

IN THE SUPREME COURT, STATE OF WYOMING

APRIL TERM, A.D. 2012

IN THE MATTER OF THE AMENDING)
OF RULES GOVERNING REDACTIONS)
FROM COURT RECORDS)

**ORDER *NUNC PRO TUNC* AMENDING RULE 8 OF THE RULES GOVERNING
REDACTIONS FROM COURT RECORDS**

THIS MATTER came before the Court upon a resolution from the District Judges' Conference. The District Judges' Conference requested this Court assemble a committee to review Rule 8, Transcripts, of the Rules Governing Redactions from Court Records. This Court assembled a committee, which included district judges, court reporters, a district court clerk, the supreme court clerk, a public defender, and a county attorney and charged that committee to review and make recommended changes to Rule 8. The committee submitted its recommendation for changes to Rule 8, and the Court being fully advised finds that Rule 8, Transcripts, of the Rules Governing Redactions from Court Records should be revised; it is therefore

ORDERED that Rule 8, Transcripts, of the Rules Governing Redaction from Court Records be, and hereby is, amended in the manner indicated in the attachment to this order. The amendments shall become effective July 1, 2012; and it is further

ORDERED that this Order and the Rules be published in the advance sheets of the Pacific Reporter; this Order and Rules be published in the Wyoming Court Rules Volume; and that this Order and Rules be made available online at the Wyoming Judicial Branch's website, <http://www.courts.state.wy.us>. The Rules shall thereafter be spread at length upon the journal of this Court; it is further

ORDERED that this Court's April 24, 2012, "Order Amending Rule 8 of the Rules Governing Redactions from Court Records" shall be removed from the Wyoming Judicial Branch's website and is of no further effect.

DATED this 7th day of May, 2012.

BY THE COURT:

/s/

MARILYN S. KITE
Chief Justice

RULES GOVERNING REDACTIONS FROM COURT RECORDS

Rule 8. Transcripts.

In those cases already made confidential by statute, administrative rule, court rule, or court order, it is not necessary to redact transcripts. The responsibility for redacting official court transcripts rests solely with counsel and the parties. The court, clerk, and court reporter/transcriber will not review the transcript for compliance with these rules. ~~Within 60 days of the proceedings to be transcribed, the court reporter/transcriber shall certify in writing to the court and all parties that the transcript has been completed. Within eleven days after service of notification that the transcript is complete~~

Once a prepared transcript pursuant to Wyo. Stat. Ann. §§ 5-3-401 to 412 is delivered to the clerk's office for filing, and the court reporter/transcriber has given written notice by email or traditional means to the parties that the transcript is completed, the attorneys in the case are (or, where there is a self-represented party, the party is) responsible for reviewing it for the personal data identifiers required by these rules to be redacted. Each party or counsel shall give prompt written notice of changes of address, telephone number or email address, if any, to the clerk and other parties. (See Appendix A to these rules). Within those eleven days, the party may file a confidential statement of redactions with the court.

Within eleven calendar days of the delivery by the court reporter/transcriber of the official transcript to the clerk's office, or longer if the court orders, each party must inform the court, by filing a Notice of Intent to Redact with the clerk, of his or her intent to direct the redaction of personal identifiers from the transcript of the court proceeding. A party is only allowed to request redaction of the four personal data identifiers specified in Rule 1 herein without further order of the court. Contemporaneously with filing the statement of redactions with the court, the party shall provide a copy to the court reporter/transcriber. If no such notice is filed within the allotted time, the court will assume redaction of the personal data identifiers from the transcript is not necessary, and the record completion process will proceed without further delay and the court reporter/transcriber shall file the transcript with the court. If a statement of redactions is filed, the court reporter/transcriber shall have eleven days to file the redacted transcript with the court. The court reporter/transcriber shall maintain an electronic copy of the unredacted transcript for ten years.

Within 21 calendar days of the transcript's filing with the clerk, or longer if the court orders, an attorney of record or self-represented party, who has previously filed a Notice of Intent to Redact, must file a Confidential Redaction Request. (See Appendix A to these rules). A copy of this request must also be submitted simultaneously to the court reporter/transcriber. The request shall include the title of the transcript, the date it was filed, the case number and the items to be redacted, referencing them by page and line number and how they are to be redacted. For example, if a party wanted to redact the Social Security Number 123-45-6789 appearing on page 12, line 9 of the transcript, the Confidential Redaction Request would read: page 12, line 9: Social Security Number 123-45-6789 should be redacted to read xxx-xx-6789.

When a Confidential Redaction Request is filed, the court reporter/transcriber must within 31 calendar days from the filing of the transcript with the clerk of court, or longer if the court orders, perform the requested redactions and file a redacted version of the transcript with the clerk of court. The original unredacted transcript will be sealed and retained by the clerk of court. The unredacted transcript will always remain as a sealed document and will not be available for review without further order of the court. The unredacted transcript may be withdrawn from the office of the clerk of the trial court without an order of that court, in accord with W.R.A.P. 3.09. The unredacted transcript shall also be available for transmission to the appellate court.

For all civil transcripts and for all criminal trial transcripts when the case is appealed, court reporters of the district courts are required to provide either a key-word index or a PDF electronic file for all parties to assist in redaction efforts. Upon request, court reporters of the district courts shall provide either a key-word index or a PDF electronic file for other criminal transcripts.
