

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA**

IN RE:

**POLICY ON ELECTRONIC
AVAILABILITY OF TRANSCRIPTS
OF COURT PROCEEDINGS**

**Administrative Order
FLMB-2009-7**

**AMENDED ORDER SETTING FORTH POLICY ON ELECTRONIC
AVAILABILITY OF
TRANSCRIPTS OF COURT PROCEEDINGS**

Effective December 1, 2009, time periods in the Federal Rules of Bankruptcy Procedure and in the Local Rules and Administrative Orders of the Bankruptcy Court of the Middle District of Florida are amended to provide that time periods of under 30 days are measured in actual days rather than business days, and generally in periods of 7, 14, and 21 days. To accommodate these changes, the Court's Administrative Order Setting Forth Policy of Electronic Availability of Transcripts of Court Proceedings, Administrative Order 2008-1, is replaced entirely by this Order.

The Judicial Conference of the United States has a national policy addressing electronic availability of transcripts of court proceedings filed with the court. The Judicial Conference Policy on Electronic Availability of Transcripts applies to any transcript of a court proceeding that is subsequently filed with the court and made available to the public via electronic access. The Judicial Conference of the United States has revised the policy to restrict the copying of a transcript for 90 days after delivery to the clerk's office. Accordingly, in accordance with the policy and effective for any transcript filed on or after June 15, 2007 (regardless of when the proceeding took place), it is **ORDERED** as follows:

1. Transcripts of court proceedings may only be filed by the court reporter. Transcripts shall, at the time of the initial filing, be docketed in the court record for that case utilizing a "private" event code which restricts access to the filed transcript to court staff only.
2. Upon the docketing of the transcript as set forth in paragraph 1, the clerk shall prepare and serve on all parties listed as appearances on the transcript a form "Notice Regarding Filing of Transcript and Deadline for Filing Notice of Intent to Request Redaction of Transcript" (Exhibit 1) which shall establish a deadline of 7 calendar days from docketing of the transcript, for the filing of a local form "Notice of Intent to Request Redaction of Transcript" (Exhibit 2). A party is responsible for reviewing and indicating redactions in the testimony of the witnesses that party called and for the party's own statements.

3. Parties timely filing the local form "Notice of Intent to Request Redaction of Transcript" shall, within 21 calendar days of the date the transcript was docketed, unless otherwise ordered by the court, file a "Statement of Personal Data Identifier Redaction Request" ("Statement") which shall indicate, by page and line number, the location of the personal data identifiers for which redaction is being requested. For purposes of this procedure, personal data identifiers shall include: social security numbers, financial account numbers, names of minor children, and dates of birth. Since the "Statement" once filed, will appear as a public document on the docket, the "Statement" should be worded so as not to contain unredacted personal identifiers. A copy of the "Statement" shall be served on the court reporter. Only these personal identifiers may be automatically redacted as provided by paragraph 8 below. Parties seeking to redact other information shall file a motion as required under paragraph 5 below.

4. Parties to the case who are (or represent) persons whose personal data identifier may appear in the transcript and who wish to review the unredacted transcript may either purchase a copy of the transcript from the court reporter or view a copy of the transcript at no charge in any of the clerk's three divisional offices.

5. Any party who filed a "Notice of Intent to Request Redaction of Transcript" during the 7 calendar day period set forth in paragraph 2 above may also file, within the 21 calendar day period set forth in paragraph 3 above, a "Motion for Additional Redactions" to request redaction of information other than personal data identifiers. If appropriate, the motion should be filed in accordance with Local Rule 5005-4 "Sealed Documents." A copy of the motion shall be served on the court reporter.

6. If a "Notice of Intent to Request Redaction of Transcript" is not filed within the initial 7 calendar day deadline set forth in paragraph 2 above and 90 days from the date of filing of the transcript has passed, the unredacted transcript will appear on the docket as a public document available electronically to the public in accordance with existing policies and subject to applicable access fees, unless the court, for good cause related to the Judicial Conference policy, finds that the transcript should not be made remotely available electronically for up to a period of 60 calendar days from the date the unredacted transcript was originally filed by the court reporter.

7. If a "Statement" or "Motion for Additional Redactions" is not filed within the 21 calendar day deadline set forth in paragraphs 3 and 5 above and 90 days from the date of filing of the transcript has passed, the unredacted transcript will appear on the docket as a public document available electronically to the public in accordance with existing policies and subject to applicable access fees, unless the court, for good cause related to the application of the Judicial Conference policy, finds that the transcript should not be made remotely available electronically for up to a period of 60 calendar days from the date the unredacted transcript was originally filed by the court reporter.

8. If a "Notice of Intent to Request Redaction of Transcript" has been filed and subsequently a "Statement" is filed within the 21 calendar day deadline set forth in

paragraph 3, the court reporter shall partially redact the personal data identifiers identified in the "Statement" as follows:

- for Social Security numbers, use only the last four digits;
- for financial account numbers, use only the last four digits;
- for names of minor children, use only their initials; and
- for dates of birth, use only the year.

Once a "Statement" is filed, the court reporter has 31 calendar days from the date of the filing of the transcript to file a redacted transcript with an amended certification indicating that the transcript was amended by the redaction of certain personal identifiers at the request of the parties.

