



United States District Court  
**DISTRICT OF MINNESOTA**

**LR 5.5 REDACTION OF TRANSCRIPTS**

**(a) Review of Transcript for Required Redactions.**

*(1) Review in Every Case for Personal Identifiers.*

(A) **Civil Cases.** After a transcript of any court proceeding has been filed under LR 80.1(a) in a civil case, each party that ordered the transcript must determine whether any personal identifier in the transcript must be redacted to comply with Fed. R. Civ. P. 5.2.

(B) **Criminal Cases.** After a transcript of any court proceeding has been filed under LR 80.1(a) in a criminal case:

(i) the government must determine whether any personal identifier in the transcript must be redacted to comply with Fed. R. Crim. P. 49.1; and

(ii) if a defendant ordered the transcript, that defendant's attorney—including an attorney serving as standby counsel for a pro se defendant—must determine whether any personal identifier in the transcript must be redacted to comply with Fed. R. Crim. P. 49.1.

*(2) Additional Review in Criminal Cases That Concern a Child.* After a transcript of any court proceeding has been filed under LR 80.1(a) in a criminal case that concerns a child:

(A) the government must determine whether any information concerning a child must be redacted to comply with 18 U.S.C. § 3509(d); and

(B) if a defendant ordered the transcript, that defendant's attorney—including an attorney serving as standby counsel for a pro se defendant—must determine whether any information concerning a child must be redacted to comply with 18 U.S.C. § 3509(d).

**(b) Statement Regarding Redaction.**

*(1) Civil Cases.* Within 21 days after the filing of a transcript of any court proceeding under LR 80.1(a) in a civil case, each party that ordered the

transcript must file a Statement Regarding Redaction that states whether or not the transcript must be redacted to comply with Fed. R. Civ. P. 5.2.

(2) *Criminal Cases.* Within 21 days after the filing of a transcript of any court proceeding under LR 80.1(a) in a criminal case, the government and, if a defendant ordered the transcript, that defendant's attorney—including an attorney serving as standby counsel for a pro se defendant—must each file a Statement Regarding Redaction that states whether or not the transcript must be redacted to comply with Fed. R. Crim. P. 49.1. If the criminal case concerns a child, each Statement Regarding Redaction also must state whether or not the transcript must be redacted to comply with 18 U.S.C. § 3509(d).

**(c) Additional Contents of Statement Regarding Redaction.**

If a Statement Regarding Redaction states that the transcript must be redacted:

(1) *Personal Identifiers.* If a personal identifier must be redacted to comply with Fed. R. Crim. P. 49.1 or Fed. R. Civ. P. 5.2, the Statement Regarding Redaction must specify the required redaction, without disclosing the personal identifier, as follows:

(A) The type of personal identifier to be redacted — for example, “social security number”;

(B) The transcript page and line number where the personal identifier to be redacted appears; and

(C) How the transcript should appear after redaction — for example, “social security number should appear as ‘XXX-XX-1234.’”

(2) *Information Concerning a Child.* If information concerning a child must be redacted to comply with 18 U.S.C. § 3509(d), the Statement Regarding Redaction must be filed under seal, and it must clearly specify what text should be redacted and how the transcript should appear after redaction.

**(d) Redacted Transcript.** After all Statements Regarding Redaction are filed, the court reporter must file the redacted transcript within 31 days after the original transcript was filed. The court reporter must not charge any fees for redaction.

**(e) Roles of the Court, Attorneys, and Unrepresented Parties.** The court does not ordinarily review transcripts to assess whether information should be redacted. Instead, attorneys and unrepresented parties must do so to the extent required by this rule.

[Adopted effective May 12, 2008; amended August 11, 2008; amended December 1, 2009; amended July 23, 2012; amended December 1, 2022]

### **2022 Advisory Committee's Note**

Local Rules 5.5, 12.1, and 80.1 have been amended to assist the court and the parties in complying with 18 U.S.C. § 3509(d), which limits disclosure of “the name or any other information concerning a child” in a criminal case. The meaning of the statutory phrase “information concerning a child” and related phrases (such as “concerns a child”) should be ascertained from case law and from 18 U.S.C. § 3509(a).

Local Rule 5.5 has been amended to require each party that ordered a transcript of a court proceeding in a civil case to specify redactions that must be made to comply with Fed. R. Civ. P. 5.2.

For a transcript of a court proceeding in a criminal case, Local Rule 5.5 has been amended to require the government (in all cases) and a defendant’s attorney (if that defendant ordered the transcript) to specify redactions that must be made to comply with Fed. R. Crim. P. 49.1 or 18 U.S.C. § 3509(d). A pro se defendant in a criminal case who does not have standby counsel has no obligations under this rule.

Former subsection (b) of Local Rule 5.5, which addressed a Notice of Intent to Request Redaction, has been deleted.

Former subsection (e) of Local Rule 5.5, which addressed non-compliance with deadlines and other requirements of LR 5.5, has been deleted as superfluous. Parties remain obligated to comply with LR 5.5 unless the court orders otherwise, and the court retains the power to enforce such compliance.

### **2012 Advisory Committee's Note to LR 5.5**

The language of LR 5.5 has been amended in accordance with the restyling process described in the 2012 Advisory Committee’s Preface on Stylistic Amendments.

New subsection (f), “Roles of the Court and the Parties,” reflects — in more direct language — the substance of the last sentence of former subsection (b). Subsection (f) does not reflect a substantive change.