

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

GENERAL ORDER AMENDING LOCAL RULES

It is hereby ORDERED that the following amendments to the local rules, having been approved by the judges of this court, are adopted for immediate implementation:¹

1. LOCAL RULE CV-5.2 Privacy Protections For Filings Made with the Court

(a) Electronic Filing of Transcripts by Court Reporters. The following procedures apply to all court transcripts filed on or after May 19, 2008. The court reporter or transcriber shall electronically file all court transcripts,² including a completed version of the attached “Notice of Filing of Official Transcript.” Upon request, the clerk shall make an electronic version of any transcript available for public inspection without charge at the clerk’s office public terminal. See 28 U.S.C. Section 753(b).

(b) Availability of Transcripts of Court Proceedings. Electronically-filed transcripts of court proceedings are subject to the following rules:

(1) A transcript provided to a court by a court reporter or transcriber will be available at the clerk’s office for inspection for a period of 90 days after it is electronically filed with the clerk. During the 90-day inspection period, access to the transcript in CM/ECF is limited to the following users: (a) court staff; (b) public terminal users; (c) attorneys of record or parties who have purchased the transcript from the court reporter or transcriber; and (d) other persons as directed by the court. Court staff may not copy or print transcripts for a requester during the 90-day inspection period.

¹New language appears in underlined text; deleted language appears in ~~strikeout~~ text.

²Contract court reporters may either file court transcripts electronically in the CM/ECF database, or submit an electronic .pdf version of the transcript to the clerk, who will thereupon file it.

(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 also be available within the court for internal use, and an attorney who obtains the transcript from the court reporter or transcriber 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) Within seven business days of the filing of the transcript in CM/ECF, each party wishing to redact a transcript must inform the court, by filing the attached "Notice of Intent to Request Redaction," of the party's intent to redact personal data identifiers from the transcript as required by Fed.R.Civ.P 5.2. 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.

(4) If redaction is requested, a party is to submit to the court reporter or transcriber and file with the court, within 21 calendar days of the transcript's delivery to the clerk, 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 or transcriber must redact the identifiers as directed by the party. These procedures are limited to the redaction of the specific personal identifiers listed in Fed.R.Civ.P. 5.2. If an attorney wishes to redact additional information, he or she may make a motion to the court. The transcript will not be remotely electronically available until the court has ruled on any such motion.

(5) The court reporter or transcriber must, within 31 calendar days of the filing of the transcript, or longer if the court so orders, perform the requested redactions and file a redacted version of the transcript with the clerk of court. Redacted transcripts are subject to the same access restrictions as outlined above during the initial 90 days after the first transcript has been filed. The original unredacted electronic transcript shall be retained by the clerk of court as a restricted document.

(6) If, after the 90-day period has ended, there are no redaction documents or motions linked to the transcript, the clerk will remove the public access restrictions and make the unredacted transcript available for inspection and copying in the clerk's office and for download from the PACER system.

(7) If, after the 90-day period has ended, a redacted transcript has been filed with the court, the clerk will remove the access restrictions as appropriate and make the redacted transcript available for inspection and copying in the clerk's office and for download from the PACER system, or from the court reporter or transcriber.

Comment: In September 2007 the Judicial Conference of the United States approved a new policy regarding the availability of transcripts of court proceedings. This new rule, when read in conjunction with Fed.R.Civ.P. 5.2, effectuates this policy.

2. **LOCAL RULE CV-10 Form of Pleadings**

(a) **Generally.** When offered for filing, all documents, excluding preexisting documentary exhibits and attachments, shall:

(1) be endorsed with the style and number of the action;

(2) contain a caption containing the name and party designation of the party filing the document and a statement of the character of the document clearly identifying each included pleading, motion or other document (e.g., Defendant John Doe's Answer; ~~and~~ Defendant John Doe's Motion to Dismiss under Rule 12(b)(6)) [note: see Local Rule CV-38(a) for cases involving jury demands][counsel are encouraged to file pleadings, motions and other documents separately whenever possible, i.e., do not include a motion and a response, or an answer and a motion in the same document];

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Comment: The sample caption in the parenthetical was changed to conform to a recent amendment to Local Rule CV-7(a) that requires motions to be filed as separate documents.

