

# IN THE DISTRICT COURT OF THE VIRGIN ISLANDS

## NOTICE TO MEMBERS OF THE VIRGIN ISLANDS BAR

### Judicial Conference Policy with Regard to the Electronic Availability of Transcripts of Court Proceedings

Effective May 12, 2008, the District Court of the Virgin Islands will begin providing public access over the Internet to transcripts of court proceedings. In accordance with the Judicial Conference requirements, this court will implement the following policy regarding official court transcripts. The policy will apply to all transcripts of proceedings or parts of proceedings ordered on or after May 12, 2008, regardless of when the proceeding took place. Please read this policy carefully.

#### **POLICY:**

1. A transcript provided to the court by a court reporter or transcriber will be available at the Clerk's Office, for inspection only, for a period of 90 days after it is filed.
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. The transcript will be available for viewing at the public terminal at the courthouse and remotely electronically available to any attorney of record who has purchased a copy from the court reporter.
3. After the 90-day period has ended, the transcript will be available for copying in the Clerk's Office and for download through PACER.

**Note:** This policy applies to transcripts of federal courtroom proceedings, not depositions taken outside of court or proceedings of local courts or other jurisdictions.

This policy establishes a procedure for counsel to request the redaction from the transcript of specific personal data identifiers before the transcript is made electronically available to the general public.

Counsels are strongly urged to share this notice with their clients so that an informed decision about the inclusion of certain materials may be made. **The responsibility for redacting personal identifiers rests solely with counsel and parties.** Neither the clerk nor the court reporter will review transcripts for compliance with this policy.

### **Notice of Intent to Redact**

A party must file a *Notice of Intent to Redact* (sample form available on our website) **within five (5) business** days of the filing of an official court transcript by the court reporter. If a party files a redaction notice, the transcript is not to be made remotely electronically available to the general public until the redactions are performed.

### **Redaction Request:**

**Within 21 days** from the filing of the transcript with the clerk, counsel must submit **to the court reporter or transcriber** a *Redaction Request* (sample form on our website) indicating where the personal identifiers appear in the transcript by page and line and how they are to be redacted. For example, if a party wanted to redact the Social Security number 123-45-6789 appearing on page 12, line 9 of the transcript, the statement would read: "Redact the Social Security number on page 12, line 9 to read xxx-xx-6789."

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

- Social security numbers and taxpayer identification numbers to the last four digits
- Financial account numbers to the last four digits;
- Dates of birth to the year;
- Names of minor children to the initials; and
- Home addresses to the city and state in criminal cases.

If an attorney files a *Notice of Intent to Redact* but fails to timely file a *Redaction Request* or *Motion to Extend Time*, no redaction will be made and the original transcript will be publicly available after 90 days.

### **Request for Additional Redactions:**

If counsel would like to request further redactions, in addition to those personal identifiers listed above, counsel must move the Court by filing a separate *Motion for Redaction of Transcript*.

### **Remote Public Access to Transcripts:**

If a redacted transcript is filed with the Court that redacted transcript will be remotely electronically available through PACER after 90 calendar days from the date of filing the original transcript and the original transcript will not be made publicly available. If the original transcript is filed without redaction, that original transcript will be remotely electronically available through PACER after 90 calendar days.

### **CJA Panel Attorneys:**

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

### **PACER Fees:**

PACER fees will be applied both during and after the 90-day restriction period. Charges will not be capped at 30 pages as they are for other court documents, but will rather accrue for the entire transcript. The user will incur PACER charges for each time the transcript is accessed even though he/she may have purchased it from the court reporter and obtained remote access through CM/EF. There is no “free look” for transcripts.