

Local Rules

Rule Name: **F.R.Civ.P. 79. Books and Records Kept by the Clerk and Entries Therein** Chapter: **Chapter I: Local Civil Rules, Integrated with Titles of Federal Rules of Civil Procedure** Last Revised: **04/2008**

F.R.Civ.P. 79. Books and Records Kept by the Clerk and Entries Therein

L.R. 79-1 Clerk's Office - Removal of Records and Files . No records or objects belonging in the files of the Court may be taken from the office or custody of the Clerk except upon written order of the Court.

L.R. 79-2 Receipt for Removal . Any person removing records pursuant to L.R. 79-1 shall give the Clerk a descriptive receipt using the form prescribed by the Clerk.

L.R. 79-2.1 Clerk's Office - Removal of Records and Files - Court Officers . The provisions of L.R. 79-1 shall not apply to a judge, master, examiner employed by the United States, United States Magistrate Judge, a judge's law clerk, court reporter, or court clerk requiring records or objects in the exercise of official duty. Any court officer removing records or objects shall provide the Clerk with a receipt as required in L.R. 79-2.

L.R. 79-3 Clerk's Office - Disposition of Exhibits - Civil Cases . All models, diagrams, documents or other exhibits lodged with the Clerk or admitted into evidence or marked at trial shall be retained by counsel of record until expiration of the time for appeal where no appeal is taken, entry of stipulation waiving or abandoning the right to appeal, final disposition of the appeal, or order of the Court, whichever occurs first.

L.R. 79-4 Clerk's Office - Removal of Contraband . Contraband of any kind coming into the possession of the Clerk shall be returned to an appropriate governmental agency. The agency shall give the Clerk the receipt required by L.R. 79-2. The agency shall be responsible for the contraband until expiration of the time for appeal, where no appeal is taken, entry of stipulation waiving or abandoning the right to appeal, final disposition of the appeal, or order of the Court, whichever occurs first.

L.R. 79-5 Confidential Court Records

L.R. 79-5.1* Filing Under Seal - Procedures . Except when authorized by statute or federal rule, or the Judicial Conference of the United States, no case or document shall be filed under seal without prior approval by the Court. Where approval is required, a written application and a proposed order shall be presented to the judge along with the document submitted for filing under seal. The proposed order shall address both the sealing of the application and order itself, if appropriate. The original and judge's copy of the document shall be sealed in separate envelopes with a copy of the title page attached to the front of each envelope. Conformed copies need not be placed in sealed envelopes. Where under-seal filings are authorized by statute or rule, the authority therefor shall appear on the title page of the proposed filing. Applications and Orders to Seal, along with the material to be placed under seal, shall not be electronically filed but shall be filed manually in the

manner prescribed by Local Rule 79-5. A Notice of Manual Filing shall also be electronically filed identifying materials being manually filed.

L.R. 79-5.2 Confidential Court Records - Disclosure . No sealed or confidential record of the Court maintained by the Clerk shall be disclosed except upon written order of the Court.

L.R. 79-5.3 Procedure for Disclosure of Confidential Court Records . An application for disclosure of sealed or confidential court records shall be made to the Court in writing and filed by the person seeking disclosure. The application shall set forth with particularity the need for specific information in such records. The procedures of L.R. 7-3 *et seq.* shall govern the hearing of any such application.

L.R. 79-5.4** Responsibilities of Parties to Redact or Exclude Personal Identifiers. In compliance with the policy of the Judicial Conference of the United States and the E-Government Act of 2002 (as Amended), the parties shall refrain from including, and /or shall redact where inclusion is necessary, the following personal data identifiers from all documents, exhibits, and attachments filed with the Court, except as specifically excluded below.

(a) **Social Security Numbers:** If an individual's Social Security Number must be included in a document, only the last four digits of that number should be used;

(b) **Names of Minor Children:** If the involvement of a minor child must be mentioned, only the initials of that child should be used;

(c) **Dates of Birth:** If an individual's date of birth must be included in a document, only the year should be used;

(d) **Financial Account Numbers:** If financial account numbers are relevant, identify the name or type of account and the financial institution where maintained, and only indicate the last four digits of the account number;

(e) **Home Address:** If a home address must be included, only the city and state should be listed.

A party who must file a document containing the personal data identifiers as listed above shall: 1) file a redacted version of the document excluding the personal data identifiers; or 2) file a redacted version of the document with unique identifiers (e.g., 1, 2, 3 or A, B, C) used in place of the personal data identifiers, along with a reference list, filed under seal, indicating the complete personal data identifiers and unique identifiers used in their place.

Parties shall carefully examine the documents, exhibits or attachments to be filed with the Court in order to protect any sensitive and private information. The responsibility for redacting or placing under seal these personal data identifiers rests **solely** with counsel and the parties. The Clerk will not review any pleadings or documents for compliance.

Counsel and the parties are cautioned that failure to redact or place under seal these personal data identifiers may subject them to the full disciplinary power of the Court. If a redacted version of the document is filed, counsel shall maintain the unredacted document in their office pending further order of the Court or resolution of the action (including the appeal, if any) and shall, at the request of opposing counsel or parties,

provide a copy of the complete document.

Documents to be excluded. In accordance with the policy of the Judicial Conference of the United States, the documents listed below are not to be included in the public case file. These documents and all social security cases are excluded from this Local Rule, redaction requirement.

affidavits; (a) Unexecuted summonses or warrants, supporting applications, and

(b) Pretrial bail reports;

(c) Presentence investigation reports;

(d) Statements of reasons in the judgment of conviction;

(e) Juvenile records;

jurors; (f) Documents containing identifying information about jurors or potential

(g) Financial affidavits filed in seeking representation pursuant to the Criminal Justice Act;

(h) Ex parte requests for authorization of investigative, expert or other services pursuant to the Criminal Justice Act; and

(i) Sealed documents.

*(79-5.1, amended, effective 4/1/08)

** (79-5.4 new, effective 2/7/08)