

**ELECTRONIC FILING OF TRANSCRIPTS OF PROCEEDINGS
AND REDACTION PROCEDURE
U.S. District Court for the District of Montana**

Beginning April 28, 2008, transcripts of proceedings otherwise filed are filed electronically in the District of Montana's CM/ECF system in accordance with a policy approved in September 2007 by the Judicial Conference of the U.S. Courts. The policy provides as follows:

1. Transcripts will be available at the clerk's office for inspection only for a period of 90 days after filing. Anyone may review the transcript on the public monitors at each divisional office.

2. During the 90-day period, a copy of the transcript may be obtained from the court reporter or transcriber at the rate established by the Judicial Conference, and the transcript will be available for court users. Any attorney who obtains the transcript from the court reporter or transcriber will be given remote electronic access to the transcript through the CM/ECF system for purposes of creating hyperlinks to the transcript in court filings and for other purposes. If the attorney chooses to review the transcript through CM/ECF, applicable PACER fees will be accessed.

3. After the 90-day period has ended, the transcript will be available to the public by downloading through PACER, by copying in the clerk's office, or from the court reporter or transcriber.

When the verbatim transcript is e-filed, each party to the case will receive a Notice of Electronic Filing. Counsel and self-represented parties must review the entire transcript for potential redactions and are specifically responsible for requesting redactions of following sections:

- opening and closing statements made on the party's behalf;
- statements of the party;
- the testimony of any witnesses called by the party; and
- any other portion of the transcript as ordered by the Court.

Pursuant to Federal Rule of Criminal Procedure 49.1 and Federal Rule of Civil Procedure 5.2, there are five personal identifiers that must be modified in the following ways:

1. Social Security numbers to the last four digits: xxx-xx-1234
2. Financial account numbers to the last four digits: xxxxx4321
3. Dates of birth to the year: xxx xx, 1987; or xx/xx/87
4. Names of minor children to initials: AXXXX RXXXX
5. Home addresses to city and state, in criminal cases only: XXXX XX XXXX, Billings, Montana

If redactions are necessary, within 7 days of the transcript filing, each party requesting redaction must inform the Court by e-filing a Notice of Intent to Request Redaction. If the only redactions necessary are the personal identifiers listed above, within 21 days of the transcript filing, the party requesting redaction will e-file a Redaction Request, listing the requested redactions by page and line number. Within 31 days of the transcript filing, the court reporter or transcriber will prepare and e-file the redacted transcript. The unredacted transcript will be retained in the record

but remain restricted within PACER.

Redaction requests limited to the five personal identifiers listed above require only a Redaction Request. Counsel may move the Court for additional redactions other than personal identifiers by e-filing a Motion to Redact Transcript. The motion shall be immediately taken under advisement by the presiding judge. The transcript will not be electronically available until the Court has ruled on any such motion, even if the 90-day restriction period has ended.

When redacting, court reporters may only substitute Xs for verbatim text. Without a court order, court reporters are not authorized to make redactions other than the five personal identifiers as specifically set out above. If the personal identifier Redaction Request does not follow this format, counsel must e-file a Motion to Redact Transcript.

ACCEPTABLE REDACTION REQUEST FORMATS FOR PERSONAL IDENTIFIERS:

- Page 5, line 12: Redact "May 23, 1987" (birth date)
- Page 5, line 17: Redact "Amber" (minor's name)
- Page 5, line 11: Redact "317 N. 28th, Billings, Montana" (home address)

UNACCEPTABLE REDACTION REQUEST FORMATS FOR PERSONAL IDENTIFIERS:

- Redact minor's name from the following: page 5, line 18; page 6, line 3 . . .
- Redact all financial account numbers

REDACTION REQUESTS THAT WILL REQUIRE A COURT ORDER:

- Redact birthdate where text reads: "May 23, 20 years ago today"
- Redact home address where text reads: "I live in the third brown house on the left side of the first street in Muddy Cluster Housing."

An attorney serving as standby counsel appointed to assist a *pro se* defendant in his or her defense in a criminal case must review the same portions of the transcript as if the *pro se* defendant were his or her client. Attorneys appointed under the Criminal Justice Act (CJA), including those serving as standby counsel, are entitled to compensation under the CJA for functions reasonably performed in fulfilling the redaction obligation and for reimbursement for related reasonable expenses.

TRANSCRIPT OF PROCEEDINGS: FILING TIMELINE

FILING DATE	Within 14 days	21 days	31 days	90 days	90-day period has ended
Within 7 days	If any redactions are needed: <ul style="list-style-type: none"> • Counsel must e-file "Notice of Intent to Request Redaction." 				
Within 21 days	<ul style="list-style-type: none"> • If redactions are needed regarding personal identifiers: <ul style="list-style-type: none"> • Counsel must e-file "Redaction Request - Transcript," listing proposed redactions by page and line number. Access is restricted to court users and case participants. • If redactions other than personal identifiers are requested: <ul style="list-style-type: none"> • Counsel must e-file a "Motion for Redaction." Access is restricted to court users and case participants. 				
Within 31 days	<ul style="list-style-type: none"> • Court reporter/transcriber will make redactions. • Redacted transcript is e-filed and linked to the unredacted transcript which will remain restricted. 				
Within 90 days	Transcript: <ul style="list-style-type: none"> • Can be viewed at the Clerk's Office at public monitors; • Copies may be purchased from court reporters/transcribers; and • Access is available electronically to court users and to attorneys who have purchased. 				
90-day period has ended					Transcript is available to the public through PACER