

**Questions and Answers Concerning the Electronic Availability of Transcripts
and Transcript Redaction Procedures**

March 2025

1. **In a nutshell, what does the Judicial Conference Policy require attorneys to do?**
 - A. Attorneys are required to review filed transcripts of Federal Court proceedings for redaction purposes. The following information should be redacted:
 - (1) Social Security numbers (except the last four digits);
 - (2) Financial account numbers (except the last four digits);
 - (3) Dates of birth (except the year);
 - (4) Names of individuals known to be a minors (initials only); and
 - (5) Home addresses in criminal cases (except for city and state)
2. **What part of the transcript is each attorney responsible for reviewing?**
 - A. Attorneys are responsible for reviewing the following parts of the transcript related to the party(ies) they represent:
 - (1) Opening and closing statements on the party's behalf;
 - (2) Statements of the party;
 - (3) The testimony of any witness called by the party;
 - (4) Sentencing proceedings;
 - (5) In criminal cases, the Government is responsible for reviewing instructions given by the court;
 - (6) In civil cases, all parties present are responsible for reviewing statements by the court; and
 - (7) Any other portion of the transcript as ordered by the court.
3. **What transcripts are covered by the procedures?**
 - A. Any transcript of a public hearing conducted in Federal Court in the District of South Dakota except voir dire transcripts.
4. **Is the attorney notified when a transcript is filed and needs to be reviewed?**
 - A. Yes. When the transcript is filed the attorney will receive a notice of electronic filing from the CM/ECF system.
5. **How long does the attorney have to review the transcript?**
 - A. The attorney will have twenty-one (21) days to review the transcript and file a redaction request.
6. **If a transcript is filed, but an attorney did not order a copy of the transcript, must that attorney purchase a copy of the transcript from the court reporter to perform the review?**
 - A. No. Unless sealed, the transcript will be available on the court's public access terminal in the Clerk's Office for anyone to view. In instances where two versions of a transcript are filed, only the public version will be available on the court's public access terminals in the Clerk's Office.
7. **When and how will the electronic transcript be made available to the public?**

- A. The public can access court documents in two ways. (1) At the public terminal located at the Clerk's Office. (2) Remotely on the internet using the PACER system **(Public Access to Court Electronic Records)**.

Unless a transcript is sealed, it is available to be viewed on the public access terminal located in the Clerk's Office as soon as it is filed. In instances where two versions of a transcript are filed, only the public version will be available on the public access terminal.

The public will have remote PACER (internet) access to the transcript 90 days after it is filed with the Clerk's Office. If the transcript is redacted, the public will only be able to access the redacted version of the transcript via the internet. In cases where the court reporter is required to prepare two transcripts, only the public transcript will be available on PACER.

8. **If the attorney purchases a transcript from the court reporter, will the attorney also have PACER access to the transcript during the 90-day period?**

A. Yes, but unlike other documents there is no "free look" for transcripts.

9. **CJA attorneys are required to submit their final voucher 45 days after a case is closed: If a transcript is filed after the voucher is submitted, can the attorney bill the time required for the review?**

A. Yes. Under the Criminal Justice Act, attorneys are entitled to compensation for functions reasonably performed to fulfill their obligations under the Act.

10. **If an attorney misses the deadline to submit a redaction request, what happens?**

A. 90 days after the transcript is filed, it will become available for printing at the public access terminals located in the Clerk's Office. It will also become remotely available on the internet to download using the PACER system.

11. **Is there a safety net?**

A. No. Neither the Clerk's Office nor the court reporter will review transcripts for compliance with the Judicial Conference Policy. This is solely the attorney's responsibility.

12. **What if I need to redact something other than E-Government Act Information, such as testimony covered under a protective order or cooperator identities?**

A. After the transcript is filed you should file a motion to redact. The motion should identify requested redactions by page and line number. A motion and order is required to redact cooperator information.

13. **When filing a redaction request or a motion to redact, it is necessary for an attorney to file a motion to seal the request?**

A. No. The redaction request and motion to redact can only be accessed by attorneys of record in the case and court staff. Neither the redaction request nor the motion to redact are available for viewing by the public.