



05-CV- 028

February 8, 2006

05-BK- 009

Peter G. McCabe, Secretary  
Committee on Rules of Practice and Procedure  
Administrative Office of the United States Courts  
1 Columbus Cir., Ste. 4170  
Washington, D.C. 20544

05-CR- 010

Dear Mr. McCabe,

On behalf of the National Court Reporters Association (NCRA), I respectfully submit the following comments regarding the proposed privacy protection rules of the Federal Rules of Civil Procedure 5.2, Criminal Procedure 49.1 and Bankruptcy 9037. We applaud the efforts of the Advisory Committees to amend the rules of practice and procedure to comply with the mandates of the E-Government Act of 2002 to address privacy and security concerns relating to the electronic filing of court documents.

NCRA shares the Advisory Committees goals to increase the privacy protections of our nation's citizens in order to ensure the security of personal data. NCRA seeks to ensure that members of the court family will not be adversely affected by these new requirements to redact information. The Committee on Court Administration and Case Management adopted a policy that requires counsel/parties to identify the personal information to be redacted and protects reporters/transcribers from responsibility for failure to redact or errors associated with redaction. Furthermore, in each of the proposed new rules, the Committee Notes expressly state that the responsibility to identify the personal information to be redacted in filings rests solely with counsel and the parties. NCRA proposes that the following language be added to the Privacy Protection Rules to ensure that this intent is codified in the rules:

*(b) Responsibility for redacted filings. The responsibility for identifying the personal information to be redacted in filings made with the courts rests solely with counsel and the parties. Clerks are not required to review documents filed with the courts for compliance with this rule. Nothing in this rule is intended to create a private right of action against court reporters or transcribers for any failure to redact the required information or for any errors associated with such redaction.*

Thank you for your consideration of our comments.

Sincerely,

Mark J. Golden, CAE  
Executive Director & CEO