

GENERAL ORDER No 59
ELECTRONIC AVAILABILITY
OF TRANSCRIPTS OF COURT PROCEEDINGS

Pursuant to the requirements of the E-Government Act of 2002 and in accordance with the policy adopted by the Judicial Conference of the United States (the "Conference") in September 2007, transcripts of proceedings before United States District Judges and Magistrate Judges in the Northern District of California that are filed with the Court shall also be filed in electronic format. The Court will follow Conference policy as to when such transcripts will be electronically available to the public as delineated below. The Court will also follow the requirements of the E-Government Act relating to the redaction of personal identification information from transcripts before they are made electronically available to the general public as further delineated below. That policy, as delineated below, establishes a procedure for counsel to request the redaction from the transcript of specific personal data identifiers before the transcript is made electronically available to the general public. The personal identifiers that must be redacted are as follows: social security numbers; financial account numbers; names of minor children; dates of birth; and, home addresses of individuals.

1. Any transcript of a proceeding filed on or after May 15, 2008 shall be electronically filed through the Court's Case Management/Electronic Case Files (CM/ECF) system. Any transcript of a sealed proceeding shall be filed in accordance with whatever procedure is in effect for the filing of sealed documents at the time of filing.
2. For the first 90 days after the transcript is electronically filed, access to the transcript in CM/ECF will be restricted to (a) court staff; (b) public terminal users; (c) attorneys of record or parties who have purchased the transcript from the court reporter or transcriber; and (d) other persons as directed by the court.
3. The Clerk shall provide to all parties electronic notice of the filing and of the redaction requirements. Redaction is limited to the following personal identifiers which must be redacted: (a) Social Security numbers; (b) financial account numbers; (c) names of minor children; (d) dates of birth; and, (e) home addresses of individuals. Within five business days of the filing of an official transcript, a party must file electronically a Notice of Intent to Request Redaction for any transcript in need of such redaction on the court-approved form, which shall be available on the forms page of the Court's Internet site: cand.uscourts.gov/forms. The Clerk shall provide the court reporter with a copy of the filed form. If no such notice is filed, the Court will assume no redaction of personal identifiers from the transcript is necessary.
4. If a party files a Notice of Intent to Request Redaction, within 21 calendar days from the filing of the transcript with the Clerk, or longer if ordered by the Court, the party must submit directly to the court reporter a statement indicating where the personal identifiers appear in the transcript by page and line and how they are to be redacted. The format of redactions shall comply with Federal Rule of Civil Procedure 5.2. For example, if a party wanted to redact the Social Security number 123-45-6789 appearing on page 12, line 9 of the transcript, the statement would read: "Redact the Social Security number on page 12, line 9 to read xxx-xx-6789." A party is only responsible for reviewing and indicating the redactions in the testimony of the witnesses it called and its own statements (e.g., opening statements and closing arguments). Only the personal identifiers listed above may be redacted by the court reporter on a party's request. Within 31 calendar days of the original transcript filing date, the court reporter or transcriber shall perform the

redactions and electronically file a redacted version of the transcript. If a party wants other information redacted from the transcript, that party must move the Court for further redaction by noticed motion served on all parties and the court reporter. The transcript will not be electronically available to the general public until the Court has ruled on any such motion. Counsel appointed pursuant to the Criminal Justice Act may claim compensation, at the applicable rate, for the time spent reviewing the transcript and preparing the request for redaction, as well as for costs associated with obtaining a copy of the transcript.

5. If a transcript is redacted by the court reporter pursuant to this General Order, the following certification shall be used: "I certify that the foregoing is a correct transcript from the record of the proceedings in the above-entitled matter, as amended by the redaction of certain personal identifiers at the request of the parties [and by the Court]."
6. To minimize the need for redaction of a transcript, counsel are admonished to minimize their use of unnecessary personal identifiers at any proceeding at which a record is being taken.
7. Nothing in this order or Conference policy is intended to create a private right of action against a court reporter for any failure to redact the required information or for any errors associated with such redaction. This order and Conference policy do not affect in any way the obligation of the court reporter to file promptly with the Clerk of Court the court reporter's original records of a proceeding or the inclusion of a filed transcript with the records of the court pursuant to Title 28 USC § 753, nor do they affect the obligation of the Clerk to make the official transcript included in the court file available for copying by the public without further compensation to the court reporter.

ADOPTED: April 25, 2008

FOR THE COURT:



Vaughn R Walker
United States District Chief Judge