

NOTICE TO MEMBERS OF THE BAR ON ELECTRONIC AVAILABILITY OF TRANSCRIPTS

Effective January 5, 2009, transcripts will be filed electronically in the District of Wyoming and are restricted from remote public access for a period of 90 calendar days. During the 90 day restriction period, a party in the case who has purchased the transcript from the court reporter/transcriber will be given remote electronic access to the transcript via CM/ECF. However, members of the public who have purchased a transcript from the court reporter/ transcriber will **not** be granted remote electronic access until after the restriction period ends.

Transcripts filed in CM/ECF will be filed in a PDF format. The E-Transcript format containing full-text searching, condensed printing and indexing capabilities is ONLY available from the court reporter/transcriber.

Transcripts filed electronically by the court reporter/transcriber will be available, **for inspection only**, at the public terminals in the clerk's offices in Cheyenne and Casper during the restriction period. Requests for copies of transcripts during this period of restriction must be made directly to the court reporter/transcriber who prepared the transcript.

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

- opening and closing statements made on the party's behalf;
- statements of the party;
- the testimony of any witnesses called by the party;
- sentencing proceedings; and
- any other portion of the transcript as ordered by the court.

Only the following personal identifiers may be redacted without further permission from the Court:

- Social Security numbers: Last four digits only
- Financial account numbers: Last four digits only
- Names of minor children: Initials only
- Dates of birth: Year only
- Home addresses: City and state only

Within seven calendar days of the delivery by the court reporter/transcriber of the official transcript to the clerk's office, each attorney of record or self-represented party must inform the court, by filing a Notice of Intent to Redact with the clerk, of his or her intent to direct the redaction of personal identifiers from the electronic transcript of the

court proceeding. 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. Since the Notice of Intent to Redact will be made electronically available, **do not** include any actual personal identifiers in the Notice.

Within 21 calendar days of the transcript's delivery to the clerk, or longer if the court orders, an attorney of record or self-represented party must file a Request to Redact Transcript. (Sample can be found on our website: <http://www.wyd.uscourts.gov/htmlpages/forms.html#redact>). A copy of this request must also be submitted to the court reporter/transcriber. The request shall include the title of the transcript, the date it was filed, the case number and the items to be redacted, referencing them by page and line number and how they are to be redacted.

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 Request to Redact Transcript would read: page 12, line 9: Social Security Number 123-45-6789 should be redacted to read xxx-xx-6789.

If a party files a Notice of Intent to Redact or Motion to Redact Transcript, the unredacted transcript will not be made remotely electronically available. Access to the unredacted transcript will be available, **for inspection purposes only**, at the public terminals in the clerk's offices until the redacted version is filed, at which time the unredacted version will no longer be available for inspection but may be purchased from the court reporter/transcriber.

If a party wants to redact additional information, that party should move the Court for further redaction by filing a Motion to Redact Transcript which shall be served on all parties and the court reporter/ transcriber within 21 calendar days, or longer if ordered by the Court, after the filing of the transcript.

Access to the Request to Redact Transcript will be restricted to the court staff and the attorneys of record or self represented party in the case.

The court reporter/transcriber must within 31 calendar days from the filing of the transcript to the clerk of court, or longer if the court orders, perform the requested redactions and file a redacted version of the transcript with the clerk of court. The original unredacted electronic transcript will be retained by the clerk of court. Only the redacted transcript will be remotely electronically available at the expiration of the original 90 day restriction period. The unredacted transcript will always remain as a restricted document and will not be available for review at the public terminals in the clerk's offices. A copy of the unredacted transcript may be purchased directly from the court reporter/transcriber.

An attorney serving as "standby" counsel appointed to be available 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.

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 underlying case, the attorney shall be permitted to file a supplemental voucher for compensation.

Counsel are strongly urged to have a discussion with their clients regarding the inclusion of **their** private information in a public transcript. The responsibility for redacting personal data identifiers **rests solely** with counsel, self represented parties and the parties. The court reporter/transcriber or the clerk **will not** review the transcript for compliance with the redaction policy.

The above policy applies solely to transcripts filed on or after January 5, 2009, of proceedings held before the United States District Judges and Magistrate Judges. This policy does not apply to depositions, proceedings of state courts, other jurisdictions or sealed transcripts.

Note: These redaction procedures, though sound and implemented to prevent harmful disclosure of personal data identifiers through electronic availability of transcripts, may be avoided altogether by counsel simply altering their courtroom behavior in the following manner: Not eliciting or referring to unnecessary personal data identifiers during court proceedings.