

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 recording 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