

Rule 5077-1

TRANSCRIPTS OF COURT PROCEEDINGS

(a) ***Policy of the Judicial Conference of the United States.*** The Judicial Conference Policy on Electronic Availability of Transcripts (the “Policy”) applies to all transcripts of court proceedings that are subsequently filed with the Court and made available to the public via electronic access. The Policy restricts the copying of a transcript for 90 days after delivery to the Clerk’s office.

(b) ***Personal Data Identifiers.*** For purposes of this rule, Personal Data Identifiers are defined as Social Security numbers, names of minor children, dates of birth, and financial account numbers other than the last four digits of the account number.

(c) ***Transcripts of Court Proceedings May Only Be Filed by Official Court Reporters.*** Only official court reporters may file transcripts of Court proceedings. At the time of the initial filing, the transcript shall be docketed in the Court record for that case utilizing a “private” event code which restricts access to the filed transcript to Court staff only.

(d) ***Notice to Parties of Filing of Transcript and Deadline to Give Notice of Intent to Request Redactions.*** When a transcript is filed with the Court, the Clerk shall serve all parties listed on the transcript as having appeared at the Court proceeding with a “Notice Regarding Filing of Transcript and Deadline for Filing Notice of Intent to Request Redaction of Transcript,” giving parties notice of a seven-day deadline to file a “Notice of Intent to Request Redaction of Transcript” (“Notice of Intent”). A form Notice of Intent may be found in the Procedure Manual on the Court’s website, www.flmb.uscourts.gov.

(e) ***Review of Transcripts.*** Parties to the case who are (or represent) persons whose Personal Data Identifiers may appear in the transcript and who wish to review the unredacted transcript may either purchase a copy of the transcript from the official court reporter or view a copy of the transcript at no charge in any of the Clerk’s three divisional offices.

(f) ***Requests for Redaction of Personal Data Identifiers.*** A party who timely files a Notice of Intent may within 21 days of the date the transcript was docketed, unless otherwise ordered by the Court, file a “Statement of Personal Data Identifier Redaction Request” (“Statement of Redaction Request”) and serve it upon the official court reporter. The Statement of Redaction Request shall list, by page and line number, the location of the Personal Data Identifiers for which redaction is being requested. Because the Statement of Redaction Request will appear as a public document on the case docket, it should be worded so that it does not contain unredacted Personal Data Identifiers.

(g) ***Motion for Additional Redactions.*** Any party who filed a Notice of Intent during the seven-day period set forth in section (d) above may also file, within the 21-day period set forth in section (f) above, a “Motion for Additional Redactions” to request redaction of information other than Personal Data Identifiers. If appropriate, the motion should be filed in

accordance with Local Rule 5005-4 “Sealed Papers.” A copy of the motion shall be served on the official court reporter. If a “Motion for Additional Redactions” is timely filed, or if the Court has extended the deadline, the transcript shall remain restricted until the Court has ruled upon any such motion and 90 days from the date of filing of the transcript has passed.

(h) ***Procedure for Filing Redacted Transcript.*** If a Notice of Intent has been filed and a Statement of Redaction Request is filed within the 21-day deadline set forth in section (f), the official court reporter, within 28 days from the date of the filing of the Statement of Redaction Request, shall file a redacted transcript with an amended certification indicating that the transcript was amended by the redaction of Personal Data Identifiers at the request of the parties. The redacted transcript shall show only the last four digits of Social Security numbers and financial account numbers, the initials of the minor children, and the years of birthdates.

(i) ***Viewing Access Restricted to Unredacted Transcript.*** If a transcript is redacted in accordance with this rule, the initially filed unredacted transcript shall be maintained by the Clerk as a restricted document, not accessible by parties to the case or the general public. This unredacted transcript shall, if requested, be made available to an appellate court.

(j) ***Effect of Local Rule.*** This rule:

(1) does not affect in any way the obligation of the official court reporter to file promptly with the Clerk the official court reporter’s original records of a proceeding or the inclusion of a filed transcript with the records of the Court pursuant to 28 U.S.C. § 753.

(2) except for a period of 90 days after delivery of the official transcript, does not affect the obligation of the Clerk to make the official transcript included in the Court file available for copying by the public without further compensation to the official court reporter pursuant to Judicial Conference policy.

(3) is not intended to create a private right of action.

(4) is intended to apply the Judicial Conference policy on privacy and public access to electronic case files to transcripts that are electronically available to the public. It is not intended to change any rules or policies with respect to sealing or redaction of court records for any other purpose.

(5) does not prevent the production of a transcript on an expedited basis for a party, or any other person or entity, that may order such a transcript, subject to whatever Court rules or orders are currently imposed to protect sealed materials. Any non-party that orders a transcript on an expedited basis should be alerted to the Judicial Conference policy on privacy and public access to electronic case files by the person providing the transcript to the party.

Notes of Advisory Committee

2021 Amendment

This amendment revises the rule to clarify that the Court’s “official” court reporters file transcripts in CM/ECF. This amendment to the rule is effective August 1, 2021.

2019

This new rule incorporates archived Administrative Order FLMB-2009-7 “Amended Order Setting Forth Policy on Electronic Availability of Transcripts of Court Proceedings.” This new rule is effective July 1, 2019.