

ADMINISTRATIVE PROCEDURES FOR ELECTRONIC CASE FILING

REDLINE COMPARISON REFLECTING CHANGES
BETWEEN NOVEMBER 2012 AND DECEMBER 1, 2016

Strikeout/Bold = Deletion

Red/Bold = Insertion

Cover Page

Effective May 2005

~~Revised February 2010~~

~~Revised November 2012~~

Revised December 1, 2016

9. Service

9.3 Service of Other Electronically Filed Documents

When a document is filed electronically in accordance with these Administrative Procedures, CM/ECF shall generate and transmit a “Notice of Electronic Filing” to the filing attorney, any other attorney who is a filing user, and any person who has requested electronic notice in that case. A document filed electronically shall be deemed filed at the time and date stated on the Notice of Electronic Filing.

Registration as a participant in ECF shall constitute consent to electronic service of all documents in accordance with the Federal Rules of Civil and Criminal Procedure. If the recipient is a filing user, or has registered to be served via Notice of Electronic Filing (NEF), CM/ECF’s e-mailing of the NEF shall **constitute be the equivalent of the** service of the pleading or other paper ~~by first class mail, postage prepaid,~~ and shall be deemed to satisfy the requirements of Fed. R. Civ. P. 5(b)(2)(~~D~~), Fed. R. Civ. P. 77(d), and Fed. R. Crim. P. 49(b).

9.6 Time to Respond Under Electronic Service **or Otherwise**

In accordance with Rule 6(~~e~~)(d) of the Federal Rules of Civil Procedure, **effective December 1, 2016,** and Rule 45 of the Federal Rules of Criminal Procedure, **service by electronic means is treated the same as service by mail for purposes of adding three days to the prescribed period to respond. when a party may or must act within a specified time after being served and service is made under Rule 5(b)(2)(C) (mail), (D) (leaving with the clerk), or (F) (other means consented to), three days shall be added after the period would otherwise expire under Federal Rule 6(a). However, service by electronic means via the ECF system under Rule 5(b)(2)(E) does not permit the addition of three days to the prescribed period to respond.**

12. Sealed Documents, Sealed Cases and Documents Presented *Ex Parte* or for *In Camera* Review

12.1 General

The filing of documents under seal is discouraged. In addition to these procedures, please refer to ~~Local Rule of Civil Procedure~~ **L. R. Civ. P. 26.4**. Sealed document submission falls into two categories: (1) documents in SEALED CASES, and (2) SEALED DOCUMENTS in public cases.

When documents are ordered to be placed under seal, the Clerk will officially file the document.

An agreement of the parties does not allow the Clerk to file a document under seal without a court order.

12.2 Electronic Filing of Sealed Documents and Access

Sealed documents and sealed cases will be filed in electronic format except as otherwise provided in these procedures. Motions to seal and any accompanying proposed documents for sealing shall be considered lodged with the court pending a ruling on the sealing request. **When a sealed document is filed, ECF may provide a Notice of Electronic Filing to all parties or an applicable party in the case. However, sealed documents are not available electronically or by any other means to the parties, attorneys or the public unless the court directs that access be given to an attorney of record or applicable party.**

14. Documents and Other Filings

14.10 Court Reporters' Transcripts

(a) Filing.

(1) Reporters employed by the judiciary. Unless the court orders otherwise, when an official court reporter employed by the judiciary completes a transcript of a court proceeding, the reporter must promptly file a certified copy on the court's ECF system.

(2) Other reporters. Unless the court orders otherwise, when a court reporter not employed by the judiciary completes a transcript of a court proceeding, the reporter must promptly

file a certified copy with the clerk, and the clerk must then file the copy on the court's ECF system.

(b) Redaction Deadlines

From the date the Court Reporter or the clerk files the transcript electronically through the court's ECF system, the following deadlines apply:

**(1) 7-day deadline for the parties to file a Notice of Intent to Redact from the filing date of the transcript;
The Notice of Intent to Redact should only state the party's intent and not include any actual personal identifiers. If no such notice is filed within the allotted time, the court will assume redaction of personal data identifiers from the transcript is not required.**

(2) 21-day deadline for the parties to file a Redaction Request of personal identifiers or Motion to Redact information other than the personal identifiers;

The Redaction Request will be filed in ECF as a restricted entry available only to court users, case participants and persons using public terminals in the clerk's office.

