

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
500 PEARL STREET, NEW YORK, NY 10007
300 QUARROPAS STREET, WHITE PLAINS, NY 10601

NOTICE TO THE BAR

**ELECTRONIC AVAILABILITY OF CIVIL TRANSCRIPTS OF
PROCEEDINGS BEFORE U.S. DISTRICT AND MAGISTRATE JUDGES**

Pursuant to the Judicial Conference of the United States Policy on Privacy and Public Access to Electronic Case Files, as of **April 18, 2011**, official transcripts of civil court proceedings taken by official court reporters, contract court reporters and transcribers (hereafter “court reporters”) will be made available electronically through the Public Access to Court Electronic Records (PACER) system.

This policy will apply to all official civil transcripts of proceedings or parts of civil proceedings ordered on or after the above date.

Once electronic transcripts are ordered, they will be produced by the court reporter, and the transcript will be e-filed and available for viewing at the Clerk’s Office public terminals. During the initial 90-day period after the transcript is e-filed, individuals wishing to purchase a copy of a transcript must do so through the court reporter. Once an attorney to a party on the case has purchased a transcript, the court reporter will grant the attorney access to the transcript through PACER. After a 90-day period, the transcript will be available for remote viewing, downloading or printing through PACER.

Upon the filing of an official transcript by the court reporter, a **Notice of Filing of Official Transcript** will be docketed in the case and Notice of Electronic Filing (NEF) will be sent to all parties. For non-ECF users, a copy of the notice will be sent by mail.

Only those personal identifiers listed in Federal Rule of Civil Procedure 5.2 and Federal Rule of Criminal Procedure 49.1 may be automatically redacted upon request without further order of the court.

In the Southern District of New York the process for counsel to request automatic redaction is as follows:

1. Notice of Intent to Request Redaction

Within seven (7) calendar days of filing of the official transcript, any party wishing to redact information from the transcript, must e-file a **Notice of Intent To Request Redaction** in CM/ECF and serve a copy on the court reporter. Upon the filing of a **Notice of Intent To Request Redaction**, the transcript will not be made remotely available to the general public until the redactions have been made. A copy of the unredacted official transcript will be available for viewing at the Clerk’s Office’s public terminals or can be purchased from the court reporter during this period.

NOTE: The responsibility for redacting personal identifiers rests solely with counsel and the parties. The Clerk’s Office and court reporter will not review transcripts for compliance with this policy.

2. **Redaction Request - Transcript**

Following the filing of a **Notice of Intent to Request Redaction**, a party has **21** calendar days from the filing of the official transcript, or longer if ordered by the court, to submit a **Redaction Request - Transcript** form to the court reporter. The court reporter will retain the form. Access to this form will be restricted to the Court and the attorneys of record in the case.

NOTE: A party who files a **Notice of Intent to Request Redaction**, but fails to submit a **Redaction Request-Transcript** form, is required to advise the Court why the redaction requirements were not met.

Requests for Additional Redactions

If a party wants to redact information in addition to those personal identifiers listed in Federal Rule of Civil Procedure 5.2 and Federal Rule of Criminal Procedure 49.1 the party must make the appropriate application to the assigned judicial officer and serve a copy on the court reporter. The transcript will not be remotely available until the Court has ruled on any application even if the 90-day restriction period has expired. The court reporter must perform the requested redactions within 31 calendar days of the filing of the transcript and file a redacted version of the transcript in CM/ECF.

PACER Fees

PACER fees will be applied both during and after the 90-day restriction period.

Appellate Attorneys

If an appellate attorney wants remote access to a transcript within the 90-day restriction period, the attorney is required to purchase the transcript from the court reporter. Appellate attorneys are required to be admitted to practice with the Court and have an SDNY ECF account to remotely access the transcript through PACER. Please reference the Court's website at www.nysd.uscourts.gov for attorney admission and ECF registration information.