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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON

7 Availability and Redaction Policies for
8 Electronically Filed Transcripts of Court
Proceedings

AMENDED GENERAL ORDER
NO. 15-15

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10 NOW THEREFORE, it is ORDERED that pursuant to Judicial Conference policy regarding the
11 electronic filing of transcripts of court proceedings the following procedures are amended as
12 follows:

13 1. A transcript provided to a court by a court reporter or transcriber will be available at
14 the clerk's office for inspection only, for a period of 90 days after it is delivered, or longer if
15 extended by the court. During this time access to the transcript in CM/ECF is restricted to four
16 types of users, court staff, public terminal users, attorneys of record or parties who have
17 purchased the transcript from the court reporter/transcriber and other persons as directed by the
18 court.

19 During the 90-day period:

- 20 • a copy of the transcript may be obtained from the court reporter or transcriber at
the rate established by the Judicial Conference;
- 21 • the transcript will be available within the court for internal use; and
- 22 • an attorney who obtains the transcript from the court reporter or transcriber may
23 obtain remote electronic access to the transcript through the court's Case
Management/Electronic Case Files (CM/ECF) system for purposes of creating
24 hyperlinks to the transcript in court filings and for other purposes.

1 2. After the 90-day period has ended, the filed transcript will be available for inspection
2 and copying in the clerk's office and for download from the court's CM/ECF system through the
3 judiciary's PACER system. The transcript copy filed with the clerk's office may be reproduced
4 without compensation to the court reporter or transcriber under the same terms and conditions
5 that any other official public document in the case file be reproduced.

6 Each party's attorney, or in the case of an unrepresented party, the party is required to
7 review a transcript for information that should be redacted under the Judicial Conference's
8 privacy policy:

- 9 • Social Security numbers to the last four digits;
- 10 • birth dates to the year;
- 11 • names of minor children to the initials; and
- 12 • financial account numbers to last four digits;

12 Additionally, in criminal case files:

- 13 • home addresses to city and state of residence

14 3. Once a prepared transcript is delivered to the clerk's office pursuant to 28 U.S.C. §
15 753, the attorneys in the case are, or self-represented party, is, responsible for reviewing it for the
16 personal data identifiers required by the federal rules to be redacted, and providing the court
17 reporter or transcriber with a statement of the redactions to be made to comply with the rules.

18 Unless otherwise ordered by the court, the attorney must review the following portions of the
19 transcript:

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

1 4. Within seven calendar days of delivery by the court reporter or transcriber of the
2 official transcript to the clerk's office, each attorney must inform the court, by filing a notice of
3 redaction with the clerk, of his or her intent to direct the redaction of personal data identifiers
4 from the electronic transcript of the proceeding. If no such notice is filed within the allotted
5 time, the court will assume redaction of personal data identifiers from the transcript is not
6 necessary, and make the transcript electronically available to the public at the end of the 90 day
7 period.

8 An attorney serving as "standby" counsel to assist a *pro se* defendant in his or her defense
9 has the same responsibilities as if he or she were the *pro se* party's attorney of record in the case.

10 5. Once an attorney or party has filed a notice of intent to request redaction, he or she has
11 21 calendar days to review the transcript and submit to the court reporter or transcriber a list of
12 the places in the transcript where the personal data to be redacted appears. A court may order
13 this time extended, for good cause. The court reporter or transcriber must redact the identifiers,
14 as directed by the party. Also, during this time period, an attorney could, by motion, request that
15 additional information be redacted. No remote electronic public access to the transcript is to be
16 allowed until the court has ruled on any such motion.

17 Attorneys appointed under the CJA are eligible for compensation for reasonable time
18 spent complying with the redaction procedure and for reimbursement of related expenses.

19 Examples of activities related to the procedures which could be covered include:

- 20 • the cost of obtaining the transcript;
- 21 • travel expenses to gain access to the transcript;
- 22 • time spent reviewing the transcript to determine the need for redaction;
- 23 • time spent and expenses incurred filing a notice of redaction;

- 1 • time spent on preparing and filing a redaction request; and /or
- 2 • time spent on motion practice relating to the transcript's redaction.

3 In the event that a case involving a CJA representation has already been closed, the original
4 attorney (or standby counsel) is no longer available, new counsel may be appointed under the
5 CJA and compensated as outlined above. In the event that the original appointed counsel is still
6 available, but has filed a final voucher for the underlying case, the attorney shall be permitted to
7 file a supplemental voucher for compensation.

8 6. The court reporter or transcriber must, within 31 calendar days of the delivery of
9 transcript to the clerk's office, or longer if the court so orders, perform the requested redactions,
10 and file a redacted version of the transcript with the clerk's office. The original unredacted
11 electronic transcript will be retained by the clerk of court.

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13 DATED this 9th day of December 2015.

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18 Marsha J. Pechman
19 Chief United States District Judge
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