# Vt. LBR 5007-1. Record of Proceedings and Transcripts; Ensuring Privacy in Transcripts.

## Recording of Proceedings and Hearings.

Except as provided in paragraph (b) of this Rule, all trials and court proceedings, other than emergency hearings, will be recorded by an electronic recording system.

## Audio Record of Court Hearings and Applications to Restrict Access.

### Digital audio recordings are available on PACER for all hearings and trials conducted since November 1, 2011. The recording of each hearing appears on the docket as a PDF document with an embedded MP3 file. These recordings are available no later than the close of business the day following conclusion of the hearing. The official record of any Court hearing is the written transcript. See Vt. LBR 5007-1(d).

### An attorney (or *pro se* party) involved in a hearing may request that public access to the digital audio recording of the hearing be restricted by filing an application that shows good cause for restriction, at least 24 hours prior to the commencement of the hearing. The motion must be served on notice to all attorneys and *pro se* parties involved in the hearing, as well as the case trustee and the United States trustee. The burden is on the applicant to demonstrate grounds, under § 107, which warrant restricting access to the audio recording of the hearing.

## Remote and Emergency Hearings.

Hearings may be held remotely, or in exigent circumstances on limited or no notice, with Court approval. See, e.g., Vt. LBR 5071-1(d); Vt. LBR 9075-1.

## Official Written Transcript.

Since this Court uses an electronic recording system to record all hearings, a party may request an official transcript from a transcription service of their choice. The Clerk will provide a recording of the hearing to the designated transcription service, on the transcription service’s request. The party requesting the transcript will be responsible for paying all expenses for preparing the transcript

## Procedures for Protecting Privacy.

See also Vt. LBR 5001-3(b).

### Temporary Restriction Period. Transcripts filed with the Clerk will, temporarily, be restricted to court users and case participants only. This temporary restriction period affords attorneys and any *pro se* parties involved in the hearing the opportunity to review the transcript to determine if redaction of personally identifiable information is necessary to protect the privacy of witnesses or parties. The temporary restriction period will expire 21 days after the date the transcript was filed, unless upon motion, and a finding of good cause, the Court orders the restriction period enlarged or reduced.

### Information Subject to Redaction. The personally identifiable information a party may seek to redact include:

#### names of minor children;

#### dates of birth;

#### home addresses of individuals other than the debtor;

#### social security numbers;

#### taxpayer identification numbers; and

#### financial account numbers.

### Filing a Request for Redaction. During the temporary restriction period, a party seeking a redaction must file a request for redaction with the Clerk and serve a copy on the transcriber. See Vt. LB Form R. On the request for redaction form, the party must identify the category or type of information to be redacted and provide the location of the information in the transcript. Parties should not recite the information they seek to have redacted since the request for redaction is a public filing.

### Form of Redaction. The transcriber must redact personally identifiable information in the following manner:

#### names of minor children must be limited to their initials;

#### dates of birth must be limited to the year of birth;

#### home addresses of non-debtor individuals must be limited to city and state;

#### social security numbers must be limited to the last four digits;

#### taxpayer identification numbers must be limited to the last four digits; and

#### financial account numbers must be limited to the last four digits.

### Applications to Redact Other Information. A party seeking to redact information other than that listed in subparagraph (4) above, must file a motion demonstrating good cause for that relief and serve their application on those attorneys and *pro se* parties who were present at the hearing from which the transcript was produced, as well as the case trustee and United States trustee. See Vt. LBR 9018-1 (articulating requirements for motions to restrict access to Court records).

### Lifting of Temporary Restriction.

#### No Application to Redact Filed. If no application to redact is filed within the temporary restriction period, the Court will conclude the parties to the hearing have no objection to the transcript. In that event, when the temporary restriction period ends, the Court will lift the temporary restriction on the transcript and the transcript will then be available to the public, unless the Court determines *sua sponte* that part or all of the restriction should remain in place.

#### Application to Redact Filed. If an application to redact is filed, the temporary restriction on the transcript will not be lifted until the later of the completion of the redactions by the transcriber, the Court’s ruling on the application to redact, or other order of the Court related to the transcript.

## Parties’ Responsibilities as to Personally Identifiable Information.

### Limiting Inclusion of Personally Identifiable in Hearings. Attorneys should make all reasonable efforts to avoid introducing personal identifier information into the record.

### Other Responsibilities. It is the responsibility of the parties at a hearing to (A) monitor the docket of the case to be aware when the transcript is filed, and (B) file a timely objection to the inclusion of any personally identifiable information in the record.

### Sanctions. A party who causes personally identifiable information to be included in the record may be required to pay the cost of any redactions and shall be subject to such other sanctions as the Court deems appropriate under the circumstances.