

UNITED STATES DISTRICT COURT
Eastern District of Oklahoma

New Transcript Policy
Effective 5/15/2008

At its September 2007 session, the U.S. Judicial Conference approved a new policy regarding the availability of transcripts of court proceedings. A new release of CM/ECF, Version 3.2, includes software that facilitates the implementation of this policy.

This policy only applies to transcripts of official court hearings, 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 remotely 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.

Summary:

- A transcript filed by the court will be available at the office of the Clerk of Court for inspection only, for a period of 90 days from filing.
- 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. During the 90-day period the transcript will be available to court staff, at the public terminals in the clerk's office, and remotely electronically available to any attorneys of record who have purchased a copy from the court reporter.
- After the 90-day period has ended, the transcript will be available for copying in the clerk's office, and for download through PACER if not redacted; or if redacted, the redacted version will be available.

Transcript Redaction Request:

Redaction responsibilities apply to the attorneys even if the requestor of the transcript is another party, the judge or a member of the public/media. Unless otherwise ordered by the Court, the attorney (or, where there is a self-represented party, the 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.

If any redaction is required, counsel must file with the court a Transcript Redaction Request (form available on our website) **within 21 calendar days from the filing of the transcript** indicating where the personal identifiers appear in the transcript by page and line. 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;
- home addresses to the city and state.

If an attorney fails to timely file a Transcript Redaction Request or Motion for Extension of Time to file Transcript Redaction Request, 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 Additional Redaction of 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.

Redacted Transcripts:

The Court Reporter or transcriber must, within 31 calendar days of the filing of the original 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 transcript will be retained by the Clerk as a restricted document.

Remote Public Access to Transcripts:

If a redacted transcript is filed with the Court, the redacted transcript will be electronically available through PACER after 90 calendar days from the date of filing of the original transcript. The original transcript will never be made remotely available to the public. If the original transcript is not redacted, that original transcript will be electronically available through remote PACER access 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.