

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

**TRANSCRIPT FILING AND REDACTION INFORMATION  
Effective May 12, 2008**

A Court Reporter will file the transcript electronically through CM/ECF, and it will be entered on the public docket unless directed otherwise by the Court. The public docket text will include:

- ▶ Court Reporter's name and phone number;
- ▶ The Notice of Filing Official Transcript from which the parties will have **7 calendar days** to file the Notice of Intent to Redact. (If a party is a non-electronic filer, or a pro se party, a separate Notice of Filing Official Transcript will be mailed to the non-electronic filer or pro se party.)

**From this same date, there is a:**

- ▶ **7-day deadline** for the parties to file a Notice of Intent to Redact;
- ▶ **21-day deadline** for the parties to file a Redaction Request of personal identifiers or a Motion to Redact information other than the personal identifiers;
- ▶ **31-day deadline** for the court reporter to file a redacted transcript;
- ▶ **90-day deadline** for public release of the transcript.

**During the 90-day period:**

- ▶ Electronic access to the transcript will be restricted to the attorney who paid for the transcript, court users and the public terminal (for viewing only).
- ▶ Only attorneys who paid the court reporter or transcriber for the transcript may obtain remote electronic access to the transcript through the court's CM/ECF system.

**Only the following personal identifiers may be redacted without further permission from the court:**

- ▶ Social Security Numbers
- ▶ Financial Account Numbers
- ▶ Names of Minor Children
- ▶ Dates of Birth
- ▶ Home addresses of individuals

In order to avoid the constant need to request redaction of personal identifiers for jurors, the United States District Court for the Southern District of West Virginia has adopted a policy of filing the transcript for the voir dire of jurors as a separate volume. This voir dire transcript will have restricted access so that it is available only to court users, case participants and the public terminal at the courthouse.

**Notice of Intent to Request Redaction<sup>1</sup>**

Attorneys have 7 calendar days from the Notice of Filing Official Transcript to file a Notice of Intent to Request Redaction. Both the docket entry and the document will be electronically available to the public. This Notice **SHOULD NOT INCLUDE** any actual personal identifiers. If a party fails to request redaction within this time frame, the transcript will be made available, without redaction, at the end of the 90-day period.

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<sup>1</sup>During the 90-day restriction period, if a Notice of Intent to Redact is filed, the transcript will not be released for remote electronic access.

## **Redaction Request - Transcript**

A redaction request must be filed within the 21-day period and must include a statement indicating where the personal identifiers appear in the transcript by page and line and how they are to be redacted. **Example:** "Social Security Number 123-45-6789 on page 12, line 9 should be redacted to read xxx-xx-6789."

The docket entry will be made available to the public by remote access, but the document will be restricted to court users, case participants and the public terminal.

## **Motion to Redact Transcript<sup>2</sup>**

This Motion should be filed if a party wants to redact information other than the personal identifiers set forth above and should be served on all parties and the court reporter within the 21-day period.

## **Redacted Transcript**

The redacted transcript will be filed electronically by the court reporter within the 31-day period, if only personal identifier redactions are requested.

The redacted transcript will be released for remote electronic access when the original 90-day period has ended.

## **90-day Release Date**

The most recent version of the transcript will be released for remote electronic access. If a redacted transcript has been filed, the original transcript will remain restricted to court users and the public terminal (for viewing only.)

## **Sealed Transcripts**

Sealed transcripts will not be available for viewing via CM/ECF until there is an Order directing that the transcript shall be unsealed. In addition, a Court Reporter is unable to electronically file a sealed transcript into CM/ECF. The Clerk's Office will upload the sealed transcript to a specific event that generates a docket entry identifying the judge who held the proceeding, the court reporter who recorded the proceeding, and the type of proceeding. The docket entry will display no further details regarding the proceeding and will not allow access to the image of the sealed transcript.

Counsel appointed pursuant to the Criminal Justice Act (CJA) may claim compensation, at the applicable rate, for the time spent reviewing the transcript and preparing the Notice of Intent to Redact and Redaction Request as well as for costs associated with obtaining a copy of the transcript.

Please note it is also possible for the parties to avoid the necessity of redactions and prevent harmful disclosure of personal data identifiers through the electronic availability of transcripts by altering courtroom behavior so that any unnecessary personal information is not elicited during court proceedings. See the Court's Advisory re: Eliciting Information Concerning Personal Data into the public record at trial or other court hearings.

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<sup>2</sup>If any party wishes to redact information other than the personal identifiers listed herein, that party must request leave of the Court. If such a motion is filed, the transcript restriction will remain until the Court makes a ruling, even if the 90-day restriction period has ended.