

VT. LBR 5007-1. RECORD OF PROCEEDINGS & TRANSCRIPTS; ENSURING PRIVACY IN TRANSCRIPTS

- (a) **RECORDING of Proceedings and Hearings.** Except as provided in paragraph (b) of this Rule, all trials and court proceedings, other than emergency hearings, shall be recorded by a court reporter or by an electronic recording system.
- (b) **Audio Record of Court Proceedings.** When the Court uses an electronic recording system to create an audio record of a proceeding, it will make a CD of the proceeding available within two (2) hours of the hearing for a fee to be set by the Clerk. However, the CD is not considered the official transcript of the proceeding. See paragraph (d), below.
- (c) **Telephonic and Emergency Hearings.** Telephonic and hearings on limited or no notice may be conducted when exigent circumstances require and with Court approval. See, e.g., Vt. LBR 9074-1; Vt. **LBR 9075-1**. A party wishing to have a transcript of a telephonic or emergency hearing that the Court would not otherwise record must provide a court reporter or other means of recording the hearing and must provide a transcript of the hearing to the Clerk within seven (7) days following the hearing.
- (d) **Official Written Transcript.** When a court reporter has recorded a proceeding, a party requesting an official transcript of the proceeding shall contact the court reporter directly. When an electronic recording system has been used to record a proceeding, a party requesting an official transcript must make that request to the Clerk; the Clerk shall provide the transcript (contained on CD) to a transcription service. In either instance, the requesting party (1) will be responsible for paying all expenses for preparing the transcript, and (2) must file a copy of the transcript with the Clerk. If the Court deems a transcript necessary, the Court may order a transcript and assign the transcription cost to the parties.
- (e) **Procedures for Protecting Privacy.**
 - (1) **Temporary Restriction Period.** Transcripts filed with the Clerk shall be restricted initially to court users and case participants only; this temporary restriction period will afford interested parties the opportunity to review the transcript to determine if redaction of personal data identifiers is necessary to protect the privacy of witnesses and/or parties. The temporary restriction period shall be 21 days from the date of filing unless, after a showing of good cause, the Court orders the restriction period extended.
 - (2) **Information Subject to Redaction.** The personal data identifiers a party may seek to be redacted include:
 - (A) Social Security numbers;
 - (B) names of minor children;
 - (C) dates of birth;
 - (D) home addresses of individuals other than the debtor; and
 - (E) financial account numbers.
 - (3) **Filing a Request for Redaction.** Upon review of the transcript and during the temporary restriction period, a party seeking redaction shall file a "Request for Redaction," see [Vt. LB Form R](#), with the Clerk and serve a copy on the transcriber. On the Request for Redaction form, the party will identify the category or type of information to be redacted and will provide the location of the information in the transcript. (**Note:** Parties are reminded **not to include the specific information sought to be redacted** as the Request for Redaction form is a public filing.)

(4) **Form of Redaction.** The transcriber shall redact personal data identifiers in the following manner:

(A) Social Security numbers shall be limited to the last four digits;

(B) names of minor children shall be limited to their initials only;

(C) dates of birth shall be limited to years of birth only;

(D) home addresses of non-debtor individuals shall be limited to city and state only; and

(E) financial account numbers shall be limited to the last four digits.

(5) **Request for Redaction of Other Information.** Upon a motion showing good cause and articulating the harm or prejudice that will ensue if the transcript is not redacted, a party may request that information other than that listed in subparagraph (2), above, be redacted from the transcript. See also Vt. LBR 5003-4 (articulating requirements for filing documents under seal). The motion shall be noticed to those parties who were present at the proceeding from which the transcript was produced.

(6) **Lifting of Temporary Restriction.**

(A) **No Request or Motion Filed.** If no Request for Redaction or Motion for Other Redaction is filed within the temporary restriction period, the Court shall conclude that the parties to the proceeding have no objection to the inclusion of the personal data identifiers and other information contained in the transcript. Therefore, at the expiration of the temporary restriction period, the temporary restriction on the transcript shall be lifted, making the transcript available to the general public, unless, for good cause, the Court determines that the restriction should not be lifted.

(B) **Request or Motion Filed.** If a Request for Redaction or a Motion for Other Redaction is filed, the temporary restriction on the transcript shall not be lifted until the later of the completion of the redactions by the transcriber or a ruling on the Motion by the Court or as otherwise ordered by the Court.

(f) **Parties' Responsibilities as to Personal Data Identifiers.**

(1) **Limiting Solicitation of Personal Data Identifiers in Proceedings.** Attorneys are to be cognizant of the importance of protecting personal identifier data during proceedings that may later be transcribed; they are to make all reasonable efforts to avoid introducing personal identifier information into the record (e.g., avoid eliciting information from, or formulating questions to, witnesses that include personal identifier data).

(2) **Other Responsibilities.** It is the responsibility of the parties to a hearing to (A) monitor the docket of the case to be aware when the transcript is filed; and (B) pay the cost of any redactions.