

United States District Court
for the Eastern District of Texas

Notice to Members of the Bar

Judicial Conference Policy with Regard to the Availability of Transcripts of Court Proceedings

Effective May 19, 2008, the Eastern District of Texas, in accordance with Judicial Conference Policy and amendments to Federal Rule of Civil Procedure 5.2 and Federal Rule of Criminal Procedure 49.1 will implement the following policy regarding official court transcripts:

1. A transcript provided to the court by a court reporter or transcriber will be available at the Clerk's Office, for inspection only, for a period of 90 days after it is filed.
2. During the 90-day period, a copy of the transcript may be obtained from the court reporter or transcriber at the rate established by the Judicial Conference. The transcript will be available at the public terminal at the Courthouse and remotely electronically available to any attorneys of record who have purchased a copy from the court reporter.
3. After the 90-day period has ended, the transcript will be available for copying in the Clerk's Office and for download through PACER.

Note: This policy applies to transcripts of events taking place in the court's courtrooms, not depositions taken outside of court or proceedings of state courts or other jurisdictions.

This 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 their 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.** Neither the Clerk nor the Court Reporter will review transcripts for compliance with this policy.

Notice of Intent to Redact:

Within five (5) business days of the filing of an official court transcript, each party wishing to redact a transcript must inform the court by filing a Notice of Intent to Redact with the clerk of court *and* the court reporter. A model form is available on our website.

Redaction Request:

If a redaction is requested, counsel **must** file with the clerk of court *and* submit **to the court reporter** a Redaction Request (*form available on our website*) **within 21 days from the filing of the transcript**, indicating where the personal identifiers appear in the transcript by page and line and how they are to be redacted.

Note: This procedure is limited to the redaction of the specific personal data identifiers listed below:

- social security numbers to the last four digits;
- financial account numbers to the last four digits;
- dates of birth to the year;
- names of minor children to the initials; and
- home addresses to the city and state.

If an attorney files a Notice of Intent to Redact but fails to timely file a Redaction Request or Motion to Extend Time, no redactions will be made and the original transcript will be remotely publicly available after 90 days.

Requests for Additional Redactions:

If counsel would like to request further redactions, in addition to those personal identifiers listed above, counsel must move the Court by filing a separate Motion for Redaction of Electronic Transcript. Until the Court has ruled on any such motion, the transcript will not be electronically available, even if the 90-day restriction period has ended.

Remote Public Access to Transcripts:

If a redacted transcript is filed with the Court, that redacted transcript will be remotely electronically available through PACER after 90 calendar days from the date of filing of the original transcript and the original transcript will never be made publicly available. If the original transcript is filed without redaction, that original transcript will be remotely electronically available through PACER after 90 calendar days.

CJA Panel Attorneys:

An attorney who is serving as appointed “standby” counsel for a pro se litigant must review the transcript as if the pro se party were his/her client. If an attorney represents a client pursuant to the Criminal Justice Act (CJA), including serving as standby counsel, the attorney conducting the review of the transcript is entitled to compensation under the CJA for functions reasonably performed to fulfill the obligation and for reimbursement of related reasonable expenses.

PACER Fees:

PACER fees will be applied both during and after the 90-day restriction period. Charges will not be capped at 30 pages as they are for other court documents, but will rather accrue for the entire transcript. The user will incur PACER charges for each time the transcript is accessed even though he/she may have purchased it from the court reporter and obtained remote access through CM/ECF. There is no “free look” for transcripts.