



**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS**

**POLICY AND PROCEDURES**  
**FOR**  
**ELECTRONICALLY FILING TRANSCRIPTS**

Effective May 15, 2008, the United States District Court for the Western District of Arkansas, in accordance with the Judicial Conference Policy on Privacy and Public Access to Electronic Case Files, Federal Rule of Civil Procedure 5.2 and Federal Rule of Criminal Procedure 49.1, will implement the following policy regarding official court transcripts:

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 purchased from the court reporter or transcriber at the rate established by the Judicial Conference. Any attorney of record who has purchased a copy of the transcript from the court reporter or transcriber will have remote electronic access to the transcript through the court's CM/ECF system.
3. After the 90-day period has ended, or longer if ordered by the court, the transcript will be available to download through PACER, for copying at the Clerk's Office, and for purchase from the court reporter or transcriber.

This policy applies solely to transcripts filed on or after May 15, 2008, of proceedings held before the United States District Judges and Magistrate Judges for the Western District of Arkansas and recorded by Official Court Reporters, Contract Court Reporters, and Electronic Court Recorder Operators. The policy does not apply to depositions, proceedings of state courts, other jurisdictions, or **sealed transcripts**.

**A. SUBMISSION OF TRANSCRIPT**

The court reporter or transcriber will convert a prepared transcript to a PDF document. The maximum size for each document is 5MB. If a transcript will be larger than the maximum size allowed per PDF document (5MB), the transcript must be saved as multiple documents (volumes). [There is a minimum of 750 pages per 5MB limit, with the current word processing systems used.]

The court reporter or transcriber will email the PDF document(s) to the appropriate email address of the divisional office where the case is filed.

El Dorado - [ELD\\_info@arwd.uscourts.gov](mailto:ELD_info@arwd.uscourts.gov)  
Fayetteville and Harrison - [FAY\\_info@arwd.uscourts.gov](mailto:FAY_info@arwd.uscourts.gov)  
Fort Smith - [FSM\\_info@arwd.uscourts.gov](mailto:FSM_info@arwd.uscourts.gov)  
Hot Springs - [HSP\\_info@arwd.uscourts.gov](mailto:HSP_info@arwd.uscourts.gov)  
Texarkana - [TEX\\_info@arwd.uscourts.gov](mailto:TEX_info@arwd.uscourts.gov)

The court reporter or transcriber should also include information, such as the case number and style, the type and date(s) of the hearing(s), the tape number(s), if applicable, and the name(s) of persons who have purchased the transcript.

**NOTE:** *After a transcript is filed, the court reporter or transcriber must send notice to the email address of the divisional office where the transcript was filed advising the docket clerk of additional individuals who have purchased a copy of the transcript. This will allow authorized clerk's staff to update the document restrictions and permit ECF users to view the transcript through PACER.*

Court reporters and transcribers may use the standard CM/ECF signature with /s/ and their typed name to represent their signature as part of the statement that certifies that this transcript is true and correct.

At the time that a transcript is transmitted to the divisional office, the court reporter should update their CM/ECF User Account to add the case to receive NEF's. ***This will permit the court reporter to receive NEF's of further filings in the case.***

### **Adding Cases to CM/ECF User Account**

The following steps should be followed to add cases to your CM/ECF User Account:

- Login to CM/ECF
- Click on "Utilities" on the Blue Menu Bar
- Click on "Maintain Your E-mail" under **Your Account**
- Select "Additional Cases" from the drop-down menu under **Additional Options** to the right of your Primary E-Mail Address
- Select "Add" from the drop-down menu next to **Additional Cases to Receive NEF's**
- Insert case number in box next to **Enter case number** [use conventional case number format of yy-nnnn (civil cases) and yy-nnnnn(criminal cases)] and click **Add to List** [if multiple cases appear, select the appropriate case and click "Next"]
- The case number and style will be displayed in the box below **Additional Cases to Receive NEF's**
- Click "Submit"
- A confirmation message will be displayed listing the additional case(s) for which you should receive a NEF
  
- A similar process is followed to **remove** cases from your CM/ECF User Account after the 90-day restriction period has ended

***This will ensure that you will receive NEF's of all documents filed from the time you add the case number, until it is removed from the list.***

### **B. FILING OF TRANSCRIPT**

The transcript will be filed by a docket clerk using the **Transcript** or **Appeal Transcript** events. The docket clerk will attach the transcript. If there are multiple volumes, the first volume should be filed as the main document with subsequent volumes filed as attachments. (The attachment description should indicate the Volume Number and other identifying information that will be displayed on the document description list and in the docket text.)

