

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

IN RE:)
)
POLICY - TRANSCRIPTS OF) ADMINISTRATIVE ORDER NO. 08- 03
COURT PROCEEDINGS)
)
_____)

At its September 2007 session, the Judicial Conference adopted a policy regarding electronic availability of transcripts of court proceedings. Earlier, at its September 2003 session (JCUS-SEP 03, pp. 16-17), the Judicial Conference approved procedures (revised at its March 2007 session) to implement the Judiciary's privacy policy (now reflected in Federal Rule of Bankruptcy Procedure 9037) as it applies to electronic availability of transcripts.

This policy applies only to transcripts of this court's proceedings made available remotely via CM/ECF and PACER. It does not change any other local rule or policy with respect to sealing or redaction of court records for any other purpose.

A. Filing and Electronic Availability of Transcripts.

1. Transcripts of court proceedings filed with the court by the court reporter or transcriber will be available for viewing, downloading or printing only through CM/ECF. Notice of the filing to persons who attended the transcribed proceeding shall be by CM/ECF except with respect to those participants who are not CM/ECF filers.

2. Except as provided in this paragraph, the filed transcript will not be available for viewing for 90 calendar days after filing. The exceptions are:

(a) The filed transcript may be viewed electronically from a public terminal at the Clerk's Office.

(b) If the transcript is purchased from the court reporter or transcriber by an attorney of record, then the transcript will be available for remote electronic viewing and use by that attorney.

3. Under no circumstance may the filed transcript be printed or downloaded from the Court's CM/ECF system during the 90-day restriction period.

4. The Clerk's Office shall include in the docket entry of all transcripts filed with the court pursuant to this policy the following notation:

“Availability of this transcript for viewing, downloading and printing is subject to a 90-day restriction as provided in this Court's Administrative Order No. 08- 03 .”

B. Notice of Intent to Request Redaction.

Any person who wishes to redact from a transcript those personal identifiers noted in FED.R.BANKR.P. 9037(a) must file a “Notice of Intent to Request Redaction” with the clerk and serve a copy of the notice on the transcriber within seven (7) calendar days of the filing of the transcript.

C. Request for Redaction Under Rule 9037(a).

1. A party filing a notice pursuant to paragraph B above has then until twenty-one (21) calendar days after the transcript was filed to file a Request for Redaction that sets forth the Rule 9037 personal identifiers, where they appear in the transcript by page and line, and how they are to be redacted. The Request for Redaction must also be simultaneously served upon the court reporter or transcriber.

For purposes of this paragraph, Rule 9037 personal identifiers mean:

- social security numbers;
- financial account numbers;
- dates of birth;
- names of minor children; and
- home addresses

If a person wishes to redact information other than Rule 9037(a) personal identifiers, then that person must file a motion for protective order under subpart (d) of that rule. The subject transcript will not be available for unrestricted viewing, downloading or printing until that motion is ruled upon notwithstanding paragraph D of this administrative order.

The responsibility for redacting personal identifiers rests solely with counsel and the parties. Neither the Clerk nor the court reporter or transcriber is responsible for reviewing transcripts for compliance with this policy.

2. If a Request for Redaction is both proper and timely, then the court reporter or transcriber shall have thirty-one (31) calendar days from the filing of the transcript to make the requested redactions and to file the redacted transcript with the court. The redacted transcript will then become the version of the transcript available for electronic viewing. As for the original transcript, the Clerk's Office shall keep the same for viewing at its public terminal or for reviewing remotely by any attorney of record who purchased the original transcript from the court reporter or transcriber unless the Court orders the original transcript to be placed under seal.

D. Unrestricted Electronic Viewing, Downloading, and Printing.

The original transcript filed will be available for unrestricted remote electronic viewing and printing and for printing from the Court Clerk's public terminal upon the expiration of the 90-day restriction period if no proper and timely Request for Redaction is filed. Similarly, the redacted transcript will be available for unrestricted remote electronic viewing and printing and for printing from the Court Clerk's public terminal upon the expiration of the 90-day restriction period if a proper and timely Request for Redaction is made.

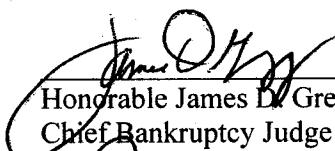
E. PACER Charges.

Charges for access through PACER apply during and after the 90-day restriction period. Charges are not capped at 30 pages. The user will incur PACER charges each time the transcript is accessed even though he or she may have purchased it from the transcriber and obtained remote access through CM/ECF. **A free copy of the electronic transcript is not available via remote access.** After purchasing the transcript from the transcriber, an attorney can receive the original and any redacted transcript in both paper and electronic format.

F. Effective Date.

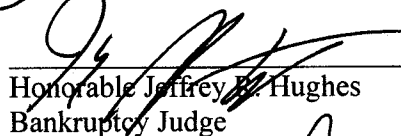
This order applies to all transcripts of court proceedings filed after **September 26, 2008.**

September 17, 2008



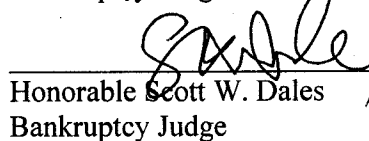
Honorable James D. Gregg
Chief Bankruptcy Judge

September 17, 2008



Honorable Jeffrey B. Hughes
Bankruptcy Judge

September 17, 2008



Honorable Scott W. Dales
Bankruptcy Judge