

United States District Court
for the District of Columbia
Washington, DC 20001

Chambers of
Chief Judge
Royce C. Lamberth
United States District Judge

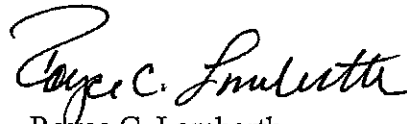
July 24, 2009

Mr. Carl Malamud
President & CEO
Public.Resource.Org
1005 Gravenstein Highway North
Sebastopol, CA 95472

Dear Mr. Malamud:

I thought you might find interesting the enclosed memorandum.

Sincerely,



Royce C. Lamberth
Chief Judge

Enclosure



JAMES C. DUFF
Director

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS


JILL C. SAYENGA
Deputy Director

WASHINGTON, D.C. 20544
July 23, 2009

NOEL J. AUGUSTYN
Assistant Director

Office of Court Administration

To: Clerks, United States Courts

From: Noel J. Augustyn 

Re: ENHANCED NOTICE OF ATTORNEY REDACTION RESPONSIBILITY

This past April, in response to an AO Privacy Task Force recommendation, CM/ECF was modified to display a message at login to remind attorneys of their responsibility to redact private information from the documents that they file. Now the Judicial Conference, through its Privacy Subcommittee of the Rules Committee, has reviewed the language of that reminder message as well as an additional proposal that CM/ECF require attorneys to acknowledge the reminder. In response to that review, CM/ECF has been further modified to refine the language of the message, require the acknowledgment, provide links to the Federal Rules regarding redaction, and display another reminder each time the attorney files a document.

The refined reminder message displayed at login is:

For Appellate –

IMPORTANT NOTICE OF REDACTION RESPONSIBILITY: All filers must redact: Social Security or taxpayer-identification numbers; dates of birth; names of minor children; financial account numbers; and, in criminal cases, home addresses, in compliance with Fed. R. App. P. 25(a)(5), Fed. R. Civ. P. 5.2 or Fed. R. Crim. P. 49.1 or Fed. R. Bankr. P. 9037. This requirement applies to all documents, including attachments.

I understand that, if I file, I must comply with the redaction rules. I have read this notice.

For District –

IMPORTANT NOTICE OF REDACTION RESPONSIBILITY: All filers must redact: Social Security or taxpayer-identification numbers; dates of birth; names of minor children; financial account numbers; and, in criminal cases, home addresses, in compliance with Fed. R. Civ. P. 5.2 or Fed. R. Crim. P. 49.1. This requirement applies to all documents, including attachments.

I understand that, if I file, I must comply with the redaction rules. I have read this notice.

For Bankruptcy –

IMPORTANT NOTICE OF REDACTION RESPONSIBILITY: All filers must redact: Social Security or taxpayer-identification numbers; dates of birth; names of minor children; and financial account numbers, in compliance with Fed. R. Bankr. P. 9037. This requirement applies to all documents, including attachments.

I understand that, if I file, I must comply with the redaction rules. I have read this notice.

The citations to the rules are hyperlinks which, if clicked, take the attorney to the text of the rule. And the attorney cannot complete the login process without checking the box on the last line of the message.

In addition, another reminder message has been added to the screen where the attorney finalizes submission of the filed document. That message says simply, “Have you redacted?” No affirming keystroke is required for that message.

Note that the addition of the login checkbox can present a problem for attorneys who file using third-party software, as is particularly common in the bankruptcy community. The known software vendors have been alerted to the coming change. And ideally they have now incorporated any necessary changes (including addition of the redaction notice text) into their own software. But, to facilitate a smooth transition to the new login process, I recommend that you give notice of your planned implementation date to these vendors and to the bar through a posting on your web site.

The modifications are included in new CM/ECF releases that will be made available to the courts within the next two weeks. Appellate Release 2.1.3 will be available on July 29, and Bankruptcy Release 3.3.2 ESR 1 will be available on July 31. District Releases 3.2.3 and 4.0.2 will be available on August 4.

In keeping with the Judiciary’s strong commitment to protecting private information in publicly accessible court records, I ask that your court implement these modifications as soon as practicable. Thank you for your attention.

cc: Automation Support Managers