

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA**

**Remote Electronic Availability of Transcripts of Proceedings
Questions and Answers**

1. Q. May anyone obtain a copy of the transcript during the initial 90-day period after the certified transcript copy has been filed with the Clerk?

A. Yes, any counsel, party, or member of the public may purchase a copy of a transcript from the court reporter, unless the requested transcript is sealed or permanently restricted. Sealed (sealed hearings and voir dire) and permanently restricted (sentencing) transcripts are not available for purchase without leave of court.

2. Q. May counsel, a party, or the public review the transcript during the 90-day period?

A. Yes, the transcript will be available for review and inspection at the court's public terminal during the initial 90-day period after the transcript is filed. However, the Clerk's Office will not provide copies to counsel, a party or the public during the 90-day period, but rather will refer anyone seeking a copy to the court reporter. During the 90-day period, the court reporter will provide a copy to whomever purchases a transcript. Additionally, the court will give CM/ECF access to any counsel or party who purchases a transcript from a court reporter. Counsel of record in a case who have not purchased a copy of the transcript from the court reporter will not have access to the transcript through CM/ECF until they purchase it from the court reporter or until the 90-day period has expired. PACER will charge the normal 10¢ per page for all pages of the transcript; the 30-page cap on PACER charges does not apply to transcripts.

3. Q. Once the certified copy of the transcript is filed with the Clerk, may court reporters sell copies to other parties requesting the transcripts?

A transcript provided to a court by a court reporter or transcriber will be available at the office of the clerk of court for inspection only, for a period of 90 days (unless extended by the court) after it is delivered to the clerk. During the 90-day period, a copy of the transcript may be obtained from the court reporter or transcriber at the rate established by the Judicial Conference. After the 90-day period has ended, the filed transcript will be available for inspection and copying in the clerk's office and for download from the court's CM/ECF system through the judiciary's PACER system. The transcript copy filed with the clerk of court may be reproduced without compensation to the court reporter or transcriber under the same terms and conditions that any other official public document in the case file may be reproduced.

4. Q. How will a court reporter know when to redact a transcript?

A. Counsel must file specific redaction requests:

- i. Within 5 business days of the transcript being delivered to the Clerk, the party will file a Notice of Intent to Redact.
- ii. Within 21 calendar days of initial delivery of the transcript to the Clerk, the party must present the court reporter with a specific request for redaction noting the page numbers and line numbers where redaction is required. Sample forms are posted on our website at www.wvnd.uscourts.gov under **Transcript Information and Forms**.

5. Q. What are the personal identifiers that must be redacted?
- A. * Minors' names: use only the minors' initials
 * Financial account numbers: redact to the last four digits of account numbers
 * Social Security and Taxpayer ID numbers: redact to the last four digits
 * Dates of birth: use only the year
 * Home addresses in criminal cases: redact to the city and state.
6. Q. Whose responsibility is it to identify information that should be redacted?
- A. It is the responsibility of counsel to identify information that must be redacted.
7. Q. Does this responsibility shift if the court requests a transcript?
- A. No. Redaction responsibilities apply to the attorneys even if the requestor of the transcript is a judge or a member of the public or media.
8. Q. Are all statements and testimony subject to the redaction requirement?
- A. Yes. Counsel has the duty to request redaction of opening and closing statements by counsel, statements of the party, the testimony of any witnesses called by the party, and all other portions of the transcript.
9. Q. Should counsel avoid entering privacy information on the public record?
- A. Yes. Counsel should avoid asking questions in such a way as to elicit any of the privacy information listed in #5 above. Counsel and witnesses should identify minors by initials, dates of birth by year only, and home addresses by city and state only. If financial account numbers or Social Security numbers are germane to the testimony, counsel and witnesses should restrict them to the last four digits only.
10. Q. When parties seek redactions, is the court reporter required to send a redacted copy to the party who initially requested the original transcript?
- A. No. When court reporters electronically file a certified copy of a transcript with the Clerk, they send the transcript to the ordering party, either electronically or in paper. If a party seeks redactions, the court reporter electronically files the redacted copy of the transcript in PDF format in the court's CM/ECF filing system. However, nothing requires the court reporter to send a copy of the redacted transcript to the party who initially ordered the transcript.
11. Q. How are parties to submit Redaction Requests?
- A. Parties must submit Redaction Requests directly to the court reporter, and not file them on CM/ECF. Sample forms are posted on our website at www.wvnd.uscourts.gov under **Transcript Information and Forms**.

12. Q. Do these redaction requirements apply to documents as well?

A. Yes. Our rules require that personal identification information be redacted from all documents filed with the court. It is not optional; it is a requirement.

13. Q. May parties move to redact other information in a transcript other than the specified identifiers?

A. Yes. While the court reporter is authorized to redact the specified personal identifiers noted in #5 above, the moving party may seek a ruling of the court to have other information in the transcript redacted.

14. Q. May court reporters charge an additional fee for making redactions?

A. No. The Judicial Conference has not authorized an additional fee for providing redacted transcripts to the court for the electronic records of the court.