

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

IN THE MATTER OF:

MISC. NO. 03-149(ADC)

ACCESS TO DIGITAL AUDIO
RECORDINGS OF COURT
PROCEEDINGS VIA PACER

STANDING ORDER NO. 8

Background

In 2010, the Judicial Conference endorsed a proposal from the Committee on Court Administration and Case Management to allow district and bankruptcy judges who use digital audio recording as the official means of taking the record to provide, **at their discretion**, access to digital audio recordings of court proceedings via PACER.

This recommendation came at the conclusion of a two-year pilot program in several courts to include digital audio recordings of court hearings in CM/ECF case files and to make those recordings available to the public through PACER. This method of obtaining a recording of a court proceeding is a vast improvement over obtaining it through the Clerk's Office, and posting of these audio files is **entirely** at the discretion of the presiding judge.

The Judicial Conference also endorsed a fee of \$2.40 to download the digital audio files, upon determining that this amount matches the existing 30-page cap, is reasonable, and comes close to recouping but not exceeding the costs of providing the service.

District Implementation

Effective May 2011, the Systems Department began preparations towards the implementation of the Audio Files Project in the District of Puerto Rico.

With a "go live" date of **Monday, July 18, 2011**, the District of Puerto Rico will be the first in the entire Nation, after the test courts to load audio files into CM/ECF and make audio files available through the PACER system.

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Specific Directives

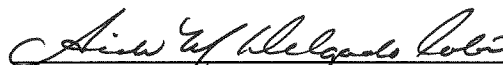
1. Posting of digital audio recordings of a court proceeding in CM/ECF to be available through the PACER system will be **entirely at the discretion of the presiding judge.**
2. Digital audio recordings are copies of court proceedings provided as a convenience to the public at the cost of \$2.40 per audio file. Each attorney that receives a Notice of Electronic Filing (NEF) for a case receives one free download of the audio file.
3. In accordance with 28 U.S.C. § 753(b) “no 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.” **Thus, no party shall utilize a digital audio recording as the official record, nor shall such a recording be certified as part of the record.**
4. Transcripts of hearings transcribed by a court reporter or digital audio recorded transcripts can be obtained by submitting written request via the Court’s Case Management/Electronic Case Filing (CM/ECF) System by filing a duly completed Transcript Order Form (AO 435) or contacting the Court Services Manager at the Clerk’s Office.
5. The Clerk shall give notice of the implementation of the Digital Audio Files Project and this Standing Order to the members of the bar and the public by posting same on the Court’s Internet Website, and making copies available at the Clerk’s Office upon request.
6. The Notice from the Clerk shall include specific warnings concerning the privacy implications of having recorded audio files available over the Internet through PACER as follows:

If information subject to the Court’s privacy policy is stated on the record, it will be available in the audio files this Court makes available. Since counsel and the parties are solely responsible for guaranteeing that pleadings and testimony comply with the Court’s rules regarding redaction of personal data identifiers, they shall avoid introducing such data or any sensitive information into the record. Courtroom deputies cannot redact digital audio recordings before they are made available in CM/ECF. Attorneys are admonished to take this into account when questioning witnesses or making other statements in Court. If private information is mentioned during a hearing or trial, attorneys should request that the Court not allow placement of the digital audio file on the Internet through the PACER system, and/or that access to the audio file be restricted.

See, Fed. R. Civ. P. 5.2, Loc. Civ. R. 5.2 (D.P.R. 2010), Fed. R. Crim. P. 49.1, Notice to Counsel 04-37, and Notice from the Clerk 08-06, implementing the Judicial Conference Privacy Policy, and the E-Government Act of 2002.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 13th day of July, 2011.



AIDA M. DELGADO-COLON
CHIEF U.S. DISTRICT JUDGE