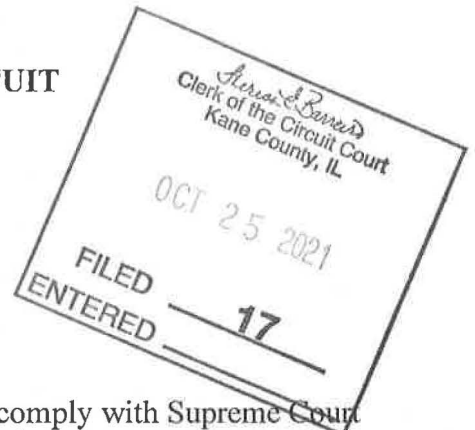


IN THE SIXTEENTH JUDICIAL CIRCUIT
GENERAL ORDER 21-21
Effective October 25, 2021



IN THE MATTER OF)
AMENDING ELECTRONIC RECORDING)
IN THE 16TH JUDICIAL CIRCUIT)


Effective October 25, 2021 this General Order is hereby adopted to comply with Supreme Court Rule 46 and is applicable in all courthouses and courtrooms in the 16th Judicial Circuit in which electronic recording equipment has been provided by the Administrative Office of the Illinois Courts (AOIC).

- 1) All Felony, Misdemeanor (except branch courts), Juvenile Abuse and Neglect and Juvenile 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 Reporter 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, and electronic recording is 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 AOIC pursuant to said rule, and by the following rules.
- 3) The judge in each courtroom shall be responsible to ensure that electronic recording is conducted pursuant to said rule and regulations in 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, the judge may mute the entire system for those proceedings that do not need to be recorded as explained in paragraph 8 below. That judge is therefore 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 under these rules.
- 6) The circuit clerk of each courtroom shall scan each case by bar code 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 not be followed for any non-trial proceedings, nor for any case management conferences, pretrial conferences or default orders. However, said procedure shall be followed during trials 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 a 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 the judge shall be responsible for unmuting the system when going back on the record. When necessary, the electronic recording control room shall initiate communication with the court and circuit 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 the attorney releases said button.
- 13) Electronic digital recordings of proceedings shall remain under control of the court, with access to such proceeding subject to regulations set by the AOIC and such orders as may be entered by the court.
- 14) Electronic digital recordings of such proceedings shall be disseminated by transcripts prepared by Official Court Reporters 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 Official Court Reporter 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 Official Court Reporters 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 it to be disseminated by transcript only. All transcript requests shall be in writing and submitted to the Court Reporter Supervisor and shall be subject to the policies set out by the AOIC.
- 17) Official 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 the judge privately or in open court when allowed by law.

Entered and effective this 25th day of October, 2021. A true copy of the original of this document is on file in my office


Clint Hull, Chief Judge

Attest: 10-25 2021
Theresa E. Barreiro
 Circuit Court Clerk, Kane County, Illinois
 By: 
 Deputy Clerk