

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT OF ILLINOIS**

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**ADMINISTRATIVE ORDER 2006-4**

**ADMINISTRATIVE ORDER ON ELECTRONIC RECORDING IN**

**THE 10TH JUDICIAL CIRCUIT**

Effective April 17th 2006, this administrative order is adopted to comply with Supreme Court Rule 46 and is applicable in all courthouses and courtrooms in the 10th Judicial Circuit in which electronic recording equipment has been provided by the Administrative Office of the Illinois Courts.

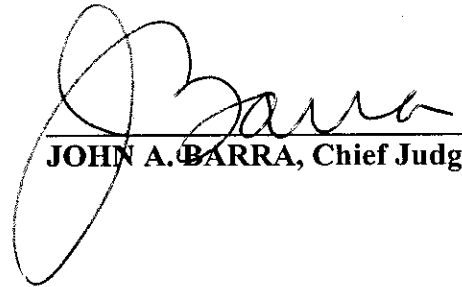
1. All felony, juvenile abuse and delinquency cases will be covered by an Official Court Reporter. Court reporter coverage of all other cases will be determined on a case-by-case basis by the Chief Judge, the sitting judge and the Court Reporting Services Supervisor. When an Official Court Reporter is present, the transcript produced from stenographic notes will be the official record. When an Official Court Reporter is not present, electronic recording will be utilized. The transcript generated from electronic recording will then be the official record.
2. All court reporting, including electronic recording, shall be conducted in accordance with Supreme Court Rule 46, regulations adopted by the Administrative Office of the Illinois Courts pursuant to said rule, and by the following rules. (The current Rule 46 and regulations are attached to this order.)
3. The judge in each courtroom shall be responsible to ensure that electronic recording is conducted pursuant to said rule and regulations and this order.
4. The electronic court reporting equipment shall be turned on each day in each courtroom before the docket begins and shall be turned off after the last case of the day concludes in that courtroom. It shall not be turned off during any courtroom proceeding. However, a judge may mute the entire system for those proceedings that do not need to be recorded as explained in Rule 8. That judge is thereafter responsible to unmute the system when a recording is required.
5. An electronic recording shall be made in each case in each courtroom unless exempted by these rules.

6. The clerk of each court shall scan each case by bar code or otherwise into the system before each case begins.
7. The Judge shall identify each case by number and name before each case begins and shall initially identify the attorneys or have the attorneys identify themselves.
8. The procedures in paragraphs 6 and 7 need need not be followed in traffic court during pleas of guilty before the court for offenses less serious than Class A Misdemeanors, nor for any non-trial proceeding in traffic court, ordinance court or small claims court, nor for case-management conferences or pretrial conferences, nor for the entry of default orders. However, said procedure shall be followed during trial or hearings of any kind in any case.
9. Nothing in this order requires the making of a record whenever an agreed order is tendered to a judge for signature or when a docket entry is entered by the judge in which a record was not normally made prior to the existence of electronic recording.
10. However, nothing in this order prevents a judge from making a record in those instances in which this order exempts the making of this record.
11. A judge shall be entitled to go off the record in any instance in which a judge previously could go off the record when a certified court reporter was present. A judge may go off the record in those situations by temporarily muting the system, but said judge shall be responsible for unmuting the system when going back on the record. When necessary, the control room shall initiate communication with the Court and clerk.
12. An attorney who consults with his client privately shall do so by pressing and holding the mute button on his microphone. Said microphone becomes "live" once that attorney releases said button.
13. Electronic digital recordings of proceedings shall remain under the control of the Court with access to such proceedings subject to regulations set by the Administrative Office of the Illinois Courts and such orders as may be entered by the Court.
14. Electronic digital recordings of such proceedings shall be disseminated by transcripts prepared by Court Reporting Services employees only. The transcript and not the medium shall be the official record. A certificate is to be signed and attached to the transcript by the Court Reporting Services employee showing the foregoing to be a true and accurate transcript, to the best of his/her ability of the digitally-recorded proceedings.
15. Unless specifically authorized by Court Order to the contrary, only a transcript certified by one of the Court Reporting Services employees shall be the official record. The official record shall be given preference for use in all courtrooms and as a part of the record on appeal for any case from this Circuit.
16. The report of proceedings is to be disseminated by transcript only. All transcript requests shall be in writing and submitted to the Court

Reporting Services Supervisor and shall be subject to the policies set out by the Administrative Office of the Illinois Courts.