Information should be added for the following text prompts:

**Proceeding Type** - include type of proceeding conducted;

**For Dates of** - include the date(s) of court proceedings;

**Hearing Judge** - include the full name of hearing judge;

**Were the proceedings held in this court?** - The answer must be "Y" or "y." Any other answer will be recognized as "No" (proceedings not held in this court). When the answer is "No," the redaction deadlines are not set and there are no restrictions on the document, ***making the transcript immediately available through PACER.***

Three deadlines are automatically set when the transcript is filed. These deadlines can be viewed on the Deadlines/Hearings Report and Calendar Reports:

**Redaction Request Deadline** - set for **21 calendar days** after filing the original transcript.

**Redacted Transcript Deadline** - set for **31 calendar days** after filing the original transcript.

**Release Transcript Restriction Deadline** - set for **90 calendar days** after filing the original transcript.

A fourth deadline will appear solely in the docket text and cannot be viewed on a report.

**Notice of Intent to Request Redaction of Transcript** - set for **seven (7) calendar days** after the filing original transcript.

Additional text prompts must be completed to provide parties with pertinent contact information regarding the purchase of the transcript:

**Tape Number** - include if information is listed on Docket Report for the proceedings or provided by the court reporter or transcriber (not required);

**Court Reporter/Transcriber** - include the full name of the court reporter or transcriber submitting the transcript.

**Court Reporter/Transcriber Phone** - include the area code and the phone number for the court reporter or transcriber.

The names and telephone numbers of our court reporters are:

Theresa Sawyer	479-444-7876
Donna McKinney	870-862-1303
Rick Congdon	479-709-5470

A sample docket entry is indicated below:

**TRANSCRIPT of Sentencing held on April 1, 2008, before Judge Jimm Larry Hendren. Court Reporter/Transcriber: Theresa Sawyer, Telephone number 479-444-7876. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. A Notice of Intent to Request Redaction of the Transcript MUST be filed within **7 calendar days** of the filing of the transcript and served manually on the court reporter/transcriber. Redaction Request due 5/27/2008. Redacted Transcript Deadline set for 6/6/2008. Release of Transcript Restriction set for 8/4/2008. (jrs)**

**NOTE:** Mail a copy of the NEF to any Pro Se party or non-registered attorney in the case, to advise them that a transcript has been filed.

**C. DOCUMENT ACCESS**

During the 90-day period after the original transcript is filed, access to the transcript in CM/ECF is restricted to:

- Court Staff
- Public Terminal Users (for inspection only - ***not to be copied***)
- Attorneys of Record who have purchased the transcript from the court reporter or transcriber
- Other persons as directed by the court (e.g., appellate attorneys)

**NOTE:** When viewed at the public terminal, restricted transcript documents will display the following header: **AVAILABLE AT THE PUBLIC TERMINAL FOR VIEWING ONLY.**

**A copy of the transcript CANNOT be provided by the Clerk's Office during the 90-day restriction period to anyone - including the attorneys and parties in the case, Department of Justice, Federal Public Defenders Office, CJA Panel Attorneys, public or media.**

**After the 90-day restriction period, the filed transcript will be remotely available to the public through PACER, available for copying at the Clerk's Office, and available for purchase from the court reporter or transcriber.**

During the 90-day restriction period the Clerk's Office will not provide copies of the transcript, but will refer anyone who wants a copy to the court reporter or transcriber. If counsel has purchased a transcript from the court reporter or transcriber, they will be given access through the CM/ECF system. Counsel of record who have not purchased a copy of the transcript from the court reporter or transcriber will not have remote electronic access to it through CM/ECF until they have purchased it. Members of the public and the news media who purchase a transcript during the 90-day period will not be granted remote electronic access during the restriction period.

Persons authorized to view or download the transcript will be able to create hyperlinks to the transcript. (See Section K for fee information.)

This 90-day period may be extended by the court.

**D. DOCUMENT ACCESS PANEL**

When a transcript is filed in CM/ECF, court staff with permission to update the Document Access Panel will grant access to ECF users identified by the court reporter or transcriber who have purchased the transcript. This will permit the purchaser to view or download the transcript through PACER and create hyperlinks to the transcript.

Clerk's staff in the "Administrator Permission Group" (Deputies-In-Charge, Mary Sue Jones, Mary Rodgers and John Stauffer) will see a closed red padlock icon on the Docket Report for the transcript document. If the restriction to a transcript has been removed, an open green padlock icon will be displayed. If the main transcript document is restricted at the *special document access* level, but one or more attachments are not, then a closed yellow padlock icon will be displayed.

