

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI

NOTICE TO MEMBERS OF THE BAR

JUDICIAL CONFERENCE POLICY WITH REGARD TO THE
ELECTRONIC AVAILABILITY OF TRANSCRIPTS OF COURT PROCEEDINGS

Effective May 15, 2008, in accordance with Judicial Conference policy, the United States District Court for Southern District of Mississippi implemented the following policy regarding official court transcripts:

1. A transcript provided to the court by an official court reporter or contract court reporter will be available at the Clerk's Office, for inspection only, for a period of 90 days after it is filed.
2. During the 90-day period, a copy of the transcript may be obtained from the court reporter at the rate established by the Judicial Conference. The transcript will be available at the Clerk's Office public terminal and electronically available to any 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 copying in the Clerk's Office and for download through PACER.

Note: This policy applies to transcripts of events taking place in the court's courtrooms; it does not apply to 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 electronically 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 office of the Clerk nor the court reporter will review transcripts for compliance with this policy.

Notice of Intent to Redact:

Within seven (7) calendar days of the filing of an official court transcript, each party wishing to redact a transcript must inform the court by filing a Notice of Intent to Redact (form available on the court's website).

Redaction Request:

If a redaction is requested, counsel **must** submit **to the court reporter** a Redaction Request (form available on the court's website) **within 21 days** from the filing of the transcript indicating where the personal 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 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; and
- in criminal cases, home addresses to the city and state.

If an attorney files a Notice of Intent to Redact but fails to timely file a Redaction Request or Motion to Extend Time, no redactions will be made and the original transcript will be publicly available after 90 days, unless otherwise directed by the Court.

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 Redaction of Electronic 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.

Public Access to Transcripts:

If a redacted transcript is filed with the Court, that redacted transcript will be electronically available through PACER after 90 calendar days from the date of filing of the original transcript and the original transcript will not be made publicly available. If the original transcript is filed without redaction, that original transcript will be electronically available through PACER after 90 calendar days.

CJA Panel Attorneys:

Counsel appointed pursuant to the Criminal Justice Act is entitled to compensation under the CJA for functions reasonably performed to fulfill the redaction 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 the attorney or party may have purchased it from the court reporter and obtained remote access through CM/ECF. There is no "free look" for transcripts.

Additional Information:

Additional information regarding this policy is available on the court's website, www.mssd.uscourts.gov, under *Transcript Redaction Policy*.