

EFFECTIVE JANUARY 1, 2009

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

POLICY ON ELECTRONIC AVAILABILITY OF TRANSCRIPTS

The United States District Court for the Western District of Oklahoma establishes the following policy regarding official transcripts of court proceedings:

Electronic Availability of Official Transcripts

1. Any official transcript prepared by a court reporter or transcriber will be electronically available at the Clerk's Office, for review only, for a period of 90 days after the transcript is filed.
2. During the 90-day period, a copy of the transcript may be obtained only from the court reporter or transcriber at the rate established by the Judicial Conference. The transcript will be electronically available at the public terminal at the Court Clerk's office, but may not be printed from this source. The transcript will be remotely electronically available only to those attorneys of record who have purchased a copy from the court reporter.
3. After the 90-day period has ended, the transcript will be available for printing in the Clerk's office and for downloading through PACER.

Scope of Policy

This policy applies only to official transcripts of civil and criminal proceedings before the Court. It does not apply to depositions taken outside of court or transcripts of proceedings in state courts or other jurisdictions. The policy also does not apply to transcripts that are sealed by order of the Court.

Responsibility for Redactions in Official Transcripts

Once an official transcript is filed with the Court Clerk pursuant to 28 U.S.C. § 753, the attorneys in the case and any self-represented parties are responsible for requesting redactions of the personal data identifiers specified in Fed.R.Civ.P. 5.2 and Fed.R.Crim.P. 49.1. Unless otherwise ordered by the Court, the attorney for a party and each self-represented party are responsible for redactions in the following portions of the transcript:

- (a) opening and closing statements made on that party's behalf;
- (b) statements of the party;
- (c) the testimony of any witnesses called by the party; and

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- (d) sentencing proceedings.

The Court may also order an attorney or self-represented party to be responsible for redactions in other portions of an official transcript.

The attorneys and self-represented parties are solely responsible for requesting the redaction of personal data identifiers. Neither the Court Clerk nor the court reporter or transcriber will review transcripts for compliance with the federal rules or this policy.

Redaction Request

If a redaction is needed, the attorney or self-represented party **must** file a Redaction Request (using the form available on the Court's website) **within 21 days** of the filing of the transcript, indicating where the personal data identifiers appear in the transcript by page and line and how they are to be redacted.

Note: This procedure is limited to the redaction of the specific personal data identifiers listed below:

- social security numbers and taxpayer-identification numbers: use only the last four digits;
- financial account numbers: use only the last four digits;
- dates of birth: use only the year;
- a minor's name: redact in the manner that most effectively shields the identity of the minor in the context of the proceeding; and
- in criminal cases, home addresses: use only the city and state.

Request for Additional Redactions

For any redactions to a transcript other than the personal data identifiers listed above, a separate Motion for Redaction must be filed within the same 21-day timeframe, unless otherwise ordered by the Court. Until the Court has ruled on any such motion, the transcript will not be remotely electronically available to the public, even if the 90-day restriction period has ended.

Stand-by and CJA Panel Attorneys

An attorney appointed as "stand-by" counsel for a party is responsible for identifying and requesting redactions of personal data identifiers in the transcript on behalf of that party. If an attorney represents a party pursuant to the Criminal Justice Act (CJA), including serving as stand-by counsel, the attorney is entitled to compensation under the CJA for fulfilling this obligation and for reimbursement of related reasonable expenses.

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PACER Fees

PACER fees will apply both during and after the 90-day restriction period. Charges will not be capped as they are for other court documents but will accrue for the entire transcript. The user will incur charges each time the transcript is accessed through PACER even though the user may have purchased the transcript from the court reporter and obtained remote access through ECF. There is no “free look “ for transcripts.

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**GUIDANCE ON THE COURT'S
POLICY ON ELECTRONIC AVAILABILITY OF TRANSCRIPTS**

- Q. Will I receive notice that a transcript has been ordered?
- A. Yes. Whenever a court reporter receives an order for a transcript, he or she will file a Notice of Transcript Order in the case, and you will receive notice of this filing from the Court Clerk in the same manner you would receive an order issued by the court.
- Q. How is the court reporter notified that a party is requesting a redaction?
- A. When a Redaction Request is filed, the Court Clerk sends an electronic notice to the court reporter.
- Q. If I did not order preparation of the transcript, how may I obtain access to it to determine if a Redaction Request is necessary?
- A. An electronic version of the transcript will be available for viewing only at the court's public terminal during the initial 90-day period after the transcript is filed. The Court Clerk will not provide printed copies of the transcript during this time. If you want a copy of the transcript during the initial 90-day period, you must order a copy from the court reporter. Any attorney of record who has purchased a copy of the transcript from the court reporter may also access the transcript via the Court's ECF System during the 90-day period. PACER fees, however, will apply any time a transcript is accessed remotely; there is no "free look" for transcripts. In addition, PACER charges are not capped at 30 pages and will be incurred each time the transcript is accessed.

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- Q. Who is responsible for identifying personal data identifiers and requesting redactions in transcripts ordered by the media or other non-parties?
- A. The attorney of record or self-represented party is responsible for ensuring that the redactions required by the [Court's Policy on Electronic Availability of Transcripts](#) are requested regardless of who has ordered the transcript.
- Q. Can I object to a requested redaction?
- A. Yes. In the rare event you have an objection to a requested redaction, you should promptly address the objection by conferring directly with the attorney or self-represented party making the redaction request. If the objection cannot be resolved, you may file a motion with the court requesting a ruling. Also, if a motion for additional redactions is filed, a party may oppose that motion in accordance with the Court's Local Rules.
- Q. Does the Court's Policy on Electronic Availability of Transcripts supersede other redaction requirements?
- A. No. The parties may have obligations pursuant to statutes and protective orders that may apply to a transcript. Compliance with the Court's Policy on Electronic Availability of Transcripts may not be sufficient to comply with those obligations.
- Q. How quickly must the court reporter prepare the redacted transcript?
- A. Pursuant to the Judicial Conference Policy, the court reporter must

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electronically file a redacted version of the transcript no later than 31 days after the date the transcript was initially filed, unless an extension is ordered by the court.

- Q. Which version of the transcript will be transmitted to the Court of Appeals?
- A. If the appellate court is an ECF user, the Court will have access to the entire case file electronically through ECF. The Court will thus have access to both the redacted and the unredacted transcript. If the appellate court requires a paper record on appeal, the Clerk's Office will transmit the unredacted version of the transcript to the Court for review unless otherwise ordered by the court.