9. If a "Motion for Additional Redactions" was filed within the 21 calendar day deadline set forth in paragraph 5 above, or if the court has extended the deadline, the transcript shall remain restricted until the court has ruled upon any such motion and 90 days from the date of filing of the transcript has passed.

10. If a transcript is redacted in accordance with this order, the initially filed unredacted transcript shall be maintained by the clerk as a restricted document, not accessible by parties to the case or the general public. This unredacted transcript shall, if requested, be made available to an appellate court.

11. The policy set forth in this order:

A. Does not affect in any way the obligation of the court reporter to file promptly with the clerk of court the court reporter's original records of a proceeding or the inclusion of a filed transcript with the records of the court pursuant to 28 U.S.C. Section 753.

B. Except for a period of 90 days after delivery of the official transcript, does not affect the obligation of the clerk to make the official transcript included in the court file available for copying by the public without further compensation to the court reporter pursuant to Judicial Conference policy.

C. Is not intended to create a private right of action.

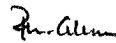
D. Is intended to apply the Judicial Conference policy on privacy and public access to electronic case files to transcripts that are electronically available to the public. It is not intended to change any rules or policies with respect to sealing or redaction of court records for any other purpose.

E. Does not prevent the production of a transcript on an expedited basis for a party, or any other person or entity, that may order such a transcript, subject to

whatever court rules or orders are currently imposed to protect sealed materials. Any non-party that orders a transcript on an expedited basis should be alerted to the Judicial Conference policy on privacy and public access to electronic case files by the entity providing the transcript to the party.

DONE and ORDERED in Jacksonville, Florida, this _____ day of December, 2009.

BY THE COURT



Paul M. Glenn
Chief United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
_____ DIVISION**

Case Number:

IN RE:

JOHN S. DOE

Debtor(s)

**NOTICE REGARDING FILING OF TRANSCRIPT AND DEADLINE FOR FILING
NOTICE OF INTENT TO REQUEST REDACTION OF TRANSCRIPT**

Notice is hereby given that an official transcript of a proceeding held on November 15, 2009, has been filed on December 1, 2009, by the court reporter in the above captioned matter.

Under Administrative Order 2009-7, within seven (7) calendar days of the date of service of this notice, the parties shall file with the court a local form "Notice of Intent to Request Redaction of Transcript." Parties timely filing the local form "Notice of Intent to Request Redaction of Transcript" shall, within 21 calendar days of the date the transcript was docketed, unless otherwise ordered by the court, file a "Statement of Personal Data Identifier Redaction Request" which shall indicate, by page and line number, the location of the personal data identifiers for which redaction is being requested. Since the "Statement" once filed, will appear as a public document on the docket, the "Statement" should be worded so as not to contain unredacted personal identifiers.

Parties seeking to review the unredacted transcript filed with the court may either purchase a copy of the transcript from the court reporter or view a copy of the transcript at no charge in any of the clerk's three divisional offices.

If a "Notice of Intent to Request Redaction of Transcript" has not been filed by the deadline indicated above, absent further order of the court, the transcript will be made available on the docket as a publicly accessible document, subject to applicable access charges.

DATED _____, at _____, Florida.

LEE ANN BENNETT, Clerk of Court
Sam M. Gibbons United States Courthouse
801 North Florida Avenue, Suite 727
Tampa, Florida 33602

Copies to:

EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
_____ DIVISION**

Case Number:

IN RE:

JOHN S. DOE

Debtor(s)

**NOTICE REGARDING FILING OF TRANSCRIPT AND DEADLINE FOR FILING
NOTICE OF INTENT TO REQUEST REDACTION OF TRANSCRIPT**

Notice is hereby given that a Statement of Personal Data Identifier Redaction Request and/or a Motion for Additional Redactions with respect to the official transcript of the proceeding held on _____, in the above referenced case or proceeding will be filed with the court within 21 calendar days from the date the unredacted transcript was filed by the court reporter with the clerk of court.

Name

Address

City, State, Zip Code

Appearing on behalf of

DATED _____, at _____, Florida.

LEE ANN BENNETT, Clerk of Court
Sam M. Gibbons United States Courthouse
801 North Florida Avenue, Suite 727
Tampa, Florida 33602

Copies to:

EXHIBIT 2

SERVICE LIST

Hon. Paul M. Glenn
Chief United States Bankruptcy Judge

Hon. Arthur B. Briskman
United States Bankruptcy Judge

Hon. Jerry A. Funk
United States Bankruptcy Judge

Hon. Karen S. Jennemann
United States Bankruptcy Judge

Hon. Michael G. Williamson
United States Bankruptcy Judge

Hon. K. Rodney May
United States Bankruptcy Judge

Hon. Catherine Peek McEwen
United States Bankruptcy Judge

Hon. Caryl E. Delano
United States Bankruptcy Judge

Hon. Alexander L. Paskay
United States Bankruptcy Judge

Lee Ann Bennett, Clerk of Court
Middle District of Florida

Michael Shadburn, Chief Deputy
Middle District of Florida

Charles Kilcoyne, Deputy-in-Charge
Tampa Division

Deputy-in-Charge
Jacksonville Division

Raymond Waguespack, Deputy-in-Charge
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SERVICE LIST CONTINUED

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