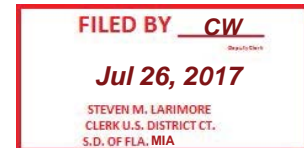


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2017-43

**IN RE: DISPOSITION OF TRANSCRIPTS
FILED PRIOR TO ADMINISTRATIVE
ORDER 2008-31**



At a regularly scheduled Judges Meeting, the Court considered the disposition of transcripts of court proceedings filed with the Court prior to Administrative Order 2008-31. Administrative Order 2008-31 requires that all transcripts of court proceedings filed on or after September 30, 2008, are to be filed with the Court in electronic format and comply with the Court's New Transcript Policy. A provision of the New Transcript Policy provides a period of time in which the parties to the proceedings may request redactions of personal identifiers from the transcript before it becomes electronically available to the public through the case management/electronic case files (CM/ECF) system. This provision conforms to the Judicial Conference's Policy on the Electronic Availability of Transcripts and the Federal Privacy Rules as set out in Federal Rule of Civil Procedure 5.2 and Federal Rule of Criminal Procedure 49.1. Transcripts filed prior to September 30, 2008, or requested from the Federal Records Center are neither in electronic format nor reviewed for necessary redactions. This has created ongoing storage issues of paper transcripts and those transcripts that have been scanned but not entered into CM/ECF.

In the March 15, 2011 Report of the Proceedings of the Judicial Conference of the United States, the Judicial Conference reviewed the procedures of courts who receive unredacted closed paper case files from the Federal Records Center that are requested for review. The Report found that these paper documents are often scanned into CM/ECF and then destroyed. To address the concern of these new electronic files containing information that otherwise would

have been redacted if filed subsequent to the Judicial Conference's Redaction Policy and Federal Privacy Rules, the Conference resolved "to require that courts restrict remote public access to those files and allow public access only at the clerk's office public terminal or counter." Conf. Rept. 10.

Upon consideration of the above and in the interest of protecting against disclosure of personal identifiers that could compromise the privacy of court participants, through a majority vote of the Judges in attendance, it is

ORDERED that all unredacted transcripts of proceedings before the United States District Court for the Southern District of Florida, both in electronic or paper format, filed prior to September 30, 2008, are to be uploaded in CM/ECF as restricted attachments to the original docket entries and the paper records subsequently destroyed. Access to these transcripts will be restricted to select court personnel. This restriction does not impact the accessibility of transcripts by the public at the courthouse public terminals, future remote access upon redaction, or the ability to order copies from the Clerk's Office.

IT IS FURTHER ORDERED that Administrative Order 2008-31 remains in full force and effect.

DONE AND ORDERED in Chambers at Miami, Florida this 26th day of July, 2017.

Kevin Michael Moore

Digitally signed by Kevin Michael Moore
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Date: 2017.07.26 11:32:07 -0400

K. MICHAEL MOORE
CHIEF UNITED STATES DISTRICT JUDGE

c: All Southern District and Magistrate Judges
James P. Gerstenlauer, Circuit Executive
Benjamin Greenberg, Acting United States Attorney
Michael Caruso, Federal Public Defender
Steven M. Larimore, Court Administrator · Clerk of Court
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