Clerk of Court
251-690-2940
chuck_diard@alsd.uscourts.gov

Policy Notes

This policy applies to transcripts made available remotely via CM/ECF and PACER. It does not affect in any way the obligation of the court reporter or transcriber, pursuant to statute, to promptly deliver to the clerk of court the court reporter's or transcriber's original records of a proceeding or the inclusion of a transcript with the records of the court.

If a party desires to respond to a motion for additional redaction, the court may establish a briefing schedule.

Nothing in this policy creates a private right of action.

Nothing in this policy changes any rules or policies with respect to sealing or redaction of court records for any other purpose.

This policy does not affect or limit the right of any party (or any other person or entity) to order production of a transcript on an expedited basis. This policy does not affect any court rules or ruling requiring the sealing of materials or the protection of sealed materials.

An attorney appointed pursuant to the Criminal Justice Act (CJA) is entitled to compensation under the CJA for functions performed to fulfill his or her obligations under the policy, including the following: (1) traveling to gain access to the transcript, if needed; (2) reviewing a transcript to determine whether to file notice of intent to redact; (3) filing a notice of intent to redact or a motion for an extension of time; (4) reviewing a transcript to determine the location of information to be requested 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). The attorney is also entitled to reimbursement under the CJA for the costs of obtaining a transcript for purposes of review. If a case involving a CJA representation has already been closed and the original attorney is no longer available, or if standby counsel is no longer available, new counsel may be appointed under the CJA and compensated as outlined above. In the event that the original appointed counsel is still available, but has filed a final voucher for the underlying case, the attorney shall be permitted to file a supplemental voucher for compensation. (This information should be sent to court staff who manage and audit the CJA vouchers).