

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

NOTICE OF ELECTRONIC AVAILABILITY AND REDACTION OF TRANSCRIPTS

Revised February 7, 2017

The requirements of this policy apply to all transcripts of proceedings or parts of proceedings. Please read this policy carefully.

I. Transcript Limited Initial Availability

Unless otherwise ordered, 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 filed in electronic format. The Judicial Conference adopted a policy requiring courts that make documents electronically available via the Public Access to Court Electronic Records (PACER) system also to make prepared electronic transcripts of court proceedings available remotely. The Judicial Conference approved the following policy regarding the availability of transcripts of court proceedings in electronic format ([JCUS-SEP 07](#), p. 12):

A. A transcript provided to a court by a court reporter or transcriber will be available at the office of the clerk of court for inspection only, for a period of 90 days (unless extended by the court) after it is delivered to the clerk.

B. During the 90-day period (which may be extended by the court):

1. a copy of the transcript may be obtained from the court reporter or transcriber at the rate established by the Judicial Conference;
2. the transcript will be available within the court for internal use; and
3. an attorney who obtains the transcript from the court reporter or transcriber may obtain remote electronic access to the transcript through the court's Case Management/ Electronic Case Files (CM/ECF) system for purposes of creating hyperlinks to the transcript in court filings and for other purposes.
4. access to the transcript in CM/ECF is restricted to four types of users:
 - court staff;
 - public terminal users;
 - attorneys of record or parties who have purchased the transcript from the court reporter/transcriber; and
 - other persons as directed by the court (e.g., appellate attorneys).

C. After the 90-day period:

1. The filed transcript will be available for inspection and copying in the clerk's office and for download from the court's CM/ECF system through

the judiciary's PACER system. PACER fees will apply per the current fee schedule.

2. The transcript copy filed with the clerk of court may be reproduced without compensation to the court reporter or transcriber under the same terms and conditions that any other official public document in the case file may be reproduced. Document reproduction and production fees will apply per the current fee schedule.

II. **Transcript Redaction**

A. Court reporters and transcribers do not have the responsibility to redact information unless there is a redaction request made by the parties to the case, or to notify the parties of material that should be redacted.

B. The parties have the responsibility to review the transcripts and request redactions, if necessary. Once a prepared transcript is delivered to the clerk's office, the attorneys in the case are (or, where there is a self-represented party, the party is) responsible for reviewing it for the personal data identifiers required by the federal rules to be redacted (see following bullets and "**Note**" below), and providing the court reporter or transcriber with a statement of the redactions to be made to comply with the rules. Unless otherwise ordered by the court, the attorney must review the following portions of the transcript:

1. opening and closing statements made on the party's behalf;
2. statements of the party;
3. the testimony of any witnesses called by the party;
4. sentencing proceedings; and
5. any other portion of the transcript as ordered by the court.

Generally, the rules require that filings be redacted to show only:

- the last four digits of a Social Security or taxpayer identification number;
- a year of birth;
- a minor's initials;
- the last four digits of a financial account number;
- in criminal cases only, the city and state of a home address; and

Note: The names of grand jurors, petit jurors, and the names of all prospective jurors shall not be disclosed unless ordered by the court.

See: [Fed. R. Civ. P. 5.2](#), [Fed. R. Crim. P. 49.1](#), and the District of Colorado's Jury Plan.

C. Counsel are strongly encouraged to share the pertinent NEF with all clients so an informed decision about the redaction of certain materials may be made. Again, the responsibility for redaction of personal identifiers rests solely with counsel and the parties. Parties are encouraged to cooperate in the redaction of personal identifiers whenever possible.

D. Within seven calendar days of the filing by the court reporter or transcriber of the official transcript, each attorney must inform the court, by filing a **“Notice of Intent to Request Redaction”** with the clerk, of his or her intent to direct the redaction of personal data identifiers from the electronic transcript of the court proceeding. 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. An attorney serving as “standby” counsel appointed to be available to assist a pro se defendant in his or her defense in a criminal case must review the same portions of the transcript as if the pro se defendant were his or her client. If the transcript relates to a panel attorney representation pursuant to the Criminal Justice Act (CJA), including serving as standby counsel, is entitled to compensation under the CJA for functions performed to fulfill his or her obligations under the policy, including the following:

1. traveling to gain access to the transcript, if needed;
2. reviewing a transcript to determine whether to file notice of intent to redact;
3. filing a notice of intent to redact or a motion for an extension of time;
4. reviewing a transcript to determine the location of information to be requested to be redacted or whether to file a motion for additional redaction;
5. preparing and filing a redaction request or motion; and
6. other actions (including creating pleadings, attending hearings or other follow-up).

The attorney is also entitled to reimbursement under the CJA for the costs of obtaining a transcript for purposes of review. If a case involving a CJA representation has already been closed and the original attorney is no longer available, or if standby counsel is no longer available, new counsel may be appointed under the CJA and compensated as outlined above. In the event that the original appointed counsel is still available, but has filed a final voucher for the underlying case, the attorney must be permitted to file a supplemental voucher for compensation.

E. If a party files a timely Notice of Intent to Request Redaction, A party is to submit to the court reporter or transcriber, within 21 calendar days of the transcript’s filing, or longer if a court so orders, a statement indicating where the personal data identifiers to be redacted appear in the transcript. The party must file a **“Redaction Request - Transcript”** 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. Unless otherwise ordered, within 31 calendar days of the filing of the original transcript, the court reporter or transcriber must redact the identifiers as directed by the party and must perform the requested redactions, and file a redacted version of the transcript with the clerk of court. The original, unredacted electronic transcript shall remain RESTRICTED on the docket.

F. During the 21-day period, or longer if the court so orders, an attorney may move the court for additional redactions not related to personal identifiers to the transcript. The transcript must not be made available via remote electronic public access until the court has ruled upon any such motion.

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