

**UNITED STATES BANKRUPTCY COURT**  
DISTRICT OF NORTH DAKOTA

QUENTIN N. BURDICK UNITED STATES COURTHOUSE  
655 1<sup>ST</sup> AVENUE NORTH, SUITE 210  
FARGO, ND 58102-4932  
www.ndb.uscourts.gov

**DIANNE G. SCHMITZ**  
CLERK

TELEPHONE NUMBER 701-297-7100  
FAX NUMBER 701-297-7105

**Policy and Procedures Concerning the Electronic Availability and  
Redaction of Transcripts of Court Proceedings**

The U.S. Bankruptcy Court for the District of North Dakota, in accordance with Judicial Conference Policy and Federal Rule of Bankruptcy Procedure 9037, will implement the following policy regarding official court transcripts:

1. Effective with the upgrade of CM/ECF Ver. 3.3.1 scheduled February 23, 2009, the transcriber who has prepared an official transcript of court proceedings will docket directly into the court's CM/ECF system a "Transcript" docket event. The event generates a text notice that will be mailed to parties who are not e-filers and appeared at the hearing. The docketing of this event will trigger the issuance of a Notice of Electronic Filing (NEF) to electronic parties to the case. An attorney or pro se party is responsible for reviewing the statements made on behalf of the party and the testimony of any witnesses. This Notice identifies the case number, hearing date for which the official transcript was prepared, and the date the official transcript was docketed with the court, but will not provide "direct/active link" access to the official transcript itself. Parties wishing to view the official transcript may purchase a copy of said transcript directly from the transcriber and will also be available for viewing at the public terminal in the Clerk's Office located in Fargo, North Dakota for a period of 90 calendar days after filing. An attorney who obtains the transcript from the court reporter or transcriber may obtain remote electronic access to the transcript through the court's CM/ECF system for purposes of creating hyperlinks to the transcript in court filings and for other purposes.

**CM/ECF Event:** Transcript

The docketing of the "Transcript" event triggers "deadlines" that significantly effect electronic availability to the official transcript itself:

2. **Seven Days** - Within seven calendar days of the filing of the official transcript of a court proceeding with the clerk's office pursuant to 28 U.S.C. § 753, any party who intends to redact personal data identifiers from the electronic transcript shall inform the court of such intent, by filing a "Notice of Intent to Request Redaction" with the clerk. (Such personal data identifiers include: Social Security numbers; financial account numbers; names of minor children; dates of birth; and home addresses of individuals.)

**CM/ECF Event:** Notice of Intent to Request Redaction

3. **Twenty One Days** - Within 21 days, or longer if the Court so orders, from the filing of the original transcript, the party who filed a Notice of Redaction must file a Statement indicating where the personal identifiers appear in the transcript by page and paragraph and how they are to be

redacted. This procedure is limited to the redaction of the following personal data identifiers:

- 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.

The filer is to serve the document by regular mail upon all parties at the hearing and the court reporter/transcriber and shall include a certificate of service listing the date and parties served. If a Notice of Redaction or a Motion to Extend Time is not timely filed, no redactions will be made, and the original transcript will be remotely publicly available after 90 days.

**CM/ECF Event:** Statement of Redaction Submitted (Private PDF)

### **Requests for Additional Redactions**

If a party wishes to request further redactions in addition to those personal identifiers listed above, **a separate Motion for Additional Redactions to Transcript must be filed within 21 calendar days** from the filing of the original 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.

4. **Thirty One Days** - The court reporter/transcriber has 31 days from the date the original transcript was filed to file the redacted transcript. Access to the original transcript and the redacted transcript will be restricted for the remainder of the 90 restriction period. During the 90 day restriction period, the unredacted transcript and the redacted transcript are available for review at the clerk's office or for purchase from the transcriber . When the 90 day restriction period ends, the redacted transcript will be available via PACER and copies may be purchased at the clerk's office. The unredacted transcript will remain restricted.

**CM/ECF Event:** Redacted Transcript (Private PDF)

**Note:** It is the responsibility of the party requesting redaction to ensure that the redacted transcript is timely filed.

5. **Ninety Days** - When the 90 day restriction period ends, the clerk's office will remove the restrictions on the last version filed. Once the restriction on viewing the transcript remotely has been lifted, the user will incur PACER charges each time the transcript is accessed. This applies even if the user purchased the transcript from the court reporter and obtained remote access during the 90-day period. There is no "free look" for transcripts, and charges will not be capped at 30 pages as they are for other court documents (they accrue for the entire transcript).

**-NOTE: The responsibility for redacting personal identifiers rests solely with counsel and the parties. Neither the Clerk nor the court reporter or transcriber will review transcripts for compliance with this policy.**

Dated: February 3, 2009