17. Court reporter notes and electronic recordings are not to be released to anyone except by order of a superior court. Attempts to subpoena said notes or recordings or any pleading seeking the same shall be referred to the Chief Judge immediately. However, a judge hearing a case may request that all or part of a proceeding be played back by said judge privately or in open court when allowed by law.

**ENTERED THIS 10TH DAY OF APRIL, 2006.**



**JOHN A. BARRA, Chief Judge**

**ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS**  
**STANDARDS FOR SECURITY OF THE OFFICIAL RECORD OF COURT**  
**PROCEEDINGS**  
**AND FOR TRAINING AND CERTIFICATION FOR ELECTRONIC**  
**RECORDING OF PROCEEDINGS**  
**PURSUANT TO RULE 46**

**General**

Subject to the discretion and approval of the Supreme Court, the Director of the Administrative Office may authorize digital electronic recording of proceedings in the circuit court. Although any court proceeding may be recorded at the Chief Judge's discretion, the Supreme Court has expressed a preference that the report of proceeding in felony cases be taken by a court reporting services employee by stenographic means.

No electronic recording system shall be utilized without first being approved by the Director of the Administrative Office. The Chief Judge of each judicial circuit shall submit his or her request for equipment in writing to the Director. Nothing in these regulations shall prohibit continued use of electronic recording systems already in operation.

If electronic recording and a court reporter, as defined by the Court Reporters Act, are both present at a proceeding, the transcript of the reporter's notes shall be the official record. A transcript of the electronic recording shall not be made available to any party unless ordered by the court.

If the electronic recording is the record of the proceedings, any party may additionally employ, at the party's expense, a freelance court reporter to record the proceedings stenographically. Any transcript produced from such freelance reporter shall not be received as the official record in the case except upon good cause shown and ordered by the court. Any freelance reporter so employed shall be afforded accommodations in the courtroom sufficient to allow the recording of proceedings.

## **Confidentiality of Proceedings**

Certain proceedings which court reporting personnel may be called upon to record must be held in strictest confidence. These include, but are not limited to, proceedings in the following matters:

- a. *Adoption cases*
- b. *Juvenile hearings*
- c. *Grand Jury proceedings*
- d. *Search warrants*

Court reporting personnel may be present in court or monitoring the testimony of an officer or other witness when application is made for a search warrant. All such proceedings, even the fact that an application for a search warrant has been made, must be held in strictest secrecy. Any transcript, affidavit or form prepared by any court reporting personnel in connection with such proceedings should be delivered only to the judge.

- e. *Mental Health proceedings*
- f. *In-camera proceedings*

Transcripts of confidential proceedings, should be sealed in an envelope before being filed with the clerk of the court or the Office of the Administrator of Court Reporters, who will file it with the clerk of the court. The envelope will identify on its face the case number, case caption, date of proceeding, and the judge.

## **Retention of Notes and Electronic Recordings**

Stenographic notes or electronic media containing court proceedings stenographically recorded by court reporting personnel and electronic recordings of court proceedings preserve the record for the purpose of appeal. Such notes, electronic media and any transcripts thereof are products of the State's power to compel testimony in an effort to ascertain the truth in matters before the trial court and to facilitate the right of adequate appellate review. Accordingly, no litigant, counsel, witness or court reporting personnel shall retain any proprietary interest in such notes, electronic media or transcripts of court proceedings.

