

ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS
**POLICY AND STANDARDS ON OFFICIAL RECORD OF COURT
PROCEEDINGS**

The Administrative Office of the Illinois Courts (“AOIC”) adopts this Policy and Standards on Official Record of Court Proceedings (“Policy”) in conjunction with Illinois Supreme Court Rule 46, the Court Reporters Act (705 ILCS 70/1, *et seq.*), the Supreme Court’s Remote Access Policy, Standards and Principles for an Electronic Record, and any other policy or procedure implemented by the Illinois Supreme Court.

I. GENERAL

A. Modification of the Policy. The Director of the AOIC reserves the authority to modify these standards, as may be necessary.

B. Definitions

1. ***Court Reporter.*** “Court reporter” shall include all court reporting personnel as defined by the Court Reporters Act, 705 ILCS 70/1.
2. ***Court Reporter Notes.*** “Court reporter notes” shall mean untranslated files from stenographic writers or dictionaries; and any other hardcopy or electronic media file available for producing a transcript of the proceedings.
3. ***Court Reporting Services Employee.*** “Court Reporting Services employee” means court reporting personnel as defined by the Court Reporters Act, 705 ILCS 70/1.
4. ***Electronic Recordings.*** “Electronic recordings” shall mean recordings of court proceedings consistent with Supreme Court Rule 46 taken using a Supreme Court-provided audio or video recording system (digital recording system), or video and audio, through conferencing software used by the court, video cameras in the proceeding, whether for use by the court reporter in preparing the transcript or for official use as a record of the proceeding.
5. ***Freelance Court Reporter.*** “Freelance court reporter” shall mean a court reporter who is not employed by the court and hired by one or more parties to litigation and performs the same services identified in 705 ILCS 70/5 of the Court Reporters Act. All freelance court reporters must display their licensing credentials and be in good standing with the State of Illinois prior to taking the record in the court system.
6. ***Transcript.*** “Transcript” shall mean the document which has the written words of the proceedings as prepared by court reporting

personnel as described by Illinois Supreme Court Rule 46 and shall include any hard copy, or any digital or electronic files as prepared by the court reporter.

- C. **One Court Reporter Per Court Proceeding.** There shall be only one court reporter present during a court proceeding. That court reporter may be a Court Reporting Services employee or a freelance court reporter. The Court shall be the sole determiner of which court reporter may be in attendance at the proceedings and may consult with the attorneys/parties in reaching its determination.

II. TRANSCRIPTS

- A. **Transcript of the Proceedings.** Transcripts produced in cases shall be the official record of the case unless otherwise directed by court order.
- B. **Memorializing and Safeguarding the Court Proceeding Record.** All court reporters and Court Reporting Services employees shall preserve, protect and maintain the record of Court proceedings, in accordance with Section V(C) below, including, but not limited to court reporter notes, electronic recordings, and files so that the transcript or electronic recordings may be produced in the future.
- C. **Transcript Preparation After Termination of Court Reporter or Court Reporting Services Employee.** It is the preference that the reporter who created the files produce the transcripts from those files, and he or she will always retain the first right of transcription. A former employee must keep contact information up to date with the circuit in order to retain this right. In Circuit Courts relying on a court reporter sharing agreement, this preference is subordinate to the needs of the court as determined by the judge presiding over the case. Since time is of the essence with transcript requests, a former employee must acknowledge a transcript request within seven (7) calendar days. After the seven-day period has passed, the court should make every effort to have the transcript produced by another court reporter using the former court reporter's notes. Any court reporter or Court Reporting Services employee who may have to produce a transcript after termination of employment shall be compensated in accordance with the Uniform Schedule of Charges for Transcripts pursuant to the Court Reporters Act,

III. ELECTRONIC RECORDINGS OF PROCEEDINGS

- A. **Authorization of Electronic Recording in Court Proceedings.** The Director of the AOIC, subject to the approval and discretion of the Illinois Supreme Court, may authorize electronic recordings of proceedings. The Chief Judge of each judicial circuit shall submit his or her request for equipment or recording medium in writing to the AOIC. Consistent with Supreme Court Rule 46, Nothing in this provision shall prohibit the continued use of court-provided electronic recording systems already in operation in any judicial circuit.
- B. **Recordings for Use by Court Reporter for Transcript Preparation.** Pursuant to the Court Reporters Act, 705 ILCS 70/5, court reporters may use a supplemental recording device to assist in preparing transcripts. These recordings are not considered an official record and shall not be released or distributed.
- C. **Recordings of the Proceedings in Felony Cases.** Any court proceeding may be recorded at the Chief Judge's discretion in accordance with Illinois Supreme Court Rules. The Illinois Supreme Court strongly recommends that the official report of a proceeding in felony cases be taken by a Court Reporting Services Employee by stenography if at all possible.
- D. **Priority of the Official Record.** 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 take precedence.

If an electronic recording, as approved by the Supreme Court, 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. The transcript of the electronic recording shall be the official record of the proceeding unless the court declares the freelance court reporter is the official record of proceedings. Any freelance court reporter must provide their licensing credentials and be in good standing with the State of Illinois prior to being declared the official record.

