

## **Transcript Filing Information for Transcribers**

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### **Background**

At its September 2007 session, the Judicial Conference approved a new policy regarding the availability of transcripts of court proceedings.

Each party is required to review a transcript to redact personal information covered by the Judicial Conference's privacy policy, Federal Rule of Civil Procedure 5.2, and Federal Rule of Criminal Procedure 49.1.

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### **90-day restriction period**

For a period of 90-days, remote electronic access to transcripts will be restricted. A party may review a transcript for redaction purposes either by purchasing a copy from the court reporter or transcriber or by inspecting the transcript at the courthouse using the public terminal.

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### **Purchased transcripts**

Court reporters or transcribers should provide copies of transcripts either in paper or electronic format (such as in PDF format) to a purchasing party pursuant to the request of the party.

Any CM/ECF registered user who purchases the transcript will also be given remote electronic access to the transcript via CM/ECF and PACER (see Remark-Transcript Purchased below).

Unless designated as sealed, any attorney, party, or member of the public can purchase a copy of the unredacted transcript from the court reporter or transcriber during the 90-day restriction, even if a redacted transcript has been filed.

Members of the public who purchase a transcript from the court reporter or transcriber will not be granted remote electronic access via PACER until after the 90-day restriction period ends. At that time, the public will have remote access only to a redacted version of the transcript if it was redacted during the 90-day restriction.

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## Transcript-Unredacted

The Transcript-Unredacted is a transcript containing the entire record of proceedings, which may include personal identifying information, e.g., social security numbers, financial information. This transcript is filed by the court reporter or transcriber upon receiving a request for transcript.

Follow these steps to docket an Unredacted Transcript:

STEP	ACTION
1	Click on Civil or Criminal > <b>Transcript Events</b> .
2	Click on <b>Transcript-Unredacted</b> .
3	Enter the case number and then select the case number.
4	Click the "Browse" button to search for the transcript you are filing. <ul style="list-style-type: none"><li>• Right click on the document you have selected and verify it is the correct document.</li></ul>
5	Click on Open.  <u>Note</u> : The filename of your transcript should appear in the "Filename" box.
6	Type in the requested proceeding and date information.
7	Click the appropriate judge who conducted the hearing.
8	Click on the appropriate transcriber information.
9	Enter the appropriate page information.
10	Edit the docket text if necessary.

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## Remark-Transcript Purchased (Non-Public)

The Remark - Transcript Purchased (Non-Public) is filed by the court reporter or transcriber when a person has paid for a transcript. This event contains the filing

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number of the transcript purchased and the name of the purchasing party. Although court transcribers have access to view the padlocks on transcripts in CM/ECF, they should disregard the padlocks. Upon seeing the "Transcript Purchased (Non-Public)" remark on the docket sheet, court staff will give remote access to the CM/ECF registered user who paid for the transcript.

When a federal agency such as the Department of Justice, Federal Public Defender, or CJA attorney orders a transcript, the court reporter or transcriber will **grant the agency immediate access to the transcript in CM/ECF**, without regard to whether the court reporter or transcriber has already received payment for the transcription.

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### Notice of Intent to Request Redaction

The Notice of Intent to Request Redaction is electronically filed by an attorney within 7 calendar days of the filing of the unredacted transcript. It states that the attorney intends to request redactions to the unredacted transcript.

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### Redaction Request

The attorney who filed the Notice of Intent to Request Redaction files a Redaction Request electronically within 21 calendar days of the filing of the unredacted transcript, or longer if the court so orders. The Redaction Request indicates to the court reporter or transcriber where the personal data identifiers appear in the transcript. Only court users and the parties will have remote access to the redaction request.

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### Transcript-Redacted

The Transcript-Redacted is a transcript with personal identifiers partially deleted from the transcript, e.g., showing only the last four digits of a social security number or a financial account number. The court report or transcriber files this copy of the transcript-after removing the personal data identifiers listed in a redaction request. If a Redacted Transcript is necessary, the court reporter or transcriber should **file it no later than 31 calendar days from the filing of the Unredacted Transcript**. The Redacted Transcript will be restricted until the 90-day Release of Transcription deadline has expired (i.e., 90-days after the original filing of the unredacted transcript).