All retention periods are subject to court order in particular cases to extend the time for which notes and/or electronic media must be retained. Nothing in these retention requirements shall prohibit a longer period of retention than specified. The retention period for notes, electronic recordings and transcripts shall be as follows:

- a. *Civil proceedings* - Five (5) years after the final appealable order has been entered as to all parties; except in proceedings where the court retains ongoing jurisdiction over the parties and/or subject matter.
- b. *Juvenile proceedings* - Five (5) years after an adjudication proceeding: by court order dismissing any petitions and discharging the minor; or, after a dispositional proceeding: by court order or by the minor's attainment of age 19 or age 21 if ordered by the court.
- c. *Small Claims* - Five (5) years after the last order disposing of all parties and all issues.
- d. *Criminal proceedings*  
*Felony cases* - When all defendants and charges are disposed of by discharge, dismissal, or not guilty finding, when the time for taking an appeal has passed; or, if sentence is imposed, after conviction or order of supervision, when the time period imposed by sentence, including any mandatory supervised release period has passed. Where a transcript of the entire case has been filed with the clerk, the notes may be destroyed 10 years after the filing of the transcript. If only a partial transcript was filed, the notes of those portions of the case which were transcribed may be destroyed 10 years after filing the transcript;  
*Misdemeanor and Driving Under the Influence cases* - When all defendants and charges are disposed of by discharge, dismissal, or not guilty finding, when the time for taking an appeal has passed; or, if sentence is imposed after conviction or order of supervision, when the sentence has been served;
- e. *Traffic, Ordinance, and Conservation cases* - Five (5) years after the cases have been disposed and all non-financial terms of the sentence have been satisfied.

### **Storage of Notes and Electronic Media**

Electronic recordings of proceedings shall remain under the control of the court having custody of them. Electronically recorded proceedings shall be disseminated by transcript only.

Each circuit or county which operates an electronic recording system must adopt a local rule or administrative order which shall include affirmation that the report of proceedings are disseminated by transcript only and shall indicate the procedure for requesting transcripts from electronic recordings.

Notes and/or electronic media containing original records of court proceedings are property of the court and shall be stored in suitable facilities. Court reporting personnel are responsible for the safekeeping of notes and/or electronic media he or she produces and should see that they are stored in designated court facilities.

Court reporting personnel are responsible for properly marking notes and/or electronic media to identify cases and dates contained within for future retrieval. Markings should include the date, case identifier, and a file name, if applicable. Court reporting personnel may temporarily retain notes and/or electronic media elsewhere than at the courthouse for the purpose of preparing transcripts.

Per diem reporters should, at the end of the day, deposit notes and/or electronic media with the supervisor of reporters or a designated custodian for safekeeping. They may be obtained from the supervisor when an order for a transcript is received.

Upon termination of employment, any stenographic notes, official court controlled electronic recorded media of court proceedings, and electronic copies of transcripts on computer media shall be returned to the circuit court after the court reporting personnel have completed and filed any outstanding orders for transcripts. Any computer media shall be clearly marked with case names and dates. Additionally, a reporter who utilized computer-aided transcription shall provide the court with a copy of his or her dictionary.

In the event it becomes necessary to transcribe proceedings which were taken by a court reporter who is no longer employed by the court, nothing in these regulations shall be construed as prohibiting the Chief Judge from requiring the former employee who covered the proceedings to

prepare the transcript. A former employee who transcribes notes of proceedings taken while he or she was employed shall be compensated in accordance with the Uniform Schedule of Charges for Transcripts pursuant to 705 ILCS 70/5.

### **Training and Certification of Personnel**

All personnel designated to operate the electronic recording systems installed or approved by the Administrative Office of the Illinois Courts (AOIC) shall be trained and certified as deemed necessary by the AOIC.

#### *Training*

Training shall be provided or coordinated by the AOIC staff. The AOIC may be supported in this effort by appropriate circuit court personnel and electronic recording vendors. The purpose of such training shall be to instruct personnel designated to operate electronic recording systems and/or prepare transcripts from such systems and to prepare such personnel for certification as described in these standards.

