

DIGITAL AUDIO RECORDINGS OF TELEPHONIC CONFERENCES, HEARINGS AND TRIALS AVAILABLE ON PACER

Judge Humphrey has implemented a program that makes digital audio recordings of court proceedings available on the internet through PACER. These recordings will be available on a case by case basis at Judge Humphrey's discretion, or upon specific request of a party in interest. Attorneys in a case or adversary proceeding may access the audio file one time with no charge via the Notice of Electronic Filing email that is sent when an audio file is docketed in the case or adversary proceeding, and may also download the audio file for future access. Any other party wishing to download a copy of the audio file from PACER will be charged a fee of \$2.40 per file. Previously, a party wishing to obtain a digital audio recording (CD) had to pay a \$26 fee.

The judiciary's privacy policy restricts the publication of certain personal data, including limiting the disclosure of Social Security and financial account numbers to the last four digits, using only initials for the names of minor children, and limiting dates of birth to the year. **If information subject to the judiciary's privacy policy is stated on the record, it will be available in the audio files over the internet.** Please avoid introducing personal data and other sensitive information into the record, unless necessary to prove an element of the case. If private information is mentioned during a conference or hearing, you may move the court to seal, restrict, or otherwise prohibit placement of the digital audio file of the conference or hearing on the internet through the PACER system. It is the responsibility of counsel to notify the Judge of their desire to restrict audio from the internet.

In accordance with 28 U.S.C. § 735(b), "[n]o transcripts of the proceedings of the court shall be considered as official except those made from the records certified by the reporter or other individual designated [by the court] to produce the record." Official transcripts must be prepared by a court approved transcriptionist from a copy of the audio file maintained by the Clerk. Counsel will not be permitted to present transcripts prepared from audio files taken off PACER, whether complete or excerpted, as evidence in court proceedings. However, counsel who do not require an official transcript may download a copy of the audio file and have their staff transcribe the proceeding for their own use.

Please contact the courtroom deputy to make arrangements to obtain an official copy of any court proceeding transcript or any excerpt from a court proceeding.

Counsel should be aware that the microphones in the courtroom are very sensitive and anything said near a microphone during a court proceeding is being recorded and may be placed on the record and made available to the public through an electronic audio file.