

Transcript Filing Instructions for Attorneys

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Overview

The Judicial Conference Policy to make transcripts of court proceedings available electronically via CM/ECF and PACER mandates that official court transcripts be restricted from PACER for a period of 90 days after filing. During this 90 days period, the transcript is also subject to redaction of personal identifiers as requested by counsel of record and parties to the case. After the 90 day period has ended, the filed transcript (or redacted transcript) is available for inspection and copying in the Clerk's Office, as well as through PACER.

Filing

After the transcript is filed in CM/ECF, all attorneys in the case will receive a Notice of Electronic Filing via email. The transcript will be restricted from PACER for a period of 90 days.

Purchase of Transcript

During the 90 day restriction period, transcripts must be purchased from the court reporter. There is no free look of the transcript.

- Purchasers who are attorneys in the case will be granted electronic access to the transcript via PACER. PACER fees will apply.
- The purchaser can receive the transcript from the court reporter in paper or electronic format, but not both.
- Attorneys who have not purchased the transcript from the court reporter will not have electronic access to it through PACER until the 90 day restricted period has expired.

Redaction Requirements

Transcripts that have been ordered and filed in the case must be reviewed by attorneys and pro se litigants to determine if personal identifiers are listed in the transcript and must be redacted. Court reporters and clerk's office personnel are not responsible for reviewing the transcript for possible redaction.

Attorneys and pro se litigants must review transcripts for possible redaction even if they did not order the transcript.

Note: The transcript can be purchased from the court reporter **or** viewed at the public access terminal in the clerk's office.

Review the transcript to identify the following personal identifiers for redaction:

- Individuals' Social Security numbers,
- Taxpayer Identification numbers,
- Financial account numbers,
- Names of minor children,
- Dates of birth,
- Home address of party or non-party in criminal cases.

Redaction Procedure:

If upon review of the transcript it is determined that redaction of personal identifiers is necessary the attorney or party will:

STEP	ACTION
1	File a Notice of Intent to Request Redaction within 7 calendar days from the filing of the transcript. • Form is available on the Court's website • Filing event: Notice of Intent to Request Redaction • Attorneys and pro se litigants are responsible for notifying the court reporter of the filing of the Notice.
2	Provide a statement listing the information to be redacted by page and line number directly to the court reporter within 21

STEP	ACTION
	calendar days of the filing of the transcript. <u>Note:</u> If the statement is not provided to the court reporter within 21 days, the court may issue a Order to Show Cause or take other action.
3	File a motion, if there is other information in the transcript that you wish to redact. <u>Note:</u> The transcript will remain restricted until this motion is ruled on, even though the 90 day restriction period may have expired.

Redacted Transcript

If the attorney pro se party has identified personal identifiers for redaction, the court reporter will file a redacted transcript within 31 days from the filing of the transcript. The redacted transcript will remain restricted from PACER for the 90 day restriction period.

Note: After the 90 day restriction period has expired, the redacted transcript will be available through PACER and the un-redacted transcript will remain restricted.

Individual Access to Transcript

When an attorney buys the transcript from the court reporter, the court reporter will allow access to the transcript to the attorney electronically via PACER.

- If a redacted transcript is later filed, the attorney will have access to it also.
- However, an attorney who purchases a redacted transcript, does not automatically acquire access rights to the un-redacted transcript.
- Since pro se litigants are not registered ECF filing users, they cannot be given electronic access to the transcript during the 90 day restriction period.

Juror Name Information

The Judicial Conference's Privacy Policy requires courts to restrict identifying information about jurors or potential jurors.

- Sections of the transcript containing juror name information will be filed as separate volumes. The PDF for these volumes remains restricted and available to court users only.

Note: If jurors are identified by number only, the information is not restricted.

Access for Appellate Case Attorney

Periodically the Fourth Circuit will appoint an attorney who is not admitted to practice in South Carolina to represent a criminal defendant on appeal. Once appointed, the district clerk will add the attorney to the case. To obtain electronic access to the transcript and if applicable, file the Notice of Intent to Request Redaction the attorney must:

STEP	ACTION
1	Purchase the transcript from the court reporter.
2	Complete the request form provided by the Clerk's Office to request a login and password for access to CM/ECF. Note: The Clerk's Office will grant electronic access to the transcript so the attorney may access it via PACER. PACER fees will apply.
3	Follow Redaction Procedure for filing a Notice of Intent to Redact, if applicable.

CJA Attorney Reimbursement of Costs

An attorney appointed under CJA is entitled to reimbursement for the costs of obtaining a transcript for purposes of review as well as for functions performed to fulfill their obligations, including the following:

- travel to gain access to the transcript,
- review of the transcript to determine whether to file a Notice of Intent to Redact,

- filing a Notice of Intent to Redact or a motion for extension of time,
- reviewing a transcript to determine the location of information to be redacted or whether to file a motion for additional time;
- preparing and filing a redaction request or a motion,
- other actions (including creating pleadings, attending hearings or other follow-up).