

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

NOTICE TO MEMBERS OF THE BAR

Judicial Conference Policy with Regard to the Availability of Transcripts of Court Proceedings

Effective April 21, 2008, the Northern District of West Virginia, in accordance with Judicial Conference Policy, Federal Rule of Civil Procedure 5.2, and Federal Rule of Criminal Procedure 49.1, has implemented the following policy regarding official court transcripts resulting from federal proceedings in this judicial district:

-A transcript provided to the court by a court reporter will be available at the Clerk's Office for viewing at the public CM/ECF terminal for a period of 90 days after it is filed.

-During the 90-day period, attorneys and parties may purchase the transcript from the court reporter. The transcript will become available via PACER to any attorney who purchases a copy from the court reporter.

-After the 90-day period has ended, the transcript will become available for copying in the Clerk's Office and for download through PACER.

Redaction:

The responsibility for redacting personal identifiers rests solely with counsel and parties. Neither the clerk nor the court reporter will review transcripts for compliance with this policy. Within **5 business** days of the filing of a transcript, counsel shall review the transcript for the personal identifiers listed below:

- * Social security numbers and taxpayer identification 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
- * Home addresses to the city and state in criminal cases.

A. Notice of Intent to Redact: Any party wishing to redact the above personal identifiers from a transcript must inform the court by filing a *Notice of Intent to Redact* (sample form available on our website).

B. Redaction Request: When requesting redactions, counsel must submit **to the court reporter** a *Redaction Request* (sample form on our 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. Do not submit the Redaction Request on CM/ECF. Instead, provide it directly to the court reporter.

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

C. Requests for Additional Redactions: If counsel wishes to request further redactions beyond those personal identifiers listed above, counsel must move the Court by filing a separate *Motion for Redaction of Transcript*.

Remote Public Access to Transcripts:

If a redacted transcript is filed with the Court, that redacted transcript will be available through PACER after 90 calendar days from the date of filing the original transcript, and the original, unredacted transcript will not be made available to the public at any time.

CJA Panel Attorneys:

Attorney representing clients pursuant to the Criminal Justice Act (CJA) are entitled to compensation under the CJA for functions reasonably performed to fulfill the obligation and for reimbursement of related reasonable expenses, including review of transcripts under these guidelines.

PACER Fees:

PACER fees will be applied both during and after the 90-day restriction period. Charges are not capped at 30 pages as they are for other court documents, but rather will accrue for the entire transcript. The user will incur PACER charges for each time the transcript is accessed even though s/he may have purchased it from the court reporter and obtained remote access through CM/ECF. There is no “free look” for transcripts.