



POLICY AND PROCEDURE REGARDING ELECTRONIC AVAILABILITY OF TRANSCRIPTS

Effective February 17, 2009

Summary:

Effective February 17, 2009, the United States Bankruptcy Court for the District of Nevada, adopts the following policy and procedures in accordance with Judicial Conference Policy and Federal Rule of Bankruptcy Procedure 9037. This policy establishes a procedure for counsel or self-represented parties to request the redaction from the transcript of specific personal data identifiers before the transcript is made electronically available to the general public.

Access to electronic transcripts, once ordered by a party and produced by the transcript company, will be restricted for a period of 90 calendar days after it is filed. During this period, a copy of the transcript will be available for review at the clerk's office, but cannot be removed from the office. A copy of the transcript may be obtained from the transcript company at the rate established by the Judicial Conference. An attorney in the case who has purchased a transcript (either an original or a copy) will be given access to it through the court's CM/ECF system. This will allow parties the opportunity to review the transcript for the personal data identifiers required to be redacted by Fed. R. Bankr. 9037. These personal data identifiers may include only: social security and taxpayer identification numbers to the last four digits, financial account

numbers to the last four digits, birth dates to only the year of birth, and minors should be referred to with only their initials. The responsibility for redacting personal information rests solely with the parties. The court will not review each transcript for compliance with this policy.

Redaction Requests:

When a transcript is docketed by the transcript company, parties in the case will have 21 calendar days from the time the transcript was filed to review the transcript and file a Request for Redaction with the court. This form should indicate where the personal identifiers appear in the transcript by page and line, how they are to be redacted, and must also be submitted to the transcript company. A sample Request to Redact form is available on the court's website, located at: <http://www.nvb.uscourts.gov/>.

Requests for Additional Redactions:

During this time period, a party can, by motion, request that additional information be redacted. This time may be extended, for good cause shown. All motions for extension should be filed before expiration of the deadline for which the extension is sought.

Electronic Access to Transcripts:

If a party requests a redaction, the transcript company will file the redacted transcript within 31 calendar days of the filing of the official transcript. This redacted transcript will be available to all users through PACER after the original 90 day deadline has expired. The original transcript will be retained by the clerk's office as a restricted document.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

**Frequently Asked Questions (FAQs) re: Transcript Policy
Effective February 17, 2009**

1. Q. Will anyone be able to obtain a copy of the transcript during the initial 90 calendar day period after the certified transcript copy has been filed with the clerk's office?

A. Yes, any counsel, party, or member of the public wanting a copy of a transcript during the 90 calendar day period will be able to purchase a copy from the court reporter or transcriber at the rate established by the Judicial Conference.

2. Q. Will counsel, a party, or the public be able to review the transcript during the 90 calendar day period?

A. Yes, the transcript on the CM/ECF system will be available for review and inspection at the court's public terminal during the 90 calendar day period. However, the clerk's office will not provide copies to counsel, a party or the public during the 90 calendar day period, but rather will refer anyone who wants a copy to the transcriber.

In addition, an attorney in a case who has received a transcript from the court reporter or transcriber will be given access to the transcript through the CM/ECF system. Counsel of record in a case who has not purchased a copy of the transcript from the court reporter or transcriber will not have access to the transcript through CM/ECF until they purchase it from the court reporter or transcriber or until the 90 calendar day period has expired.

3. Q. Once the certified copy of the transcript is filed with the clerk's office, may court reporters or transcribers sell copies to other parties requesting transcripts?

A. Yes, nothing in the new policies restrict counsel, parties, or the public from requesting copies of a transcript from a court reporter or transcriber during or after the 90 calendar day period.

