

UNITED STATES BANKRUPTCY COURT
District of Vermont

Thomas J. Hart
Clerk of Court

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TO: Court Users
FROM: Thomas J. Hart
DATE: April 14, 2011
RE: Digital Audio Recordings of Motion Calendar Hearings
Will Be Available on PACER Beginning May 1, 2011

**CLERK'S
ANNOUNCEMENT
11-03**

Since January 1, 2009, the Bankruptcy Court has been taking digital audio recordings of all court hearings. Copies of the audio recordings on CD-ROM are available from the Clerk's Office for a fee of \$26.00. Recent enhancements to the case management/electronic case filing system (CM/ECF) and the approval of the Judicial Conference of the United States have made it possible for the Court to make these recordings available on the court docket through the Public Access to Court Electronic Records system (PACER) for a fee of \$2.40.

The prompt availability of digital audio recordings offers a significant cost and time savings to attorneys who have appeared at a hearing as well as other professional benefits, and has received enthusiastic support from the Vermont bar. Therefore, effective May 1, 2011, the United States Bankruptcy Court for the District of Vermont will post digital audio recordings of court hearings on case dockets. The initiative will be phased in. Initially we will post digital audio recordings only of those hearings held at motion calendars (including Vermont Interactive Television (VIT) hearings). Once the Court and the bankruptcy bar have an opportunity to determine if any modifications are needed to make the best use of this technology, and any such modifications are implemented, the practice will expand to encompass all hearings.

During the initial phase, upon the agreement of all counsel to a case, the Court will also authorize the posting of the digital audio recording of an evidentiary hearing to the docket, if such request is filed at least one full day before the commencement of the hearing.

The Court's goal is to make the best use of digital audio recording technology for the benefit of the bar and the public. I invite you to contact me with any comments, observations, and suggestions you have for ways to improve implementation of this new technology and generally to enhance its value to you, your clients and all bankruptcy case constituencies, at any time and especially during the initial phase. My telephone number is (802) 776-2002.

Parties seeking to restrict public access to the digital audio recording of a hearing shall file an application showing good cause for restriction at least one full day prior to the commencement of the hearing, on notice to all attorneys involved in the hearing, the case trustee, and the Office of the U.S. Trustee. The burden shall be on the moving party to demonstrate grounds for restricting access under 11 U.S.C. § 107.

A recording will appear on the docket as a PDF document with an MP3 file embedded and will be available through PACER generally within two hours of the conclusion of that day's hearings, but in any event, no later than one business day after the conclusion of the day's hearings.

Counsel should avoid introducing personal identifying information into the record when questioning witnesses or making other statements in court. In the event that personal information is disclosed in a hearing, upon oral motion for cause at the conclusion of the hearing, the Court will consider refraining from posting the audio recording to the docket. The Court, in its own discretion, may decide not to post any recording.

The digital audio recordings are being made available through PACER for the convenience of the parties and in the interest of broadening access to public court proceedings. The official record of any Court hearing remains the written transcript. Instructions for obtaining a written transcript can be found on the Court's website at <http://www.vtb.uscourts.gov/issues/transcripts.php>

Questions regarding digital audio recordings or transcripts should be directed to Kathy Ford at (802) 776-2003.