

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

**POLICY CONCERNING ELECTRONIC AVAILABILITY AND REDACTION OF
TRANSCRIPTS**

Effective May 19, 2008

I. RULES LIMITING INITIAL AVAILABILITY

A. The requirements of this policy apply to all transcripts of proceedings or parts of proceedings posted on or after the effective date, regardless of when the proceeding took place. Please read this policy carefully.

B. Transcripts of proceedings before the judicial officers in the District of Colorado taken by official court reporters, contract reporters, and electronic court recorder operators are now being posted with the court in electronic format. Access to such transcripts, however, is limited in accordance with this policy. Electronic transcripts, once ordered by a party or attorney, and produced by a court reporter or transcriber, will be posted electronically and available for viewing at the Clerk's Office public terminal, but may not be copied or reproduced by the Clerk's Office for a period of 90 days.

C. During the initial 90 days after the transcript is electronically posted, individuals wishing to purchase a copy of the transcript — in either paper or electronic form — must contact the court reporter, transcriber, or courtroom deputy. Once an attorney in the case has purchased a transcript, the attorney will be given access to the transcript through the court's ECF system.

D. If there are no redactions pursuant to the procedures below, an unredacted transcript will then be available remotely to view, download, or print from PACER at \$.08 cents per page or from the Clerk's Office public terminal at \$.10 cents per page.

II. RULES FOR REDACTION

A. The 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. Whenever an official transcript of a proceeding is posted by the official court reporter, contract reporter, or transcriber, a Notice of Electronic Filing (NEF) will be served on all parties in the case.

Counsel are strongly urged to share this NEF with all clients so an informed decision about the redaction of certain materials may be made. The responsibility for redaction of personal identifiers rests solely with counsel and the parties.

B. If any personal identifiers must be redacted, a party must file a Notice of Intent to Request Redaction within **seven (7) calendar days** of the posting of the official transcript. If a party fails to file a Notice of Intent to Request Redaction within the time provided, the transcript will be made electronically available without redaction 90 days after the transcript was initially posted with the Clerk's Office. A copy of the officially posted transcript will be available for review at the Clerk's Office public terminal or for purchase from the court reporter or transcriber during this seven day period time period. If redaction is requested, the redacted version of the transcript will be made electronically available to the general public. The unredacted version will be available only to those parties who order the transcript and to the court.

C. If a party files a timely Notice of Intent to Request Redaction, the transcript will not be made electronically available to the general public until the redactions have been made. A copy of the officially posted transcript will be available for review at the public terminal in the Clerk's Office or for purchase from the court reporter or transcriber during this time period. Within **21 days** from the posting of the transcript with the Clerk's Office, or longer if ordered by the Court, the parties must file a Request for Redaction indicating by page and line where the personal identifiers appear in the transcript and how they are to be redacted. For example, if a party wanted to redact the Social Security number 123-45-6789 appearing on page 12, line 9 of the transcript, the Request for Redaction would read "Redact the Social Security number on page 12, line 9 to read xxx-xx-6789." A copy of the request must be sent by the party to the court reporter or the transcriber. Each party is responsible for reviewing and indicating the redactions in the testimony of witnesses it called, its own statements (e.g. opening statements and closing arguments), juror names if it is the first requesting party, and any other portion as ordered by the court. Parties are encouraged to cooperate in the redaction of personal identifiers whenever possible. The court reporter or transcriber shall file the redacted transcript within ten days of the filing of the Request for Redaction.

D. Only the following personal identifiers listed in Federal Rule of Civil Procedure 5.2, Federal Rule of Criminal Procedure 49.1, and General Order 2007-3 may be redacted using a Request for Redaction:

1. Minors' names: use the minors' initials instead;

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2. Financial account numbers: use only the last four numbers of the account number;
3. Social Security numbers: use only the last four numbers;
4. Dates of birth: use only the year;
5. Home addresses: use only the city and state, and
6. Juror names: use the jurors' initials instead.

E. If a party wants to redact other information, the party must move the court for further redaction by separate motion served on all the parties and the court reporter or transcriber within the 21 day period.

F. Transcripts of voir dire proceedings are restricted from electronic public access under this policy, absent an order from the court. (See General Order 2007– 3.)

G. 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 Notice of Intent to Request for Redaction and Request for Redaction as well as costs associated with obtaining a copy of the transcript.

Attorneys and parties should review the “Guide to Transcript Redaction” available on the Court’s Internet website for more information.