**To grant access to a Restricted Transcript Document**

Click on the red padlock icon, the Document Access Panel will appear with the *Restricted* checkbox selected. **DO NOT** remove the checkmark from the *Restricted* box. To move a person from one group to another, click on the name of the person displayed in the *Available to grant access* list. This name will be displayed in the *Granted Access* list. Click "Submit" to complete the access process.

**E. RESPONSIBILITIES FOR REDACTION**

When a transcript is filed, the attorneys in the case are (or, where there is a pro se party, the party is) responsible for reviewing it for the personal data identifiers required in the federal rules to be redacted, and providing the court reporter or transcriber with a statement of the redactions to be made to comply with these rules. (See below for specifics.)

Unless otherwise ordered by the court, the attorney must review the following portions of the transcript:

- opening and closing statements made on the party's behalf;
- statements of the party;
- the statement of any witness called by the party;
- sentencing proceedings; and
- any other portion of the transcript ordered by the court.

If a portion of the transcript includes voir dire, or other jury information that does not fall within the responsibilities of either party, the court may direct the attorneys to review it and offer redactions, or the court may restrict that part of the transcript from remote electronic public access.

***COURT REPORTER NOTE:*** *The portion of the transcript that includes voir dire, or other jury information, may be saved as a separate PDF document and filed as a separate attachment to the main transcript.*

***The responsibility for redacting personal data identifiers rests solely with counsel, including "stand-by" counsel, and the parties.*** The court reporter, transcriber or clerk will not review the transcript for compliance with this policy. Attorneys are required to list, by page and line number, the information to be redacted. The court reporter or transcriber will then perform the redaction.

**F. NOTICE OF INTENT TO REQUEST REDACTION**

Attorneys have **seven (7) calendar days** from the date the transcript is filed to file this notice in the CM/ECF system, using the event **Notice of Intent to Request Redaction**, located in the civil and criminal event categories *Other Filings > Other Documents*. As indicated at the time the transcript was filed and this event is entered, **attorneys must also serve this notice in paper upon the court reporter or transcriber.** (See attached Notice of Intent to Request Redaction form.)

**G. REDACTION REQUEST - TRANSCRIPT**

Within **21 calendar days** after the transcript is filed, or longer if ordered by the court, a party must file in the CM/ECF system a **Redaction Request - Transcript**, located in the civil and criminal event categories *Other Filings > Other Documents*. **Attorneys must serve this notice in paper upon the court reporter or transcriber.**

This document indicates the personal identifiers to be redacted and specifies the page and line number where they appear in the transcript. **Access to this document is restricted to court staff and case participants.** (See attached Redaction Request form.)

Items included on the redaction request are limited to personal data identifiers, as set forth in Federal Rule of Civil Procedure 5.2 and Federal Rule of Criminal Procedure 49.1:

- Social security number and taxpayer identification number 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 address to the city and state (criminal cases only).

**H. MOTION TO REDACT TRANSCRIPT**

If a party wants to redact information in addition to the personal identifiers listed above, that party must file a **Motion to Redact Transcript** within the **21 calendar days** after the transcript is filed, or longer if ordered by the court. **Access to this document is restricted to court staff and case participants. Attorneys must serve this notice in paper upon the court reporter or transcriber.** The transcript will not be electronically available until the court has ruled on any such motion even though the 90-day restriction period may have ended.

***NOTE: If a party files a Notice of Intent to Request Redaction but fails to timely file a Redaction Request, Motion to Redact, or Motion to Extend Time Re Transcript, no redaction will be made and the original transcript will be publicly available after the 90-day period.***

**I. REDACTED TRANSCRIPT**

If redactions have been requested, the redacted transcript must be submitted by the court reporter or transcriber to the Clerk's Office and filed within **31 calendar days** after the filing of the original transcript, or longer if ordered by the court. The redacted transcript must be converted to a PDF document and submitted for filing in the same manner as the original transcript.

The redacted transcript will be filed by a docket clerk using the event **Transcript - Redacted**. This document has the same *Special Document Access* restrictions as the original transcript. Anyone who has paid for the original transcript should be given access to the redacted transcript by clerk's staff in the "Administrator Permission Group". If a party purchases only the redacted transcript, they will not have access to the original transcript.

**NOTE:** *Both the unredacted and redacted transcripts will be available at the public terminal, for viewing only. However, **only the redacted version will be available for printing at the Clerk's Office or for remote electronic access through PACER at the end of the 90-day restriction period.***

#### **J. RELEASE OF TRANSCRIPT**

At the end of the **90 calendar days** after the original transcript was filed, or longer if ordered by the court, the access restrictions are lifted from the last filed version of the transcript. If a redacted version has been filed, the original unredacted transcript will remain as a restricted document.

