

UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

In re

GENERAL ORDER 08-09

GENERAL ORDER REGARDING REVISED POLICY  
ON ELECTRONIC AVAILABILITY OF TRANSCRIPTS OF COURT PROCEEDINGS

The Judicial Conference of the United States has revised its national policy addressing electronic availability of transcripts of court proceedings filed with the court. The Judicial Conference Policy on Electronic Availability of Transcripts applies to any transcript of a court proceeding that is subsequently filed with the court and made available to the public via electronic access. In accordance with the revised policy and effective for any transcript filed on or after September 12, 2008, (regardless of when the proceeding took place), it is ORDERED as follows:

1. Transcripts shall be available at the Clerk's Office for inspection only, and not for copying, for a period of ninety (90) days after delivery to the Court.
2. During the ninety (90) day restriction period, any copy of the transcript must be obtained from the transcriber at the rate established by the Judicial Conference. An attorney who purchases the transcript from the transcriber during the ninety (90) day restriction period may obtain remote electronic access to the transcript through the Court's CM/ECF System via the judiciary's PACER system, subject to applicable PACER fees. Members of the public, including the news media, who purchase a transcript, shall not be granted remote electronic access to a transcript during the ninety (90) day restriction period.
3. After the ninety (90) day restriction period has ended, the filed transcript will be available for inspection and copying in the Clerk's Office and for downloading from the Court's CM/ECF System via PACER. PACER fees apply at all times when accessing transcripts remotely and the 30-page cap does not apply to viewing or printing a transcript via PACER.
4. When a transcript is filed, it is the responsibility of the attorneys and *pro se* parties who attended the hearing to review the transcript for the personal identifiers required by Bankruptcy Rule 9037 to be redacted, and

to provide the transcriber with a statement of the redactions to be made to comply with the rule. Unless otherwise ordered by the Court, each party is responsible for reviewing the following portions of the transcript:

- (a) opening and closing statements made on the party's behalf;
  - (b) statements of the party;
  - (c) the testimony of any witness called by the party; and
  - (d) any other portion of the transcript as ordered by the Court.
5. Upon the filing of a transcript, the Clerk shall generate and serve, as applicable, an electronic or paper "Clerk's Notice of Filing of Transcript and of Deadlines Related to Restriction and Redaction" (Exhibit 1). The parties shall have seven (7) calendar days from the date of filing of the transcript to file a "Notice of Intent to Request Redaction of Transcript" (Exhibit 2).
6. Parties who timely file a "Notice of Intent to Request Redaction of Transcript", shall, within 21 calendar days of the filing of the transcript, unless otherwise ordered by the Court, file and serve upon the transcriber a "Request for Redaction of Personal Data Identifiers" ("Request for Redaction"). The "Request for Redaction" shall indicate, by page and line number, the location of the personal data identifiers for which redaction is being requested. Upon filing, the "Request for Redaction" will appear as a public document on the docket, therefore, the "Request for Redaction" should be worded so as not to contain unredacted personal identifiers.

For purposes of this procedure, personal data identifiers shall only include: individual Social Security numbers, individual taxpayer identification numbers, financial account numbers, names of minor children, and dates of birth. Parties seeking to redact additional information must file a motion for protective order pursuant to Bankruptcy Rule 9037(d) and serve a copy on the transcriber.

7. If a "Notice of Intent to Request Redaction of Transcript" has been filed and subsequently a "Statement" is filed within the 21 calendar day deadline set forth in paragraph 7, the transcriber shall partially redact the personal data identifiers identified in the "Statement" as follows:
- for Social Security numbers and taxpayer-identification numbers, use only the last four digits;
  - for financial account numbers, use only the last four digits;

- for names of minor children, use only their initials; and
- for dates of birth, use only the year.

The transcriber shall then file, within 31 calendar days from the filing of the transcript, a redacted transcript with an amended certification indicating that the transcript was amended by the redaction of certain personal identifiers at the request of the parties. Parties who have previously purchased the unredacted transcript shall be given remote access to the redacted transcript.

8. After the ninety (90) day restriction period has expired (unless there are pending related redaction motions), the filed transcript (or the redacted transcript, if filed) will be available for inspection and copying at the Clerk's Office and for downloading from the Court's CM/ECF system via PACER. If a redacted transcript has been filed in accordance with the provisions of this Order, the unredacted version will NOT be available via remote electronic access but will be available for inspection and copying at the Clerk's Office. Copy fees and PACER access fees apply.
9. The policy set forth in this order:
  - (a) Is intended to apply the Judicial Conference policy on privacy and public access to electronic case files to transcripts that are electronically available to the public. It is not intended to change any rules or policies with respect to sealing or redaction of Court records for any other purpose;
  - (b) Is not intended to create a private right of action; and
  - (c) Does not prevent the production of a transcript on an expedited basis for a party, or any other person or entity, that may order such a transcript, subject to whatever Court rules or orders are currently imposed to protect sealed materials. Any non-party that orders a transcript on an expedited basis should be alerted to the Judicial Conference policy on privacy and public access to electronic case files by the entity providing the transcript to the party.

ENTERED: **SEP 12 2008**



RONALD G. PEARSON, JUDGE

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA

In re

Case No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Debtor(s).

(If applicable:

\_\_\_\_\_  
Plaintiff,

v.

\_\_\_\_\_  
Defendant.

Adversary Proceeding No. \_\_\_\_\_

CLERK'S NOTICE OF FILING OF TRANSCRIPT  
AND OF DEADLINES RELATED TO RESTRICTION AND REDACTION

A transcript of the proceeding held on \_\_\_\_\_ was filed on \_\_\_\_\_. The following deadlines apply:

The parties have [until (calculated date)] [seven (7) calendar days from the date of filing of the transcript] to file with the court a Notice of Intent to Request Redaction of this transcript. The deadline for filing a request for redaction is [(calculated date)] [21 days from the date of filing of the transcript].

If a request for redaction is filed, the redacted transcript is due [(calculated date)] [31 days from the date of filing of the transcript].

If no such notice is filed, the transcript may be made available for remote electronic access upon expiration of the restriction period, which is [(calculated date)] [90 calendar days from the date of filing of the transcript] unless extended by court order.

To review the transcript for redaction purposes, you may purchase a copy from the transcriber (name, address/contact information) or you may view the document at the clerk's office public terminal.

Dated:

\_\_\_\_\_  
Deputy Clerk

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA

In re

Case No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Debtor(s).

(If applicable:

\_\_\_\_\_  
Plaintiff,

v.

Adversary Proceeding No. \_\_\_\_\_

\_\_\_\_\_  
Defendant.

NOTICE OF INTENT TO REQUEST REDACTION OF TRANSCRIPT

Notice is hereby given that a Request for Redaction of Personal Data Identifiers and/or a Motion for Additional Redactions with respect to the official transcript of the proceeding held on \_\_\_\_\_, in the above referenced case or proceeding will be filed with the Court within 21 calendar days from the date the unredacted transcript was filed by the court reporter with the Clerk.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Appearing on behalf of: \_\_\_\_\_

Dated: \_\_\_\_\_

Copy to:  
Transcriber