~~3. **LOCAL RULE CV-80 Stenographer; Stenographic Report or Transcript as Evidence**
(a) Electronic Filing of Transcripts by Court Reporters. Any transcript of proceedings in this court filed by a court reporter after March 1, 2007 shall be filed electronically as a “private entry” document. Under this procedure, unsealed electronic transcripts filed after March 1, 2007 are available in electronic format to judges and court staff in the CM/ECF database, but are not available in the public PACER database. Upon request, the clerk shall make a paper or electronic version of any unsealed transcript available for public inspection without charge at the clerk’s office. See 28 U.S.C. Section 753(b).~~

Comment: Former Local Rule CV-80 that addressed court reporter transcripts has been moved to Local Rule CV-5.2 and Local Rule CR 49.1.

4. **LOCAL RULE CR-49.1 Privacy Protection for Filings Made With the Court**
(a) Electronic Filing of Transcripts by Court Reporters. Any transcript of criminal proceedings in this court filed by a court reporter or transcriber shall be filed electronically, including a “Notice of Filing of Official Transcript.” The clerk will post a “model notice” for the court reporter or transcriber’s use on the court’s web site. Upon request, the clerk shall make an electronic version of any unsealed transcript available for public inspection without charge at the clerk’s office. See 28 U.S.C. Section 753(b).

(b) Availability of Transcripts of Court Proceedings. Electronically-filed transcripts of criminal court proceedings are subject to the following rules:

(1) A transcript provided to a court by a court reporter or transcriber will be available at the clerk’s office for inspection for a period of 90 days after it is electronically filed with the clerk. During the 90-day inspection period, access to the transcript in CM/ECF is limited to

the following users: (a) court staff; (b) public terminal users; (c) attorneys of record or parties who have purchased the transcript from the court reporter or transcriber; and (d) other persons as directed by the court. Court staff may not copy or print transcripts for a requester during the 90-day inspection period.

(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 also be available within the court for internal use, and an attorney who obtains the transcript from the court reporter or transcriber 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) Within seven business days of the filing of the transcript in CM/ECF, each party wishing to redact a transcript must inform the court, by filing the attached "Notice of Intent to Request Redaction," of the party's intent to redact personal data identifiers from the transcript as required by Fed.R.Crim.P 49.1, 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

(4) If redaction is requested, a party is to submit to the court reporter or transcriber and file with the court, within 21 calendar days of the transcript's delivery to the clerk, 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 or transcriber must redact the identifiers as directed by the party. These procedures are limited to the redaction of the specific personal identifiers listed in Fed.R.Civ.P. 5.2. If an attorney wishes to redact additional information, he or she may make a motion of the court. The transcript will not be electronically available until the court has ruled on any such motion.

(5) The court reporter or transcriber must, within 31 calendar days of the filing of the

transcript, or longer if the court so orders, perform the requested redactions and file a redacted version of the transcript with the clerk of court. The original unredacted electronic transcript shall be retained by the clerk of court as a restricted document.

(6) If, after the 90-day period has ended, there are no redaction documents or motions linked to the transcript, the clerk will remove the public access restrictions and make the unredacted transcript available for inspection and copying in the clerk's office and for download from the PACER system.

(7) If, after the 90-day period has ended, a redacted transcript has been filed with the court, the clerk will remove the access restrictions as appropriate and make the redacted transcript available for inspection and copying in the clerk's office and for download from the PACER system, or from the court reporter or transcriber.

Comment: This is the criminal case version of the new local rule on the availability of transcripts. See comment to Local Rule CV-5.2 above.

The effective date of new Local Rules CV-5.2 CR-49.1 and the amendment to Local Rule CV-80 is May 19, 2008. All other local rule amendments contained in this order are effective immediately.

Signed this 9th day of May, 2008.

FOR THE COURT:


THAD HEARTFIELD
Chief Judge