4. Q. How will a court reporter or transcriber know when to redact a transcript?

A. Any transcript redaction request **must** be requested by a party in the case by filing a *Request for Redaction* with the court **and** submitting the request on the transcript company **within 21 calendar days** of the initial filing of the transcript with the clerk's office. The *Request for Redaction* must specify the personal data identifiers to be redacted, noting the page and line numbers where the redaction is required. (A sample form is available on our website at www.nvb.uscourts.gov)

5. Q. What are the personal identifiers that a party may request to be redacted?
- A. The redaction of the following personal identifiers should be requested from counsel:
- ▶ Social Security or Taxpayer Identification numbers redacted to the last four (4) digits;
 - ▶ Financial account numbers redacted to the last four (4) digits;
 - ▶ Dates of birth redacted to the year; and
 - ▶ Names of minor children redacted to initials.
6. Q. May parties move to redact other information in a transcript other than the specified identifiers?
- A. Yes. While court reporters or transcribers are authorized to redact the specific personal identifiers noted in number 5 above, counsel may move the court by separate motion. A ruling from the court is required before other information in the transcript may be redacted.
7. Q. When a court reporter or transcriber electronically files a certified copy of the transcript with the clerk's office, they also send the transcript to the ordering party. If a transcript is requested to be redacted, the court reporter or transcriber sends the redacted copy of the transcript to the clerk's office for filing. Does the court reporter or transcriber also send a redacted copy to the ordering party as well?
- A. There is no requirement to send a copy of the redacted transcript to the party who originally ordered the transcript. The redacted transcript only needs to be sent to the clerk's office following the same procedure that was used to deliver the original transcript.
8. Q. Is there a fee that the court reporter or transcriber can charge for making the redactions?
- A. No. The Judicial Conference has not authorized an additional fee for providing redacted transcripts for the court's electronic records.
9. Q. Will all transcripts filed with the clerk's office be available electronically?
- A. If a transcript is redacted, the original unredacted transcript will not be available electronically. The redacted version of the transcript will be available after the 90 day restriction period has ended.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

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|-----------|---|-----------------------------|
| In re: |) | BK: |
| |) | |
| |) | Chapter |
| _____ |) | |
| |) | |
| |) | Adversary Proceeding: |
| |) | |
| |) | NOTICE OF FILING OFFICIAL |
| vs |) | TRANSCRIPT AND OF DEADLINES |
| |) | RELATED TO RESTRICTION AND |
| |) | REDACTION |
| Defendant |) | |
| _____ |) | |

Please take notice that a transcript has been filed on _____ for the proceeding held on _____. The deadline for filing a *Request for Redaction* is _____ [21 days from the date of the filing of the transcript].

If a Request for Redaction is filed, the redacted transcript is due _____ [31 days from the date of the filing of the transcript]. If no such request is filed, the transcript may be made available for remote electronic access upon expiration of the restriction period, which is _____ [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, or you may view the document at the clerk's office public terminal. The transcriber's contact information is available on the case docket, or by calling the CM/ECF Help Desk at 1-866-232-1266. You may review the court's transcript policy on its website: www.nvb.uscourts.gov.

Date: _____

BY THE COURT

Mary A. Schott
Clerk of the Bankruptcy Court

SAMPLE FORM

A copy of this Request must be submitted to the transcript company.

Name of Attorney _____
 Bar # _____
 Address _____

 Phone # _____
 e-mail address _____

UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA

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|-----------------|---|-----------------------|
| In re: |) | |
| |) | BK: |
| |) | Chapter |
| _____ Debtor |) | Adversary Proceeding: |
| |) | REQUEST FOR REDACTION |
| vs |) | |
| |) | Hearing Date: NA |
| |) | Hearing Time: NA |
| _____ Defendant |) | |

Pursuant to the court's Notice on Policy and Procedure Regarding Electronic Availability of Transcripts, _____ hereby files the following list of items to be redacted from the transcript listed below:

| Docket # of Transcript | Page # | Line # | Type of Identifier | Identifier should be redacted to read: |
|------------------------------|-----------|-----------|---------------------------|--|
| 30 | 13 | 5 | social security # | xxx-xx-1111 |
| 30 | 7 | 10 | taxpayer identification # | xxxxxxx1234 |
| 30 | 27 | 16 | financial account # | xxxx-xxxxxx5432 |
| 30 | 4 | 2 | minor's name | A.B. |
| 30 | 2 | 9 | date of birth | xx/xx/1959 |

The undersigned understands that redactions other than the personal identifiers listed in the Policy requires a separate motion for additional redactions to be filed within 21 calendar days of the filing of the transcript, and requires court approval.

Date: _____

Signature