

# United States District Court Southern District of Illinois

David R. Herndon, Chief Judge  
Nancy J. Rosenstengel, Clerk of Court

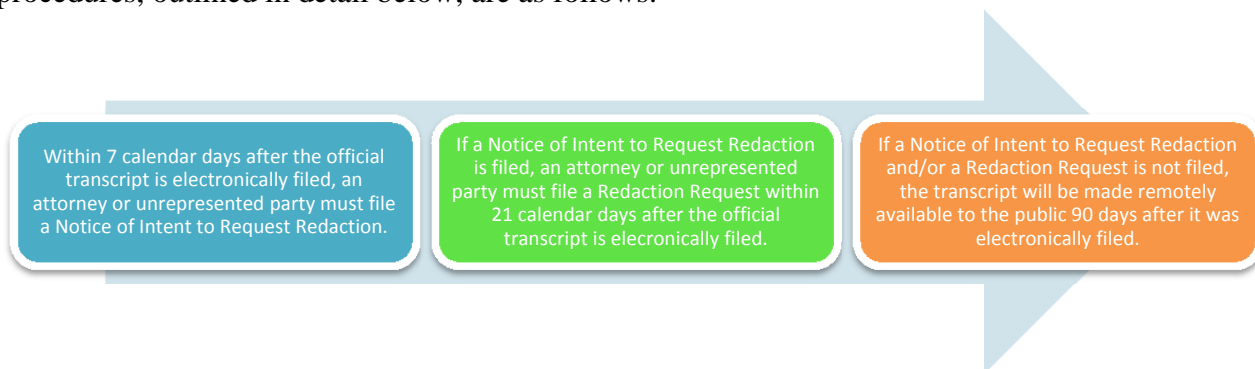


## TRANSCRIPT POLICY

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### I. Introduction

The Judicial Conference of the United States has established a practice for redacting transcripts of court proceedings in compliance with the Federal Rules of Practice and Procedure. The policy set forth in this document reflects the local policy of the Southern District of Illinois and applies to all transcripts of proceedings filed in this Court on or after May 12, 2008, regardless of when the proceeding took place. To the extent this policy does not address or is inconsistent with the policy of the Judicial Conference, the policy of the Judicial Conference governs. The basic procedures, outlined in detail below, are as follows:



Note that special procedures, set forth in Section V below, apply to the voir dire examination portions of a transcript.

### II. Notice to Attorneys and Parties to a Case

The best practice is to keep personal information out of the transcript. Counsel should take this into account when questioning witnesses or making statements in court. If information subject to this policy is mentioned in court, counsel may ask the judge to have it stricken from the record or partially redacted.

Anyone seeking a transcript of a court proceeding should contact the court reporter listed on the minutes of the proceeding (or the clerk's office if this information is needed). After receiving the proper forms and payment, the court reporter will prepare the transcript and deliver a copy to the

requesting party in the format ordered. Within 3 days of delivery of the transcript to the requesting party, the court reporter will electronically file the transcript in the Case Management and Electronic Case Filing (“CM/ECF”) system.

Once a prepared transcript is electronically filed in CM/ECF, attorneys in a case are (or, where there is a self-represented party, the party is) responsible for reviewing the transcript for the personal data identifiers required by the federal rules to be redacted and requesting redaction as set forth below. Within the first 90 days after a transcript is filed in CM/ECF (referred to herein as the “90-day restriction period”), a transcript may be reviewed for redaction purposes either by purchasing a copy from the court reporter or transcriber or by inspecting the transcript at either courthouse using the public terminal in the clerk’s office. During this 90-day restriction period, both unredacted and redacted transcripts will be available at the public terminals in the clerk’s office *for inspection only*. Employees of the clerk’s office cannot make a copy of the transcript during the 90-day restriction period, and anyone requesting a copy of a transcript will be referred to the court reporter or transcriber who prepared it.

A party in the case who purchases the transcript during the 90-day restriction period will be given remote access to the transcript via CM/ECF and the Public Access to Court Electronic Records (“PACER”) systems once satisfactory arrangements for payment have been made. Members of the public who purchase a transcript from the court reporter or transcriber will not be granted remote electronic access until after the 90-day restriction period ends.

At the end of the 90-day restriction period, the clerk’s office will allow remote access to a redacted transcript, if the transcript was redacted during the 90-day restriction period, or to the unredacted transcript, if no redactions were requested.

PACER fees apply at all times when transcripts are accessed remotely. *Charges will accrue for the entire transcript.* Court reporters or transcribers may not charge an additional fee to redact a transcript.

### **III. Persons Responsible for Reviewing the Transcript**

The following individuals are required to review the transcript for personal data that should be redacted:

- each party’s attorney,
- “standby counsel” assisting a pro se defendant in a criminal case, and
- unrepresented parties.

