

FILED
DISTRICT COURT OF GUAM

AUG 22 2008

JEANNE G. QUINATA
Clerk of Court

DISTRICT COURT OF GUAM
TERRITORY OF GUAM

In re:

GENERAL ORDER No. 08-00006

ELECTRONIC AVAILABILITY OF
TRANSCRIPTS AND ADOPTION
OF TRANSCRIPT REDACTION
POLICY.

Pursuant to Rule 9037 of the Federal Rules of Bankruptcy Procedure, Rule 5.2 of the Federal Rules of Civil Procedure, Rule 49.1 of the Federal Rules of Criminal Procedure and in accordance with Judicial Conference's transcript policy,

IT IS HEREBY ORDERED:

1. The Court shall make transcripts of court proceedings, filed on and after September 8, 2008, available through its electronic case files (CM/ECF) system.
2. The Court adopts the attached Transcript Redaction Policy, effective September 8, 2008.

SO ORDERED this 22nd day of August, 2008.


FRANCES M. TYDINGCO GATEWOOD
Chief Judge

1 **TRANSCRIPT REDACTION POLICY**

2
3 **PURPOSE**

4 The primary purpose of the Transcript Redaction Policy is to provide guidance to the Court's
5 official court reporter(s) and other court users when preparing and/or reviewing transcripts of
6 official court proceedings to be filed with the Court. Nothing in this Policy shall be interpreted to
7 relieve the court reporter(s), counsel, or other court user from any responsibilities or obligations
8 otherwise provided by law.

9
10 **AUTHORITY**

11 At its September 2007 session, the Judicial Conference approved a new policy regarding the
12 availability of transcripts of court proceedings.

13 In addition, amendments to the Federal Civil and Criminal Rules of Procedure implementing
14 requirements of the E-Government Act of 2002 to protect the privacy and security of publicly
15 available electronic filings took effect on December 1, 2007. The amendments to Fed. R. Bankr.
16 P. 9037, Fed. R. Civ. P. 5.2 and Fed. R. Crim. P. 49.1 require that personal identification information
17 (social security numbers, names of minor children, financial account numbers, dates of birth, and,
18 in criminal cases, home addresses) be redacted from documents filed with the Court.

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20 **POLICY DESCRIPTION**

21 The effective date of this Policy is September 8, 2008.

22 It applies only to transcripts of proceedings held before a Judicial Officer of this Court. It
23 does not apply to depositions taken outside of court or proceedings of state or local courts or other
24 jurisdictions. It establishes a procedure for counsel to request the redaction from the transcript of
25 specific personal data identifiers before the transcript is made electronically available to the general
26 public.

27 It does not change any rules or policies with respect to sealing or redaction of court records
28 for any other purpose.

1 **Redaction Request**

2 If a redaction is requested, unless the Court shall otherwise order, counsel shall submit to the
3 court reporter or transcriber, a “Redaction Request” within twenty one (21) days of the transcript’s
4 delivery to the clerk, or longer if the Court so orders, a statement indicating where the personal data
5 identifiers to be redacted. The court reporter or transcriber must redact the identifiers as directed by
6 the party. A sample form is available on the Court’s website and is attached to this policy.

7 This procedure is limited to the redaction of the specific personal data identifiers listed
8 below:

- 9 · Social security numbers and taxpayer identification numbers to the last four digits;
- 10 · Financial account numbers to the last four digits;
- 11 · Dates of birth to the year;
- 12 · Names of minor children to the initials; and
- 13 · Home addresses to the city and state.

14 If counsel files a “Notice of Intent to Redact,” but later determines that no redaction is
15 necessary, counsel shall file a “Withdrawal of Notice of Intent To Redact.”

16 If counsel fails to timely file a Redaction Request or Motion to Extend Time or a
17 Withdrawal of the Intent to Redact, the Clerk’s Office shall issue an Order to Show Cause
18 requiring the attorney to file the redaction request, a notice of withdrawal of the intent to redact,
19 or show cause why the transcript should not be released to the public after ninety (90) calendar
20 days from the date the original transcript was filed.

21
22 **Additional Copies of Transcript Purchased**

23 The court reporter shall notify the Clerk’s Office if additional copies of the transcript are
24 purchased by other counsel of record. The Clerk’s Office will provide electronic access to those
25 additional attorneys during the ninety (90) day period.

