

**United States Bankruptcy Court  
Western District of North Carolina**



**NOTICE  
RECORDED AUDIO FILES AVAILABLE OVER THE INTERNET**

**Notice to Attorneys**

Beginning February 29, 2016, the United States Bankruptcy Court for the Western District of North Carolina will make audio files of court proceedings 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. These audio files will be uploaded to the Case Management Electronic Case Files (CM/ECF) system and available to the public for download. This process will apply to hearings heard on or after February 29, 2016.

**Privacy Policy**

The judiciary's privacy policy and Federal Rule of Bankruptcy Procedure 9037 restrict the publication of certain personal data in documents filed with the court. The policy 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 elicited during testimony or other court proceedings, it will become available to the public.

**Limiting Personal Information**

If information subject to the judiciary's privacy policy and Bankruptcy Rule 9037 is stated on the record, it will be available in the audio files over the Internet. Since counsel and the parties are solely responsible for guaranteeing that pleadings and testimony comply with the court's rule requiring the redaction of personal data identifiers, the better practice is to avoid introducing personal data and other sensitive information into the record, unless necessary to prove an element of the case. Also, be advised that the court cannot redact audio files before they are placed on CM/ECF. Please 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, restrict, or otherwise prohibit placement of the audio file of the hearing or trial on the Internet through the PACER system.

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.

**It is the responsibility of counsel to notify the court by motion of their desire to restrict audio from the Internet.**