

NOTICE

RECORDED AUDIO FILES AVAILABLE OVER THE INTERNET

Notice to Attorneys

Digital audio files of selected court proceedings are now being included in CM/ECF case files and are available to the public over the Internet through the Public Access to Court Electronic Records (PACER) system.

Privacy Policy

The judiciary's privacy policy restricts the publication of certain personal data in documents filed with the court. The policy requires 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. However, if such information is elicited during the testimony or other court proceedings, it will become available to the public.

Limiting Personal Information

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. Since counsel and the parties are solely responsible for guaranteeing that pleadings and testimony comply with the court's rule requiring the redaction of personal data identifiers, the better practice is to avoid introducing personal data and other sensitive information into the record, unless necessary to prove an element of the case. Also, be advised that clerk's office staff and chambers' staff cannot redact audio files before they are placed on CM/ECF. Please take this into account when questioning witnesses or making other statements in court. If private information is mentioned during a hearing or trial, you may move the court to seal, restrict, or otherwise prohibit placement of the digital audio file of the hearing or trial on the Internet through the PACER system. Additionally, please make sure that private communications with co-counsel or clients take place away from the microphone so they are not inadvertently recorded.

It is the responsibility of counsel to notify the judicial officer during or prior to the hearing of their desire to restrict audio from the Internet.