1 **Redacted Transcript**

2 If a redaction is requested, the court reporter shall file the redacted transcript with the
3 Clerk’s Office within thirty one (31) days after the filing of the original transcript. The title page
4 of the redacted transcript shall indicate that it is a redacted transcript by including “REDACTED
5 TRANSCRIPT” immediately below the case caption and before the volume number and the
6 name and title of the Judge.

7
8 **Sealed and Partially Sealed Transcripts**

9 If a transcript is to be filed under seal, the court reporter shall submit that transcript
10 clearly labeled as “SEALED.” The Clerk’s Office shall electronically file the PDF document
11 with the appropriate restrictive setting.

12 If only a portion of a transcript has been ordered sealed, the court reporter shall extract
13 the sealed portions from the original transcript as a separate PDF document (clearly labeled as
14 “SEALED”). The remaining public portion of the transcript shall be created and both PDF
15 documents, clearly labeled, submitted to the Clerk’s Office for filing.

16 Counsel shall review the remaining public portion of the transcript for any necessary
17 redactions.

18
19 **Requests for Additional Redactions**

20 Further redactions require the filing of a “Motion for Redaction of Electronic Transcript.”
21 Until the Court has ruled on any such motion, the transcript shall not be electronically available,
22 even though the ninety (90) day restriction period may have expired.

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1 **Remote Public Access to Transcripts**

2 If the original transcript is filed without redaction, that original transcript shall be
3 remotely electronically available through PACER after ninety (90) calendar days.

4 If a redacted transcript is filed with the Court, that redacted transcript shall be remotely
5 electronically available through PACER ninety (90) calendar days from the date of filing of the
6 original transcript. The original transcript shall not be made publicly available.

7
8 **CJA Panel Attorneys**

9 An attorney who is serving as appointed “standby” counsel for a *pro se* litigant must
10 review the transcript as if the *pro se* party were his/her client. If an attorney represents a client
11 pursuant to the Criminal Justice Act (CJA), including serving as standby counsel, the attorney
12 conducting the review of the transcript is entitled to compensation under the CJA for functions
13 reasonably performed to fulfill that obligation, and for reimbursement of reasonable expenses
14 related to the transcript review.

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16 **PACER Fees**

17 PACER fees shall be applied both during and after the ninety (90) day restriction period.
18 Charges shall accrue for all pages of the transcript. The user shall incur PACER charges each
19 time the transcript is accessed even though he/she may have purchased it from the court reporter
20 and obtained remote access through CM/ECF. Unlike other documents filed electronically, there
21 is no ‘free look’ for transcripts.

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**DISTRICT COURT OF GUAM
TERRITORY OF GUAM**

USA,

Civil Case No. 1:03-cr-00005

Plaintiff,

vs.

**NOTICE OF FILING OF OFFICIAL
TRANSCRIPT**

Jeffrey Carrillo Dimaranan

Defendant.

Marivic P. David Suite 500, Sirena Plaza
108 Hernan Cortez Street
Hagatna
GU, 96910 3

Lawrence J. Teker 130 Aspinall Avenue
Suite 2A
Hagatna
GU, 96910 2

Notice is hereby given that an official transcript of proceeding has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) business days from the filing of the transcript to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. If such Notice is filed, the parties have twenty-one (21) business days from the filing of the transcript to file with the court a Redaction Request containing the specific items requiring redaction.

Any party needing a copy of the transcript to review for redaction purposes may purchase a copy from the court reporter/transcriber or view the document at the clerk.s office public terminal.

Dated: August 18, 2008

/s/ Jeanne G. Quinata
Clerk of Court

DISTRICT COURT OF GUAM
520 W. Soledad Ave.
Hagåtña, Guam
96910

Docket No. : _____

Plaintiff(s)

vs.

Defendant(s)

NOTICE OF INTENT TO REQUEST REDACTION

Notice is hereby given that a Redaction Request shall be filed electronically with the Court, within 21 days from the filing of the transcript. The transcript for proceedings on _____ was transcribed by _____, Official Court Reporter.

Submitted by

(Party name)

Through Counsel:

/s/ _____

Date: _____