*Redaction responsibilities apply to attorneys even if the person requesting the transcript is a judge or a member of the media or public.*

#### **IV. Parts of the Transcript that Must be Reviewed**

The parts of the transcript that must be reviewed include:

- opening and closing statements made on behalf of the represented party,
- any statements made by the party,
- the testimony of any witnesses called by the party,
- sentencing proceedings (both government and defense counsel), and
- any other portion of the transcript as ordered by the Court.

#### **V. Voir Dire Examinations**

This Court recognizes the need to protect jurors' privacy and restricts access to voir dire examinations. In the unusual case where an attorney elects to have voir dire transcribed, the court reporter or transcriber will file the voir dire portion of the transcript under seal as a separate document. The voir dire portion of the transcript will never be made available to the public remotely, even after the 90-day restriction period ends. For this reason, voir dire portions of a transcript are not subject to the redaction requirements set forth in this policy. The party requesting the voir dire transcript will have remote access to it only after purchasing a copy from the court reporter or transcriber. If the Court of Appeals orders the parties to provide the voir dire examination or orders a trial record containing voir dire information to be unsealed, the parties should immediately notify the judge who presided at the court proceeding.

#### **VI. Personal Data to be Redacted**

Personal data must be redacted as follows:

- **Social Security Numbers.** If an individual's social security number must be included in a document, only the last four digits of that number should be used.
- **Names of Minor Children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- **Dates of Birth.** If an individual's date of birth must be included in a document, only the year should be used.
- **Financial Account Numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.
- **Home Addresses.** *In criminal cases only*, if home addresses must be used, use only the city and state.

Other personal information may be redacted only with leave of court. *See* Federal Rule of Civil Procedure 5.2 and Federal Rule of Criminal Procedure 49.1 and SDIL-LR 5.1.

## **VII. Notice of Intent to Request Redaction**

Within 7 *calendar days* after the court reporter or transcriber electronically files the official transcript, an attorney or unrepresented party must file a Notice of Intent to Request Redaction. If a Notice of Intent to Request Redaction is not filed during the 7 day period, the court will assume that redaction of personal data is not necessary, but the transcript will remain restricted until the 90-day restriction period ends.

## **VIII. Redaction Requests**

If a Notice of Intent to Request Redaction is filed, an attorney or unrepresented party has 21 *calendar days* from the filing of the official transcript to file a Redaction Request. The Redaction Request must list the places in the transcript (line and page number) where personal information to be redacted appears and should be worded in such a way that the personal information is not repeated (*i.e.*, “redact the Social Security number on page 12, line 9 to read xxx-xx-6789”). As set forth above, the transcript is available for inspection at the court’s public terminal or for purchase from the court reporter or transcriber during this period, but it will not be available remotely to the public on PACER or for copying from the public terminals in the clerk’s office until the 90-day restriction period has ended.

During the 21 day period, an attorney or unrepresented party may move for more time to request redactions and/or to redact information not set forth above. The transcript will not be available through PACER or for copying from the public terminals until the Court has ruled on any such motion. For good cause shown, the Court may extend the 21 day period.

If a Notice of Intent to Request Redaction was filed, but a Redaction Request is not received within 21 calendar days, the restrictions on remote access to the transcript will be lifted after the 90-day restriction period ends, and the transcript will be available remotely as if a Notice of Intent to Request Redaction had not been filed. *It is not the responsibility of the clerk’s office to request or perform redactions. The responsibility rests on the attorneys to tell the court reporter where to redact and on the court reporter to perform requested redactions.*

## **IX. Redacted Transcript**

The court reporter or transcriber must perform any requested redactions and electronically file a redacted version of the transcript no later than 31 calendar days after the filing of the transcript or 10 days after the Court rules on a motion addressing an issue related to redaction, whichever is longer. Remote electronic access to the redacted transcript will be available after the 90-day restriction period ends. The unredacted transcript will remain on the docket, but remote electronic access to it will be restricted to parties who purchased a copy of the transcript from the

court reporter or transcriber.

## **X. Compensation of Criminal Justice Act Attorneys**

Attorneys appointed under the Criminal Justice Act (“CJA”) are eligible for compensation for reasonable time spent complying with this redaction policy and for reimbursement of related expenses. Examples of activities which could be covered include:

- the cost of obtaining the transcript,
- travel expenses to gain access to the transcript,
- time spent reviewing the transcript to determine the need for redaction,
- time spent and expenses incurred filing a notice of redaction,
- time spent on preparing and filing a Redaction Request, and
- time spent on motion practice relating to the transcript’s redaction.

If a case involving a CJA representation has already been closed, and the original attorney (or standby counsel) is no longer available, a new attorney may be appointed under the CJA and compensated as outlined above. If the original appointed attorney is still available, but a final voucher for the underlying case has been filed, the attorney may file a supplemental voucher for compensation.

## **XI. Questions**

Questions concerning this policy shall be directed to the clerk’s office by calling 618/482-9371 (East St. Louis) or 618/439-7760 (Benton).