- E. **Availability of Electronic Recordings.** If an electronic recording is made during a court proceeding, the electronic recording shall not be made available to any party or the public without a court order. Electronic

recordings shall remain under the control of the court. Each circuit court shall provide for a procedure for requesting electronic recordings or a transcript of electronic recordings through a general administrative order or through a local rule.

IV. CONFIDENTIALITY; SEALING OF TRANSCRIPTS AND ELECTRONIC RECORDINGS

- A. **Court Order.** In cases with sensitive information or in confidential proceedings, the following rules shall be in effect.
1. ***Preparation of Transcript.*** The transcript of a confidential proceeding shall not be prepared unless ordered by the court.
 2. ***Filing or Distribution of Transcript by a Court Reporter.*** A court reporter, freelance court reporter, or a Court Reporting Services employee shall not release the transcript to any party, the public, or the Clerk of the Circuit Court in any case with heightened confidentiality (as defined below) or otherwise designated by the Court without a court order. The transcript may be delivered directly to the judge upon request by the judge presiding over the matter.
 3. ***Filing or Distribution of Transcript by Parties or Participants to the Proceeding.*** No party or participant to a confidential proceeding shall file the transcript with the Clerk of the Circuit Court, or otherwise distribute the transcript, without a court order allowing the filing of the transcript.
- B. **Proceedings Requiring Heightened Confidentiality.** Cases that are considered confidential or heightened confidential proceedings include:
1. Mental Health;
 2. Adoptions;
 3. Juvenile Hearings;
 4. Search Warrants;
 5. In-Camera Proceedings;
and
 6. Any other proceeding designated as closed or confidential by the judge presiding over the matter.

C. Sealing of Transcripts and Electronic Recordings.

1. Court Order Sealing Transcript.

- i. Entire Case Under Seal. In a case that is designated impounded, confidential, or sealed, and the entire case is under seal with the Clerk of the Circuit Court, a directive by the court to prepare and file a transcript of a proceeding shall be bound by the order sealing the entire case.
- ii. Select Documents Under Seal. In a case where only select parts of the case are designated impounded, confidential or sealed, the court shall enter an order sealing the transcript of the confidential proceeding to ensure that the transcript remains sealed when filed with and under the custody of the Clerk of the Circuit Court.
- iii. Court Discretion. Notwithstanding the fact that the transcript of the proceeding is impounded, confidential or sealed, the Court may still obtain a copy of the transcript from the court reporter for the Court's use during the pendency of the case.

2. *Transcripts Filed in Paper Format*. Any confidential transcripts filed with the clerk of the court in paper format shall be sealed in an envelope before being filed with the clerk of the court. The envelope will identify on its face the case number, case caption, date of proceeding, and the judge.

3. *Transcript to Remain Sealed*. In all confidential proceedings or cases where a transcript has been designated confidential and sealed pursuant to court order, the Clerk of the Circuit Court shall keep the transcript sealed at all times. When the Clerk of the Circuit Court prepares a record on appeal that includes a sealed or confidential transcript, the Clerk shall keep the transcript sealed and secured in accordance with Illinois Supreme Court Rule 371 and the *Illinois*

Supreme Court Standards and Requirements for Electronic Filing the Record on Appeal. The Clerk of the Court shall not unseal a document in the preparation of the record for review unless the Clerk receives an order from the Circuit Court or a reviewing court to unseal the document for the record on review.

D. Court Reporter's Duty of Confidentiality. A court reporter, Court Reporting Services Employee, and Freelance court reporter in a confidential proceeding is bound by the provisions in this Policy and Standards on Official Record of Court Proceedings, Illinois Supreme Court

Rule 46, the Court Reporters Act (705 ILCS 70/1, et seq.), to not disclose information about the proceedings that would breach the confidentiality of the proceedings.

V. RETENTION; STORAGE OF TRANSCRIPTS AND ELECTRONIC RECORDINGS

- A. **Transcript Retention Governed by Law.** All transcripts and electronic recordings are governed by the State Records Act, 5 ILCS 160/1, *et seq.*, the Local Records Act, 50 ILCS 205/1, *et seq.*, the Illinois Supreme Court Manual on Recordkeeping, and this Policy. All materials shall be retained in accordance with the governing law, applicable Supreme Court rules and this Policy.
- B. **Retention Requirements for Court Reporter Notes.** Court reporter stenographic notes are not deemed to be an official record; therefore, a retention period has been set forth separately from the transcripts which may be produced from such notes. All retention periods are subject to extension by court order as the Chief Judge of the circuit or the judge presiding over the matter deems appropriate. Nothing in these retention requirements shall prohibit a longer period of retention than specified. The retention period for court reporter notes shall be as follows:
1. ***Civil proceedings.*** Ten (10) 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.
 2. ***Juvenile proceedings.*** Ten (10) 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.
 3. ***Small Claims.*** Ten (10) years after the last order disposing of all parties and all issues.
 4. ***Criminal proceedings.***
 - i. **Felony cases.** Where a transcript of the entire case has been filed with the clerk, the notes may be destroyed ten (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 ten (10) years after filing the

transcript. If, after 10 years from the date of the last court proceeding taken in a felony case, the transcript has not been filed with the clerk of the court, the notes and/or electronic recordings shall be kept indefinitely in an electronic format accessible by the court.

