

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Date: February 14, 2001  
To: CJA PANEL MEMBERS  
From: James R. Starr, Clerk  
In re: Sealed Documents

In talking with Bjorn, he suggests that you review carefully amended LR 83.11. Sealed Documents. The rule, revised 1/1/01, outlines the procedures for requesting sealed status.

Our sealed procedures now presume that information is public unless it falls under one of the exceptions in 83.11(a).

Of particular note:

Psychiatric/psychological/medical reports: No statutory authority was found for automatic sealing; sealing must be done by court order. As these reports come directly from the doctor/facility, counsel should include in the motion requesting the examination a request to seal the report when it is filed.

CJA 20, Attorney Voucher: 18 USC § 3006A(d)(4) says the voucher shall be made public upon payment after reasonable notice to counsel to allow for redaction. Our paid vouchers are filed upon approval. Notice was mailed to all panel members when the provision went into effect and has since been contained in the CJA Reference Material sent to all panel members.

CJA 21, Services Other than Counsel. There is statutory authority to seal these documents (18 USC §3006A(e)(1) and (4)) so they fall within the exception in LR 83.11(a)(1).

Ex Parte Motions: Be advised that ex parte motions, except those pertaining to requests for expert services, are not sealed unless sealing is requested.