

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

**GUIDELINES FOR IMPLEMENTATION OF THE UNITED STATES
JUDICIAL CONFERENCE POLICIES ON ELECTRONIC AVAILABILITY AND
REDACTION OF TRANSCRIPTS OF COURT PROCEEDINGS**

At its September 2007 session, the Judicial Conference adopted a policy regarding electronic availability of transcripts of court proceedings and directed the Administrative Office to issue guidance to courts on its implementation. Earlier, at its September 2003 session, the Judicial Conference approved procedures (revised at its March 2007 session) to implement the Judiciary's privacy policy (now reflected in Federal Rule of Bankruptcy Procedure 9037) as it applies to electronic availability of transcripts.

1. Transcripts of court proceedings may only be electronically submitted by the transcriber and docketed by the clerk's office. For a period of 90 days from the filing of the transcript, electronic access via PACER will not be permitted except as provided under paragraph 2 below. However, the transcript will be available for viewing at the office of the clerk of court, free of charge, at any public terminal located in either the Brooklyn or Central Islip courthouses, but it will not be available for copying during this period.
2. During this 90-day restriction period, a copy of the transcript may be obtained from the transcriber at the rate established by the Judicial Conference of the United States. An attorney or party in the case or proceeding who purchases the transcript from the transcriber will also be given remote electronic access to the transcript through the court's CM/ECF system via PACER, for purposes of creating hyperlinks to the transcript in court filings and for other purposes. 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. Members of the general public including pro se parties who purchase a transcript, will not be given remote electronic access to a transcript or any redacted version filed during the 90-day restriction period.
3. Upon the filing of a transcript, the clerk of court shall generate and serve, as applicable, an electronic or paper "Notice of Filing of Transcript and of Deadlines Related to Restriction and Redaction" (Exhibit 1). The parties shall have seven calendar days from the date of filing of the transcript to file a ["Notice of Intent to Request Redaction of Transcript"](#) (Exhibit 2)."
4. 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 a ["Transcript Redaction Request"](#) ("Request") (Exhibit 3) which shall indicate, by page and line number, the location of the personal data identifiers for which redaction is being requested. For purposes of this

procedure, personal data identifiers shall include: individual social security numbers, individual taxpayer identification numbers, financial account numbers, names of minor children, and dates of birth. Since the “Request,” once filed, will appear as a public document on the docket, the “Request” should be worded so as not to contain unredacted personal identifiers. A copy of the “Request” shall be served on the transcriber. Only these personal identifiers may be automatically redacted as provided by paragraph 6 below. Parties seeking to redact information not covered in Fed. R. Bankr. P. 9037(a), must file a Motion for Protective Order pursuant to part (d) of the Rule. A copy of the motion shall be served on the transcriber.

5. Redaction responsibilities are solely the responsibility of the attorneys and pro-se parties who attended the hearing or trial. Each party is responsible for reviewing and indicating redactions in the testimony of the witnesses that were called by that party and for that party’s own statements.
6. If a “Notice of Intent to Request Redaction of Transcript” has been filed and subsequently a “Request” is filed within the 21 calendar day deadline set forth in paragraph 4, the transcriber shall partially redact the personal data identifiers identified in the “Request” 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 electronically submit, 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. Attorneys who have previously ordered the unredacted transcript shall be given remote access to the redacted transcript.

7. After the 90-day period has expired (unless there are pending related redaction motions), the filed transcript (or if a redacted transcript was filed, the redacted transcript) 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, 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.
8. The policy set forth in this procedure:
 - A. Does not affect in any way the obligation of the transcriber to file promptly with the clerk of court the transcriber’s original records of a

proceeding or the inclusion of a filed transcript with the records of the court pursuant to 28 U.S.C. § 753.

- B. Does not affect the obligation of the clerk to make the official transcript available for copying by the public without further compensation to the transcriber 90 days after the transcript is filed pursuant to Judicial Conference policy.
- C. Is not intended to create a private right of action.
- D. 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.
- E. 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.

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF NEW YORK
290 Federal Plaza, P.O. Box #9013
Central Islip, NY 11722-9013

In re Case No. 8-08-74514-ast

Teresa Molina

SSN/TAX ID: Chapter 13

xxx-xx-8000

DEBTOR(S)

**NOTICE OF FILING OF TRANSCRIPT AND OF DEADLINES RELATED TO RESTRICTION
AND REDACTION**

Notice is hereby given that:

A transcript of the proceeding held on August 15, 2008 was filed on September 1, 2008.

The following deadlines apply:

The parties have until September 8, 2008 to file with the court a Notice of Intent to Request Redaction of this transcript. The deadline for filing a Request for Redaction is September 22, 2008.

If a Request for Redaction is filed, the redacted transcript is due October 31, 2008.

If no such Notice is filed, the transcript may be made available for remote electronic access upon expiration of the restriction period, which is November 30, 2008 unless extended by court order.

To review the transcript for redaction purposes, you may purchase a copy from the transcriber E-Scribe, Inc. 800-300-1012 or you may view the document at the Clerk's Office public terminal.

Dated: September 1, 2008

For the Court, Robert A. Gavin, Jr., Clerk of Court

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

----- X
In Re:

Case No.

Chapter

Debtor(s)

----- X

NOTICE OF INTENT TO REQUEST REDACTION OF TRANSCRIPT

_____ Notice is hereby given that a Transcript Redaction Request with respect to the official transcript of the proceeding held on _____ (Date) _____ in the above referenced case or proceeding will be filed with the Court within 21 days from the date the unredacted transcript was submitted by the court transcriber and docketed by the clerk's office.

Signature of Movant

Dated:

(Print or Type Name)

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

----- X
In Re:

Case No.

Chapter

Debtor(s)

----- X

TRANSCRIPT REDACTION REQUEST

A redacted version of the court transcriber’s transcript filed on _____ (Date) _____ in the above referenced case is requested. The following personal identifiers in the original transcript on the page numbers cited below should be modified and a redacted version of the transcript produced and filed with the court:

Page/Line Redact as follows:

Signature of Movant

Dated: _____
(Print or Type Name)

Note:

- The “Request” should be worded so as not to contain unredacted personal identifiers.
- This document must be filed with the Court and a copy must be sent to the court transcriber who prepared the transcript.