(3) 31-day deadline for the court reporter to file a redacted transcript;

(4) 90-day deadline for public release of the transcript.

If a party fails to request redaction within the time frames, the transcript will be made available, without redaction, at the end of the 90-day period to any registered PACER user.

(c) Redaction Without Permission from the Court

Only the following personal identifiers may be redacted without permission from the presiding judge by Court Order:

(1) Social Security Numbers and Taxpayer-Identification Numbers;

(2) Financial Account Numbers;

- (3) Names of Minor Children;**
- (4) Dates of Birth; and**
- (5) Homes Addresses of Individuals Not a Party to the Action.**

(d) Post-Filing Restriction.

Unless the court orders otherwise, access to a transcript prepared by an official court reporter and filed under L R 80.1(a) is restricted as follows:

- (1) A transcript of a sealed proceeding or filed in a sealed case must not be made available to the public in any format unless directed by a judge of this court.**
- (2) Remote electronic access to any other transcript is restricted to the users identified in L R 80.1(d)(3) for 90 days after the transcript is filed.**
- (3) Unless the court orders otherwise, during the 90 days after a transcript is filed, only the following users may access the transcript through the court's ECF system:**
 - (A) Court staff;**
 - (B) Persons using public terminals in the clerk's office for inspection only, not for copying;**
 - (C) Parties that have purchased the transcript; and**
 - (D) Other persons — such as, for example, appellate attorneys — as ordered by the court.**

(e) Availability After 90-Day Restriction Period.

After the 90-day post-filing restriction period and after the court resolves all pending motions related to the transcript's availability or contents, a transcript not subject to special restrictions under L R 80.1(d) is available as follows unless the court orders otherwise:

- (1) *Unredacted transcripts.* If an original transcript was not redacted, the clerk must permit remote electronic access to the transcript through the court's ECF system and must**

permit inspection and copying of the transcript at the clerk's office.

- (2) *Redacted transcripts.* If an original transcript was redacted, the clerk must permit remote electronic access to the redacted transcript through the court's ECF system. Remote electronic access to the unredacted transcript is restricted to the users identified in L R 80.1(d)(3). The clerk must permit inspection and copying of the unredacted transcript at the clerk's office.
- (3) *Voir dire transcripts.* In order to avoid the need for constant redaction of personal identifiers for jurors, court reporters will file the transcript for the voir dire of jurors as a separate volume. The voir dire transcripts will have restricted access so that it is available only to court users, case participants, the public terminals in the Clerk's Office, or other persons, for example, appellate attorneys, as ordered by the Court.

(f) **Transcript Fees.**

- (1) *Payment required.* Ordinarily, until a party makes the required payment, a court reporter may decline to begin preparing a transcript or to furnish a completed transcript. But the court may excuse a party who has been permitted to proceed in forma pauperis from paying for a transcript and may require the court reporter to begin preparing a transcript or to furnish a completed transcript without payment from the party.
- (2) *Fees for electronic access.* A person other than a court employee who remotely accesses a transcript through the court's ECF system must pay the applicable fees. A person may electronically access a transcript at the public terminals in the clerk's office for free.
- (3) *Fees for purchasing transcript from court reporter.* A person may buy a copy of a publicly available transcript from a court reporter by paying the applicable fee.
- (4) *Fee schedule.* The fees for transcript preparation and for transcripts purchased from court reporters are established by the Judicial Conference of the United States. The current fee schedule is available from the clerk and from the official court reporters.

20. Public Access and Privacy Concerns

20.10 Privacy - Judicial Conference Policy

In addition to the privacy items listed in Section 20.1 above, the Judicial Conference policy requires that the court not provide public access to the following documents: unexecuted **summonses or** warrants of any kind (**e.g., search warrants, arrest warrants**); pretrial bail or presentence investigation reports; statements of reasons in the judgment of conviction; juvenile records; **documents containing identifying information about jurors or potential jurors**; financial affidavits filed in seeking representation pursuant to the Criminal Justice Act (CJA) and other CJA-related forms; *ex parte* requests for expert or investigative services at court expense; and sealed documents.

23. Document History

Effective May 2005

Revised February 2010

Revised November 2012

Revised December 1, 2016