

FILED

OCT 07 2008



UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TENNESSEE

JED G. WEINTRAUB  
CLERK OF COURT  
WESTERN DISTRICT OF TENN.

---

In re

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

Admin. Order No. 08-0006

---

As discussed in the annexed May 13, 2008 Memorandum from the Administrative Office of the United States Courts, Bankruptcy Court Administration Division, 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 November 1, 2008 (regardless of when the proceeding took place), **IT IS ORDERED** as follows:

1. Transcripts of court proceedings may only be electronically filed by the court reporter or 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. The transcript will be available for viewing at the office of the clerk of court, free of charge, at any public terminal located in any of the divisional clerk's offices, but it will not be available for copying during this period.
2. During the 90 day restriction period, a copy of the transcript may be obtained from the court reporter or 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 court reporter or 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 case or procedure related 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 public, including the news media, who purchase a transcript, shall not be granted remote electronic access to a transcript during the 90 day restriction period.

3. Upon 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 local form "Notice of Intent to Request Redaction of Transcript" (Exhibit 2).
4. Parties who timely file the local form "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 "Statement of Personal Data Identifier Redaction Request" ("Statement") 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 Statement, once filed, will appear as a public document on the docket, the Statement should be worded so as not to contain unredacted personal identifiers. A copy of the Statement shall be served on the court reporter or transcriber. Only these personal identifiers may be automatically redacted as provided by paragraph 6 below. Parties seeking to redact additional information shall file a motion in accordance with Local Rule 5005-1 (C). A copy of the motion shall be served on the court reporter or 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 the party and for that party's own statements.
6. If a local form "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 4, the court reporter or 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 court reporter or transcriber shall then electronically 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 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 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.
8. The policy set forth in this Order:
  - A. Does not affect in any way the obligation of the court reporter or transcriber to file promptly with the clerk of court the court reporter or 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 of court to make the official transcript available for copying by the public without further compensation to the court reporter or 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.

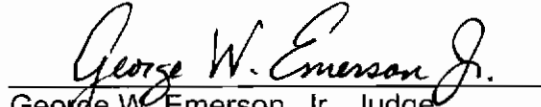
Based on the foregoing,

**IT IS SO ORDERED.**



David S. Kennedy, Chief Judge  
United States Bankruptcy Court

Date: 10-6-08



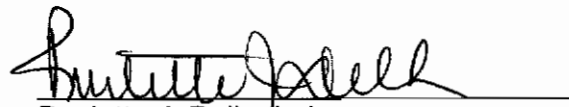
George W. Emerson, Jr., Judge  
United States Bankruptcy Court

Date: 10.06.08



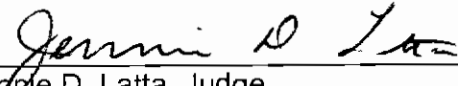
G. Harvey Boswell, Judge  
United States Bankruptcy Court

Date: 10-6-08



Paulette J. Delk, Judge  
United States Bankruptcy Court

Date: 10-6-08



Jennie D. Latta, Judge  
United States Bankruptcy Court

Date: 10-6-08

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TENNESSEE

In re

Debtor.

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

(if applicable)

Chapter \_\_\_\_\_

Plaintiff,

v.

Adv. Pro. No. \_\_\_\_\_

Defendant

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

A transcript of this proceeding held on \_\_\_\_\_ was filed with the court on \_\_\_\_\_. NOTICE IS HEREBY GIVEN THAT 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* ("Notice") 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, one may purchase a copy from the transcriber (name, address/contact information) or one may view the document at the clerk's office public terminal.

Bankruptcy Court Clerk

By: \_\_\_\_\_  
Deputy Clerk

Date: \_\_\_\_\_

"EXHIBIT 1"

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TENNESSEE**

In re

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

Debtor.

Chapter \_\_\_\_\_

(if applicable)

Plaintiff.

v.

Adv. Proc. No. \_\_\_\_\_

Defendant.

**NOTICE OF INTENT TO REQUEST REDACTION OF TRANSCRIPT**

NOTICE IS HEREBY GIVEN that a Statement of Personal Data Identifier Redaction Request 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 of court.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

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

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

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

Copy to: Court Reporter or  
Transcriber

"EXHIBIT 2"