The content on this training shall minimally include:

- (1) court reporting personnel certification exam study guide comprised of sections on judicial overview, law and procedures including Supreme Court rules, transcripts, terminology, proof reading and grammar.
- (2) orientation, instruction and practical experience under appropriate supervision on the operation of electronic recordation equipment and the preparation of transcripts.

#### *Certification of Personnel*

All designated personnel trained on the operation of the electronic recording system shall be certified to operate the system within six (6) months of employment for new employees or within six (6) months of the completion of installation of a new electronic recording system. Certification shall be confirmed by successful completion of an examination administered by the AOIC. Certification requirements shall consist of the following components as applicable to each employee's job responsibilities.

- (1) Successful completion of a written exam based on information contained in the study



guide.

- (2) Transcription of a give minute audio recording with 95% accuracy.
- (3) General knowledge of computers, computer components and navigation techniques (keyboard, mouse, printers, etc.)
- (4) Knowledge of Windows file structures, folder and file naming techniques, and browsing through directory structures.
- (5) Demonstrate the ability to verify the audio recording is at an acceptable level.
- (6) Demonstrate the ability to startup and shutdown the recording system from a control room and/or within a courtroom.
- (7) Demonstrate the ability to operate the touch panel screen or microphone control unit on judge's bench.
- (8) Demonstrate the ability to enter annotations from a central control room managing multiple courtrooms and/or from within a courtroom.
- (9) Demonstrate the ability to copy previously recorded audio recordings and annotations to a CD-Rom disc.
- (10) Demonstrate the ability to find recorded audio, listen to audio, and play it back into a courtroom.
- (11) Understanding of the backup procedures, time frames, and media storage process.

Documented proof of passing the written knowledge portion of the Certified Shorthand Reporter (CSR) or Registered Professional Reporter (RPR) examination may be substituted for the written knowledge certification. Documented proof of passing the testimony portion of the CSR or RPR examination or the Part-A Proficiency Examination may be substituted for the transcription certification.

### **Modifications**

The Director of the Administrative Office reserves the authority to modify these standards, as deemed necessary.

**Effective December 13, 2005**

**Rule 46. Official Record of Court Proceedings**

**(a) Taking of the Record.** The record of court proceedings may be taken by stenographic means or by an electronic recording system approved by the Supreme Court. All transcripts prepared as the official record of court proceedings shall be prepared pursuant to applicable supreme court rules.

**(b) Security of the Record.** The confidentiality of court proceedings and the retention and safekeeping of notes and electronic recordings shall be maintained consistent with standards established by the Supreme Court through its Administrative Office.

**(c) Court Reporting Personnel.** For purposes of this rule and other supreme court rules regarding the official record, "court reporting personnel" shall include:

**(1) court reporters as defined by the Court Reporters Act (705 ILCS 70/1);**

**(2) court personnel who have fulfilled the training and certification standards promulgated by the Supreme Court and consistent with paragraph (d) of this rule; and**

**(3) certified shorthand reporters hired through an agency or as an independent contractor by a private party or parties to take a stenographic record in court proceedings.**

**(d) Electronic Recording of Court Proceedings.**

**(1) The Supreme Court shall provide for and prescribe the types of electronic recording equipment that may be used in the circuit courts. Those jurisdictions with electronic recording systems installed are required to properly utilize and staff such equipment in order to produce a reliable verbatim record of the proceedings.**

**(2) Court reporting personnel, including court reporters as defined by the Court Reporters Act (705 ILCS 70/1), must successfully complete training and certification designed to qualify them to operate electronic recording equipment, prepare transcripts from such proceedings, and certify the record on appeal. Such training and certification shall be consistent with standards established by the Supreme Court, through its Administrative Office.**

**(3) Electronic recordings of proceedings shall remain under the control of the court having custody of them. The chief judges shall provide for the storage and safekeeping of such recordings consistent with the standards referenced in paragraph (b) of this rule.**

**(4) The Administrative Office shall monitor the operation of electronic recording equipment, the security of the electronic recordings, and the training of court reporting personnel to assure that each county is in compliance with this rule.**

**Adopted December 13, 2005, effective immediately.**