

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA**

NOTICE TO MEMBERS OF THE BAR

**ELECTRONIC AVAILABILITY OF TRANSCRIPTS OF
PROCEEDINGS BEFORE U.S. DISTRICT AND MAGISTRATE JUDGES**

Effective **May 15, 2008**, transcripts of proceedings before the U.S. District Judges and Magistrate Judges in the Northern District of Indiana taken by Official Court Reporters, Contract Court Reporters and Electronic Court Transcribers (ECT) are being filed with the Court in electronic format. Electronic transcripts, once ordered and when produced by the Court Reporter/ECT, will be e-filed and available for viewing at the Clerk's Office public terminal, but may NOT be copied nor reproduced by the Clerk's Office for a period of 90 calendar 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 \$.08 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. Once an attorney on the case has received a transcript, the Court Reporter/ECT will notify the Clerk's office so the attorney will be given access to the transcript through PACER.

This will apply to all transcripts of proceedings or parts of proceedings ordered on or after May 15, 2008, regardless of when the proceeding occurred. Please read this policy carefully. 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. Whenever an official transcript of a proceeding has been filed by the Official Court Reporter, Contract Reporter or Electronic Court Transcriber, a Notice of Filing of Official Transcript will be served on all parties in the case.

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/ECT will not review each transcript for compliance with this rule.**

Within **7 business 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 ***Notice of Intent to Request Redaction*** if they intend to request redaction of personal identifiers in a transcript. This notice is not a restricted entry, will be accessible to the public and should not include any personal identifiers. The purpose of this event is to merely give notice to the Court Reporter/ECT that a request to redact a transcript will be forthcoming.

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 ***Redaction Request - Transcript*** indicating where the personal identifiers appear in the transcript by page and line and how they are to be redacted. Access to this Redaction Request 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

number123-45-6789 appearing on page 12, line 9 of the transcript, the **Redaction Request - Transcript** 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 and closing arguments), statements of the party, and any transcript of the sentencing proceeding.

Only the following personal identifiers listed by the Judicial Conference in its policy on the Electronic Availability of Transcripts may be redacted using a **Redaction Request - Transcript**:

1. Minors’ names: (use the minors’ initials);
2. Financial account numbers: (use only the last four numbers of the account number);
3. Social Security numbers: (use only the last four numbers);
4. Dates of birth: (use only the year); and
5. Home addresses: (use only 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 to Redact Transcript** served on all parties and the Court Reporter/ECT 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/ECT must, within 31 calendar days of the delivery of the original 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.