Follow these steps to file an Redacted Transcript:

STEP	ACTION
1	Click on Civil or Criminal > <b>Transcript Events</b> .

STEP	ACTION
2	Click on <b>Transcript-Redacted</b> .
3	Enter the case number and then select the case number.
4	Click the "Browse" button to search for the transcript you are filing. <ul style="list-style-type: none"> <li>• Right click on the document you have selected and verify it is the correct document.</li> </ul>
5	Click on Open.  <u>Note</u> : The filename of your transcript should appear in the "Filename" box.
6	Type in the requested proceeding and date information
7	Click the appropriate judge who conducted the hearing.
8	Click on the appropriate transcriber information.
9	Enter the appropriate page information.
10	Click on the Unredacted Transcript that has been redacted.
11	Edit the docket text if necessary.

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### **Transcript-Unredacted (Voir Dire)**

Pursuant to the March 2009 Judicial Conference Guidance on Protecting Privacy Interests in Electronic Transcripts of Voir Dire Proceedings, the District of Nebraska restricts access to voir dire transcripts pursuant to the E-Government Act. Parties of record will not be given access to the voir dire transcript until the court reporter/transcriber has received payment.

In June 2009, the judges agreed to remove access of voir dire transcripts from the public terminals. The following language was added to all voir dire transcripts filed after June 2009:

ACCESS TO THE PDF DOCUMENT IS RESTRICTED PURSUANT TO  
THE MARCH 2009 JUDICIAL CONFERENCE GUIDANCE ON  
PROTECTING PRIVACY INTERESTS IN ELECTRONIC TRANSCRIPTS

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## Questions and Answers

**Question:** The transcript event prompts for the total number of billable pages and total pages. What constitutes billable pages?

**Answer:** Billable pages are all pages of the transcript, excluding the certificate page if the certificate page appears on a page by itself. If the certificate page contains text of the record, then the billable pages and total pages should be the same number of pages

Note: Indexes are considered billable pages.

**Question:** Once a party has paid for a transcript and has been given remote electronic access to a transcript, will he/she incur PACER charges?

**Answer:** Yes, and charges accrue for the entire transcript rather than being capped at 30 pages.

**Question:** Can a person request to purchase a copy of the unredacted transcript, even after a redacted transcript has been filed?

**Answer:** Yes. The person would request the transcript from the court reporter/transcriber. The unredacted transcript will also be available on the court's public terminals.

**Question:** How will court staff know whether or not they may give out a copy of a transcript?

**Answer:** If the padlock is still red, the transcript is restricted and a copy should not be furnished to anyone.

**Question:** If a transcript is already on file in CM/ECF and a party or non-party wants a copy of the transcript during the 90-day restriction period, is it necessary for the party or non-party to file a second request for transcript in CM/ECF?

**Answer:** No, the party or non-party should contact the court reporter or transcriber to purchase a copy of the transcript.

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**Revision control log**

<b>Date</b>	<b>Comments</b>	<b>By</b>
06/06/08	Revised to include instructions for filing unredacted and redacted transcript.	DKM
11/05/09	Updated to reflect in June 2009, the Nebraska Judicial Council agreed to remove access of voir dire transcripts from the public terminals.	DKM
12/18/09	Updated to replace the following language "During the April 21, 2006, Nebraska Judicial Council Meeting, the Council decided that access to voir dire transcripts will be restricted to the public terminals, court users, and parties of record pursuant to the E-Government Act" with "Pursuant to the March 2009 Judicial Conference Guidance on Protecting Privacy Interests in Electronic Transcripts of Voir Dire Proceedings, the District of Nebraska restricts access to voir dire transcripts pursuant to the E-Government Act."	DKM