

**DOCKETED**

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

**FILED**

OCT 07 2008

IN RE: POLICY ON ELECTRONIC  
AVAILABILITY OF TRANSCRIPTS

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) G.O. 08-3

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT WESTERN DIST. OF OKLA.  
BY RB DEPUTY

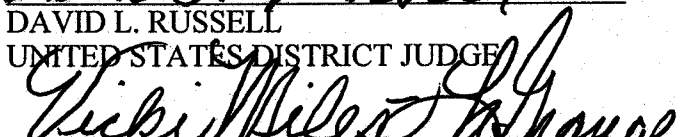
GENERAL ORDER

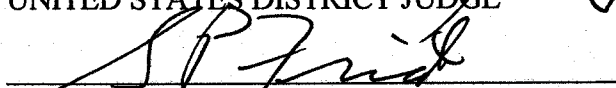
Effective January 1, 2009, official transcripts of civil and criminal proceedings before the United States District Judges and Magistrate Judges in the Western District of Oklahoma shall be filed with the Court in electronic format pursuant to the requirements of the E-Government Act of 2002 and the Judicial Conference Policy on Privacy and Public Access to Electronic Case Files (March 2008). The Court hereby establishes a policy for the Western District of Oklahoma governing the redaction of personal data identifiers from official transcripts before the electronic transcripts are made remotely available to the public.


DATED this 7<sup>th</sup> day of October, 2008.

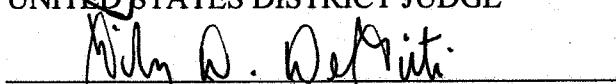
  
ROBIN J. CAUTHRON, CHIEF  
UNITED STATES DISTRICT JUDGE

  
DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE

  
VICKI MILES-LAGRANGE  
UNITED STATES DISTRICT JUDGE

  
STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

  
JOE HEATON  
UNITED STATES DISTRICT JUDGE

  
TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**POLICY ON ELECTRONIC AVAILABILITY OF TRANSCRIPTS**

The United States District Court for the Western District of Oklahoma establishes the following policy regarding official transcripts of court proceedings:

**Electronic Availability of Official Transcripts**

1. Any official transcript prepared by a court reporter or transcriber will be electronically available at the Clerk's Office, for review only, for a period of 90 days after the transcript is filed.
2. During the 90-day period, a copy of the transcript may be obtained only from the court reporter or transcriber at the rate established by the Judicial Conference. The transcript will be electronically available at the public terminal at the Court Clerk's office, but may not be printed from this source. The transcript will be remotely electronically available only to those attorneys of record who have purchased a copy from the court reporter.
3. After the 90-day period has ended, the transcript will be available for printing in the Clerk's office and for downloading through PACER.

**Scope of Policy**

This policy applies only to official transcripts of civil and criminal proceedings before the Court. It does not apply to depositions taken outside of court or transcripts of proceedings in state courts or other jurisdictions. The policy also does not apply to transcripts that are sealed by order of the Court.

**Responsibility for Redactions in Official Transcripts**

Once an official transcript is filed with the Court Clerk pursuant to 28 U.S.C. § 753, the attorneys in the case and any self-represented parties are responsible for requesting redactions of the personal data identifiers specified in Fed.R.Civ.P. 5.2 and Fed.R.Crim.P. 49.1. Unless otherwise ordered by the Court, the attorney for a party and each self-represented party are responsible for redactions in the following portions of the transcript:

- (a) opening and closing statements made on that party's behalf;
- (b) statements of the party;
- (c) the testimony of any witnesses called by the party; and
- (d) sentencing proceedings.

The Court may also order an attorney or self-represented party to be responsible for redactions in other portions of an official transcript.

**The attorneys and self-represented parties are solely responsible for requesting the redaction of personal data identifiers.** Neither the Court Clerk nor the court reporter or transcriber will review transcripts for compliance with the federal rules or this policy.

**Redaction Request**

If a redaction is needed, the attorney or self-represented party **must** file a Redaction Request (using the form available on the Court's website) **within 21 days** of the filing of the transcript, indicating where the personal data identifiers appear in the transcript by page and line and how they are to be redacted.

Note: This procedure is limited to the redaction of the specific personal data identifiers listed below:

- social security numbers and taxpayer-identification numbers: use only the last four digits;
- financial account numbers: use only the last four digits;
- dates of birth: use only the year;
- a minor's name: redact in the manner that most effectively shields the identity of the minor in the context of the proceeding; and
- in criminal cases, home addresses: use only the city and state.

### **Request for Additional Redactions**

For any redactions to a transcript other than the personal data identifiers listed above, a separate Motion for Redaction must be filed within the same 21-day timeframe, unless otherwise ordered by the Court. Until the Court has ruled on any such motion, the transcript will not be remotely electronically available to the public, even if the 90-day restriction period has ended.

### **Stand-by and CJA Panel Attorneys**

An attorney appointed as "stand-by" counsel for a party is responsible for identifying and requesting redactions of personal data identifiers in the transcript on behalf of that party. If an attorney represents a party pursuant to the Criminal Justice Act (CJA), including serving as stand-by counsel, the attorney is entitled to compensation under the CJA for fulfilling this obligation and for reimbursement of related reasonable expenses.

### **PACER Fees**

PACER fees will apply both during and after the 90-day restriction period. Charges will not be capped as they are for other court documents but will accrue for the entire transcript. The user will incur charges each time the transcript is accessed through PACER even though the user may have purchased the transcript from the court reporter and obtained remote access through ECF. There is no "free look " for transcripts.