

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

**ELECTRONIC AVAILABILITY
OF CIVIL AND CRIMINAL TRANSCRIPTS**

Electronic transcripts, once ordered by a party or attorney and filed by the Court Reporter, will be electronically filed and only available for viewing at the Clerk's Office public terminal. **The transcript may NOT be copied, reproduced or attached as exhibits on the public docket for a period of 90 days.** After the expiration of the 90-day deadline, and all redaction requests have been ruled on, the restrictions on the transcript will be removed. The transcript will be made available remotely to view, download or print a copy from PACER or from the Clerk's Office at a rate of \$.10 per page. **During the initial 90-day period, individuals wishing to purchase a copy of the transcript must do so through the Court Reporter.** Once an attorney in the case has purchased a transcript, the attorney will be given access to the transcript through the court's CM/ECF system.

PLEASE READ THIS POLICY CAREFULLY

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. The party who calls a witness to the stand, or referred to and read from a document submitted in evidence, is responsible for requesting a redaction. An attorney serving as "stand by" counsel to assist a pro se defendant in a criminal case must review the same transcript as if the pro se defendant were his or her client. If a judge asks a question requiring later redaction, the party who called the witness remains responsible for the redaction.

- A party must file a **Notice of Intent to Request Redaction** within five (5) business days of the filing of the official transcript by the court reporter.
NOTE: If a party fails to request redaction within this time frame, the transcript may be made electronically available without redaction. A copy of the officially filed transcript will be available for review from the clerk's office public terminal or for purchase from the court reporter during this five-day period. This copy of the transcript(s) may be in paper or electronic format. **Reference:** A Notice of Intent to Request Redaction form is available on the court's website at <https://www.nynd.uscourts.gov/transcript-policy>.
- If a party files a Notice of Intent to Request Redaction, the transcript will not be made remotely electronically available to the general public until the redactions are performed. **NOTE:** A copy of the officially filed transcript will be available for review from the clerk's office public terminal or purchase from the court reporter / transcriber during this time.

- Following the filing of a Notice of Intent to Request Redaction, the parties must electronically file within twenty-one (21) days from the filing of the transcript with the clerk, or longer if ordered by the court, a **Redaction Request-Transcript** indicating where the personal identifiers appear in the transcript by page and line and how they are to be redacted.

For example, if a party wants to redact the social security number 123-45-6789 appearing on page 12, line 9 of the transcript, the statement would read: “Redact the Social Security number on page 12, line 9 to read xxx-xx-6789.” A party is only responsible for reviewing and indicating the redactions in the testimony of the witnesses it called and its own statements (e.g. opening statements and closing arguments). Only the personal identifiers listed in the Judicial Conference Policy on the Electronic Availability of Transcripts may be automatically redacted (see attachment). If a party wants to redact other information, that party should move the court for further redaction by separate motion served on all parties and the court reporter or transcriber within the twenty-one (21) day period.

NOTE: Counsel appointed pursuant to the Criminal Justice Act may claim compensation, at the applicable rate, for the time spent reviewing the transcript and preparing the request for redaction, as well as for costs associated with obtaining a copy of the transcript.

NOTE: If a party fails to file a Redaction Request within this time frame, the transcript will be made remotely electronically available to the general public without redaction following the expiration of the 90-day deadline.

- The Court Reporter or transcriber must, within 31 days of the delivery of the Redaction Request, or longer if the court so orders, perform the requested redactions, and file a redacted version of the transcript with the Clerk of Court. The original unredacted electronic transcript should be retained by the Clerk of Court.

REQUESTS FOR TRANSCRIPTS

- Any party ordering a transcript shall serve a copy of the Request for Transcript form on all other parties. A Request for Transcript form is available on the court's website at <https://www.nynd.uscourts.gov/transcript-policy>.

Please direct all questions concerning the court's policy to our CM/ECF Help Desk at 1-833-771-4945.

Attachment 1

Electronic Availability of Transcripts of Court Proceedings

Courts making electronic documents remotely available to the public, whether documents are filed electronically or converted to electronic form, shall make electronic transcripts of proceedings remotely available to the public if such transcripts are otherwise prepared.

Within five business days of the filing by the court reporter/transcriber of the official transcript with the clerk's office pursuant to 28 U.S.C. § 753, each party shall inform the court, by filing a notice of redaction with the clerk, of the party's intent to redact personal data identifiers from the electronic transcript of the court proceeding. Such personal data identifiers include: Social Security numbers; financial account numbers; names of minor children; dates of birth; and home addresses in criminal cases. The filing of this notice triggers the procedures set out below. If no such notice is filed within the allotted time, the court will assume redaction of personal data identifiers from the transcript is not necessary, and the transcript will be made electronically available after the 90-day period.

If a notice of redaction is filed by any party, following the filing of the official transcript with the clerk's office, the official transcript is not to be made remotely electronically available to the general public. Within 21 calendar days of the filing of the transcript, or longer if the court so orders, the parties shall submit to the court reporter/transcriber a statement indicating where the following personal data identifiers appear in the transcript: Social Security numbers; financial account numbers; names of minor children; dates of birth; and home addresses in criminal cases.

The court reporter/transcriber shall partially redact these personal data identifiers from the electronic transcript as follows:

- 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 only, the city and state of a home address.

During the 21-day period, or longer if the court so orders, attorneys may move the court for any additional redactions to the transcript. The transcript shall not be electronically disseminated until the court has ruled upon any such motion.