- ii. Misdemeanor and Driving Under the Influence cases. At a minimum, ten (10) years from the date of the proceeding, or 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, whichever is longer.

5. ***Traffic, Ordinance, and Conservation cases***. Ten (10) years after the cases have been disposed and all non-financial terms of the sentence have been satisfied.

C. Storage of Transcripts, Court Reporter Notes, and Electronic Recordings.

1. ***Property of the Court***. All transcripts, court reporter notes, and electronic recordings are property of the court and shall be stored as directed by the Chief Judge.
2. ***Storage in Electronic Files***. All transcripts, court reporter notes, and electronic recordings shall be stored in an electronic format on a server or online repository, with regular back-up systems in place as directed by the Chief Judge.
3. ***Responsibilities of Court Reporters, Court Reporting Services Employees, and Freelance Reporters***. All court reporters, court reporting services employees, and freelance reporters shall be required to maintain files in the following manner:
 - i. Ensure safekeeping of court reporting notes, transcripts, and electronic recordings that are produced in their work and that they are stored in accordance with this Policy;
 - ii. Ensure proper naming of files to readily identify cases and dates of the content of the material for future retrieval. File names should include case number(s), case caption(s), and relevant dates. In high volume situations, a file coversheet including this information should be attached to the cover or first page of the file; and

- iii. Ensure all transcripts, court reporter notes, and electronic recordings are provided to the court upon termination of employment in an electronic format that allows for the production of a transcript after the termination of the court reporter.

4. Responsibilities of the Court.

- i. Proper Storage. Each court is responsible for ensuring safekeeping and back-up of court reporter notes, transcripts, and electronic recordings which are in its possession.
- ii. Obtaining Court Reporter Notes Upon Court Reporter Employment Termination. Each court shall be responsible for ensuring that it receives into its possession all transcripts, Court reporter notes, and electronic recordings from a court reporter and Court Reporting Services employee upon termination of employment for storage in accordance with this Policy.

VI. TRAINING AND CERTIFICATION OF PERSONNEL

All personnel designated to operate the electronic recording systems installed or approved by the AOIC shall be trained and certified as deemed necessary by the AOIC.

A. **Training**. All personnel involved in court reporting or operating recording equipment must be properly trained.

1. ***Training Provided by AOIC***. Training shall be provided or coordinated by the AOIC staff on state provided electronic recording systems. 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 Court Reporters and Court Reporting Services Employees or any other court personnel how to:
 - i. Operate electronic recording systems.
2. ***Training Provided by Court Reporting Services***. Training shall be provided or coordinated by Court Reporting Services staff. The purpose of such training shall be to instruct Court Reporters and Court Reporting Services Employees or any other court personnel how to:
 - i. Prepare transcripts from such systems; and
 - ii. Prepare Court reporters and Court Reporting Services Employees for certification as described in these

standards.

3. ***Content of Court Reporting Services Training.*** The content on this training shall include, at a minimum, the following areas of instruction:
 - i. The court reporting personnel certification exam study guide comprises sections on judicial overview, law and procedures, including Supreme Court rules, transcripts, terminology, proofreading, and grammar.
 - ii. Orientation, instruction and practical experience under appropriate supervision on the operation of electronic recordation equipment and the preparation of transcripts.

B. Certification. All personnel involved in court reporting or operating recording equipment must be properly certified.

1. ***Time of Certification.*** 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.

2. ***Requirements to Complete Certification.*** Certification shall be confirmed by successful completion of an examination administered by the AOIC or Court Reporting Services, whichever applies. Certification requirements shall consist of the following components as applicable to each employee's job responsibilities:

- i. Successful completion of a written exam based on information contained in the study guide;
- ii. Transcription of an audio recording with 95% accuracy;
- iii. General knowledge of computers, computer components and navigation techniques (keyboard, mouse, printers, etc.);
- iv. Knowledge of Windows file structures, folder and file naming techniques, and browsing through directory structures;
- v. Demonstration of an ability to verify the audio recording is at an acceptable level;
- vi. Demonstration of an ability to startup and shutdown the recording system from a control room and/or within a courtroom;
- vii. Demonstration of an ability to operate the touch panel screen or microphone control unit on judge's bench;

- viii. Demonstration of an ability to enter annotations from a central control room managing multiple courtrooms and/or from within a courtroom;
- ix. Demonstration of an ability to copy previously recorded audio recordings and annotations to external computer media;
- x. Demonstration of an ability to find recorded audio, listen to audio, and play it back into a courtroom; and
- xi. An understanding of the backup procedures, time frames, and media storage process.

3. ***Written Exam Substitutions.*** 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 required in Section VI(B)(2)(i) of this Policy. 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.

Amended October 2024