

**United States District Court
Eastern District of Kentucky**

NOTICE REGARDING RECORDED PROCEEDINGS

Notice to Attorneys

In the United States District Court for the Eastern District of Kentucky at Lexington in Courtrooms A and B, the official record of the proceeding may be taken by electronic sound (digital audio) recording. (The Clerk can confirm applicability to any particular hearing.)

On the Record

If any of your witnesses present testimony containing unusual names or technical vocabulary, please request the spelling of such names or terms.

Off the Record

Whispered comments may be recorded. Unless you mute the microphone at your table, assume the record will include all conversations and remarks at your table during the hearing.

Limiting Personal Information

If personal information is stated on the record, it will be available in the audio files this court makes available. Since counsel and the parties are solely responsible for guaranteeing that pleadings and testimony comply with the court's rules¹ requiring redaction of personal data identifiers, the better practice is to avoid introducing personal data identifiers and other sensitive information into the record, unless the rules allow. Please be advised that courtroom deputies cannot redact audio files and take this into account when questioning witnesses or making other statements in court. **If private information is mentioned during a hearing or trial, you may move the court to seal the proceeding or a portion of the proceeding. When possible, alert the court in advance of the need to seal a portion of the proceeding.**

Obtaining a Recorded Proceeding or Transcript

To minimize the cost of litigation when proceedings are recorded as the official record by electronic sound recording equipment, you may purchase a copy of the digital audio recording for your own use from the clerk, at the prevailing rate prescribed by the miscellaneous fee schedule in effect, in lieu of a transcript by filing a completed CD request form (AO 436). Written citations to the record must reference a filed transcript (docket entry and page number) and shall not reference an audio record. You may obtain a transcript of the proceeding, at the transcript rates established by the Judicial Conference, by filing a completed transcript request form (AO 435).

¹ See Federal Rule of Civil Procedure 5.2 and Federal Rule of Criminal Procedure 49.1.