

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA**

Availability and Redaction of Transcripts of Court Proceedings

Official transcripts of proceedings held before United States District and Magistrate Judges that are provided to the court by a court reporter or transcriber will be filed in CM/ECF and will be available at the Clerk's Office, for inspection only, for a period of 90 days after filing.

During the 90-day period, a copy of the transcript may be obtained from the court reporter or transcriber at the rate established by the Judicial Conference. The transcript will be available at the public terminal and any attorney who obtains the transcript from the court reporter or transcriber may obtain remote electronic access to the transcript.

After the 90-day period has ended, the transcript will be available for copying in the Clerk's Office and through PACER.

The following redaction policy establishes a procedure for the counsel to request the redaction from a transcript of specific personal data identifiers, which are listed below, before the transcript is made electronically available to the general public:

- Social security numbers to the last four digits;
- Financial account numbers to the last four digits;
- Dates of birth to the year;
- Names of minor children to the initials; and
- Home addresses to the city and state.

Counsel is strongly urged to share this notice with their clients so that an informed decision about the inclusion of certain materials may be made. **The responsibility for redacting personal identifiers rests solely with counsel and the parties.** Neither the Clerk nor the court reporter will review transcripts for compliance with this policy.

Notice of Intent to Request Redaction. Within seven (7) calendar days of the filing of an official court transcript, each party wishing to redact a transcript must inform the court by filing a *Notice of Intent to Request Redaction*.

Redaction Request. If a redaction is requested, counsel **must submit to the court** a *Transcript Redaction Request* **within 21 days from the filing of the transcript**, indicating where the personal identifiers appear in the transcript by page and line and how they are to be redacted. The *Redaction Request* form is available on our website at www.vawd.uscourts.gov.

If an attorney files a *Notice of Intent to Request Redaction* but fails to timely file a *Redaction Request*, a *Motion to Extend Time to file a Redaction Request* or a *Withdrawal of Notice of Intent to Request Redaction*, the court will be informed that the attorney has not met the redaction

requirements. Until the requirements are satisfied, the transcript will not be electronically available, even if the 90-day restriction period has ended.

Requests for Additional Redactions. If counsel would like to request further redactions aside from the personal identifiers listed above, counsel must file a separate *Motion to Redact Transcript*. Until the court has ruled on any such motion, the transcript will not be electronically available, even if the 90-day restriction period has ended.

Remote Public Access to Redacted Transcripts. If a redacted transcript is filed, the redacted transcript will be electronically available through PACER 90 calendar days from the date of filing of the original unredacted transcript; however, the original unredacted transcript will not be available through PACER.

CJA Panel Attorneys. An attorney who is serving as appointed “standby” counsel for a pro se litigant must review the transcript as if the pro se party were his/her client. If an attorney represents a client pursuant to the Criminal Justice Act (CJA), including serving as standby counsel, the attorney conducting the review of the transcript is entitled to compensation under the CJA for functions reasonably performed to fulfill the obligation and for reimbursement of related reasonable expenses.

PACER Fees. PACER fees will be applied both during and after the 90-day restriction period. Charges will not be capped at 30 pages and will accrue for the entire transcript. The user will incur PACER charges each time the transcript is accessed even though he/she may have purchased it from the court reporter and/or obtained remote access through CM/ECF. There is no “free look” for transcripts.