

## RECORDED AUDIO FILES AVAILABLE OVER THE INTERNET

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### Notice to Attorneys

Beginning April 2013, the United States Bankruptcy Court for the District of Minnesota will make digital audio files of court proceedings in Duluth available to the public over the Internet through the Public Access to Court Electronic Records (PACER) system for a fee of \$2.40 per audio file. The audio files of most court proceedings held before Chief Judge Gregory F. Kishel and Judge Robert J. Kressel, will be uploaded to the Case Management Electronic Case Files (CM/ECF) system.

The audio file of each hearing will be embedded in a .pdf document docketed to the appropriate case through CM/ECF. Anyone with a PACER account can access the .pdf document and listen to the embedded audio file in the same way they would access any other document filed to the case. However, attorneys and others who are parties to the case will **not** receive the audio equivalent of a “free look.” Rather, any access to the audio file will be subject to the PACER fee noted above.

### Instructions To Access the Audio File

- a. Save the .pdf document displayed in the browser to a location on your computer.
- b. Open the .pdf document on your computer with Adobe Reader.
- c. Follow the steps described in the picture below.

*\* This technology is currently not accessible on iPads.*



### Privacy Policy

The judiciary's privacy policy restricts the publication of certain personal data in documents filed with the court. The policy, formalized in Federal Rule of Bankruptcy Procedure 9037, requires limiting the disclosure of Social Security and financial account numbers to the last four digits, using only initials for the names of minor children, and limiting dates of birth to

the year. However, if such information is disclosed in oral argument or elicited during testimony, it will become available to the public.

### **Limiting Personal Information**

If information subject to the judiciary's privacy policy is stated on the record, it will be available in the audio files over the Internet. Counsel and the parties are solely responsible for guaranteeing that pleadings and testimony comply with the requirements of Federal Rule of Bankruptcy Procedure 9037 mandating the redaction of personal data identifiers and therefore, must avoid introducing personal data and other sensitive information into the record. If private information is inadvertently introduced during a hearing or trial, attorneys may move the court to seal, restrict, or otherwise prohibit placement of the digital audio file of the hearing or trial on the Internet through the PACER system. ***Clerk's office staff and chambers' staff cannot redact audio files before they are placed on CM/ECF.***

In addition, please be mindful that the microphones at counsel tables are sensitive and may pick up even whispered conversation. Therefore, ***please make sure that private communications with co-counsel or clients take place away from the microphone so they are not inadvertently recorded.***