#### **Manually Re-Setting the *Special Document Access* Restriction**

Clerk' staff in the "Administrator Permission Group" should click on the padlock icon next to the transcript or redacted transcript entry on the Docket Report. Remove the checkmark from the *Restricted* box. A message will appear "If you click Submit, Document \_\_\_ will be available to all users." If "Submit" is selected, the special document access will be removed and the document will be available to all users, including PACER users. An open green padlock will appear next to the transcript or redacted transcript.

#### **Review/Remove Transcript Access Restriction Report**

A new report, **Review/Remove Transcript Access Restriction**, is available to court staff with permission to update the Document Access Panel. It is recommended that authorized staff in each divisional office run the report weekly. The report defaults to "*View list of transcript documents eligible for automatic restriction removal.*" **DO NOT** change this setting. If it is set at "*Remove restriction from eligible transcript documents*", the restrictions will be automatically removed when the report is generated.

#### **Terminating Deadlines**

The **Transcript** and **Appeal Transcript** events set three deadlines that remain pending: **Redaction Request Deadline, Redacted Transcript Deadline, and Release Transcript Restriction Deadline**. At the time the Access Restrictions are lifted from the last filed version of the transcript, these deadlines should be terminated using the utility event **Terminate Deadlines**.

#### **K. PACER CHARGES**

Charges for access through PACER will accrue during and after the 90-day restriction period. Charges will accrue for the entire transcript rather than being capped at the 30 page limit. The user will incur PACER charges each time the transcript is accessed even though the PACER user may have purchased it from the court reporter or transcriber and obtained remote access through CM/ECF. There is no "free look" for transcripts.

**\*\*SAMPLE NOTICE FORMAT\*\***

***NOTE: The event is located on CM/ECF by clicking:  
Civil or Criminal > Other Filings > Other Documents >  
Notice of Intent to Request Redaction***

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS

\_\_\_\_\_ Plaintiff(s)

vs. Case No. \_\_\_\_\_

\_\_\_\_\_ Defendant(s)

**NOTICE OF INTENT TO REQUEST REDACTION**

Notice is hereby given that a Redaction Request shall be filed with the Court within 21 days from the filing of the transcript with the Clerk of Court.

\_\_\_\_\_  
Date /s/ \_\_\_\_\_  
Attorney's Name and Bar Number  
Law Firm Name  
Law Firm Address  
Law Firm Phone Number  
Attorney's E-mail Address

**CERTIFICATE OF SERVICE**

I hereby certify that on (Date), I filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: \_\_\_\_\_, and I hereby certify that I have mailed by United States Postal Service to the following non CM/ECF participants:  
\_\_\_\_\_.

\_\_\_\_\_  
Date /s/ \_\_\_\_\_  
Attorney's Name and Bar Number  
Law Firm Name  
Law Firm Address  
Law Firm Phone Number  
Attorney's E-mail Address



**\*\*SAMPLE NOTICE FORMAT\*\***

**NOTE: The event is located on CM/ECF by clicking:  
Civil or Criminal > Other Filings > Other Documents >  
Redaction Request - Transcript**

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS

\_\_\_\_\_ Plaintiff(s)

vs. Case No. \_\_\_\_\_

\_\_\_\_\_ Defendant(s)

**REDACTION REQUEST - TRANSCRIPT**

Pursuant to Federal Rules of Civil Procedure 5.2/Federal Rule of Criminal Procedure 49.1,  
(Plaintiff/Defendant), requests the following personal identifiers be redacted from the transcript filed on  
(Date) :

Doc #	Page	Line	Identifier	Redaction Requested
70	12	8	Social Security Number	xxxx-xx-1234
70	13	9	Taxpayer ID Number	xxxxxx5678
70	15	16	Financial Account Number	xxx-xxx-xxxx9012
70	16	23	Date of Birth	xx/xx/1951
70	56	11	Minor Child's Name	Initials
70	62	10	Home Address (criminal only)	City, State

\_\_\_\_\_  
Date

/s/ \_\_\_\_\_  
Attorney's Name and Bar Number  
Law Firm Name  
Law Firm Address  
Law Firm Phone Number  
Attorney's E-mail Address

**CERTIFICATE OF SERVICE**

I hereby certify that on (Date), I filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: \_\_\_\_\_, and I hereby certify that I have mailed by United States Postal Service to the following non CM/ECF participants:

\_\_\_\_\_.

\_\_\_\_\_  
Date

/s/ \_\_\_\_\_  
Attorney's Name and Bar Number