

## NEWS FROM U.S. DISTRICT COURT

April 12, 2019

**Redacting Transcripts:** The February newsletter discussed how to order transcripts. This month we review counsel's obligation to review filed transcripts of court proceedings for redaction consistent with the E-Government Act of 2002. The E-Government Act requires parties to partially redact the following personal data identifiers from all pleadings and papers filed in CM/ECF:

- Social Security numbers (SSN) and employer identification numbers (EIN)—redact all but the last four digits
- Names of individuals known to be minors—use the minor's initials
- Dates of birth—redact all but the year
- Financial account numbers—redact all but the last four digits
- Home addresses in criminal cases—redact all but the city and state

The Judicial Conference Policy extends these requirements to transcripts of federal court proceedings filed in CM/ECF. The policy can be found on the District Court's website located at [www.sdd.uscourts.gov](http://www.sdd.uscourts.gov). Click on the **Court Reporter** tab on the blue menu bar. The policy places the burden of reviewing transcripts for personal data identifiers on counsel consistent with D.S.D. Civ. LR 5.2 (C) and D.S.D. Crim. LR 49.1.1 (C). The responsibility for redacting these personal identifiers rests solely with counsel and the parties. Neither the Clerk's Office nor the court reporter will review transcripts for compliance with this policy.

Under the policy, when transcripts of federal court proceedings are filed in CM/ECF they are restricted for 90 days. During this period, they are available at the Clerk's Office for inspection only. After the 90-day inspection period has ended, transcripts are available to the public for copying in the Clerk's Office and through PACER.

If you are counsel in a case and a transcript of a federal court proceeding is filed, you will receive a notice of electronic filing from the CM/ECF system. You will then have 21 days to review the transcript and, if indicated, file a redaction request. If the transcript is filed but you did not order a copy, you are still obligated to redact personal data identifiers related to the party you represent and may review it at one of the court's public access terminals located in the Clerk's Office. For more information and forms, click on the **Court Reporter** tab on the blue menu bar on the District Court's website. In addition, the CM/ECF User Manual located on the District Court's website contains helpful information about redacting documents, redaction tips, and transcripts.

**Practice Tip:** To reduce the number of redaction requests, in most instances when you question a witness, it is enough to ask the witness to state their name and the city where they live instead of asking them where they live. Only ask for the witness's home address if it is relevant to the case.