

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE

## NOTICE TO MEMBERS OF THE BAR

### ELECTRONIC AVAILABILITY OF TRANSCRIPTS OF COURT PROCEEDINGS

Effective May 5, 2008

At its September 2007 session, the Judicial Conference approved a new policy regarding the availability of transcripts of court proceedings. Pursuant to this policy, electronic transcripts, once ordered and produced by the Court Reporter/Transcriber, will be e-filed and available for viewing at the Clerk's Office public terminal, but may NOT be copied or reproduced by the Clerk's Office for a period of 90 days. If there are no redactions to be made, the restrictions will be removed after the 90-day period. The transcript will then be available remotely to view, download or print a copy from PACER at \$.10 cents per page or from the Clerk's Office public terminal at a rate of \$.10 cents per page. During the initial 90 days after the transcript is e-filed, individuals wishing to purchase a copy of a transcript - in either paper or electronic form - must do so through the Court Reporter/Transcriber. Once an attorney on the case has purchased a transcript, the Court Reporter/Transcriber will notify the Clerk's Office so the attorney will be given access to the transcript through the court's ECF system.

The policy applies to all transcripts of proceedings or parts of proceedings ordered on or after May 5, 2008, regardless of when the proceedings occurred. The policy establishes a procedure 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 Notice 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/Transcriber will not review each transcript for compliance with this policy.

Whenever an official transcript of a proceeding has been filed by the Official Court Reporter, Contract Court Reporter or Transcriber, a Notice of Electronic Filing will be served on all parties in the case. A party must file a Notice of Intent to Request Transcript Redaction within seven (7) calendar days of the filing of the official transcript (in ECF, this event is located under ***Other Documents, Notices***). If redaction is requested, within 21 calendar days from the e-filing of the transcript with the Clerk, or longer by order of the Court, the parties must e-file with the Court a Transcript Redaction Request indicating where the personal identifiers appear in the transcript by page and line and how they are to be redacted (in ECF, this event is located under ***Other Documents, Other Filings***). Access to this document will be restricted to the Court and the

attorneys of record in the case. 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 Transcript Redaction Request would read: "Redact the Social Security number on page 12, line 9 to read xxx-xx-6789." A party is only responsible for reviewing and indicating the redactions in the testimony of the witnesses it called and its own statements (e.g., opening statements, closing arguments), statements of the party, and any transcript of the sentencing proceeding. The Court Reporter/Transcriber must, within 31 calendar days of the delivery of the transcript to the Clerk of Court, or longer by order of the Court, perform the requested redactions and file a redacted version of the transcript with the Clerk of Court.

Only the following personal identifiers listed by the Judicial Conference in its policy on the Electronic Availability of Transcripts may be redacted:

1. Minors' names to the minors' initials;
2. Financial account numbers to the last four digits;
3. Social Security Numbers to the last four digits;
4. Dates of birth to the year;
5. Home addresses to the city and state (applicable in criminal cases only)

If a party wants to redact other information, that party must move the Court for further redaction by separate motion served on all parties and the Court Reporter/Transcriber within the 21-day period. The transcript will not be electronically available until the Court has ruled on any such motion even though the 90-day restriction period may have ended. The Court Reporter/Transcriber must, within 31 calendar days of the delivery of the transcript to the Clerk of Court, or longer by order of the Court, perform the requested redactions and file a redacted version of the transcript with the Clerk of Court.