



Chief Immigration Judge

5201 Leesburg Pike
Falls Church, Virginia 22041

October 17, 1984

MEMORANDUM FOR: All Immigration Judges
All Management Officers

FROM: William R. Robie *WR*
Chief Immigration Judge

SUBJECT: Operating Policies and Procedures Memorandum
No. 84-9: Processing Hearing Transcriptions

The Executive Office for Immigration Review, at the time of its creation, inherited a serious backlog of Immigration Judge hearings requiring transcription. We have attempted to deal with this problem by entering into contracts with a number of independent vendors for the transcription of hearings. We are presently in the process of finalizing additional multiple contracts for transcription services which hopefully will allow us to deal more effectively with the backlog of cases which need transcribing.

In order to reduce to a minimum the amount of time involved from the time an appeal is filed until the transcribed record reaches the Board of Immigration Appeals, please carefully observe the following guidelines:

1. Reviewing the transcript and setting briefing schedules. I remind you that transcripts, especially in the case of detained aliens, should be reviewed as soon as possible. The Uniform Docketing System provides for administrative time to be used for this function. I know that many of you also devote after-hours time to this important function. Absent compelling circumstances, please hold all parties to limited briefing schedules.
2. Typographical errors and inaccurate transcripts. In view of our significant backlog, we have been advised by the Director and Chairman of the Board of Immigration Appeals that, only in exceptional circumstances, are transcripts to be returned to the vendors for retyping.

Under our contracts, we have the prerogative to insist upon near perfect work from the vendors. We must recognize, however, that requiring a vendor to retype a page of a transcript which contains minor typographical errors is time-consuming and obviously prevents the vendor from completing work on other transcripts. While I do not condone accepting transcripts from vendors which have excessive typographical errors, it simply is not cost-efficient or effective for us to require retyping in all such instances in view of the significant backlog that exists. I therefore direct that your office exercise great restraint in requesting the retyping of transcripts because of minor typographical errors. Normally, these errors should be hand corrected and initialed by the Immigration Judge when the transcript is received in your office. Only where a transcript cannot be reasonably remedied by hand correction and where mistakes are so excessive as to substantially affect the case (e.g. portions of the hearing are deleted) should it be returned to the vendor for retyping. In no event should transcripts or decisions be returned for revisions which do not actually reflect the hearing recording. More specifically, vendors will not be requested to incorporate any editorial changes. Neither should such changes be retyped in your own office.

It is, however, desirable that we bring errors to the attention of the vendors even though we may not require retyping. We have been making an effort to improve the quality of work performed by these vendors and we want to continue in this effort. Therefore, it would be appropriate for field offices to photocopy and forward to the Central Docket Unit copies of some of the transcript pages which contain various errors in order that this information can be submitted to the vendor. Hopefully, this effort will in itself result in a higher quality of work.

Once we have effectively dealt with the existing backlog, we will be insisting upon improved performance by the vendors in accordance with the terms of existing contracts. In the meantime the cooperation of your office is certainly appreciated.

3. Reduction of transcript errors. Perhaps what is most essential to insuring a high quality of transcription is to provide our vendors with easily "transcribable" immigration hearing recordings. Transcription requests will be expedited and errors reduced if the following guidelines are observed:

- (a) Speakers must be identified and recognized by the Immigration Judge during the proceeding.

- (b) Participants must be directed to speak with sufficient volume and into the microphones.
- (c) Background noise must be eliminated to the fullest extent possible.
- (d) Equipment must be frequently tested and located properly within the hearing room.
- (e) All parties must be clearly identified on the record and/or in writing on EOIR Form #10, Tape Transmittal Record Envelope.

Assuring that these guidelines are followed will save valuable time and money by producing a more accurate transcript on the first try. (For additional information please refer to Operating Policy and Procedure Memorandum 83-3: Guidelines for Recording Immigration Hearings.)

4. Transcription of hearings which have not been appealed. Transcripts of hearings may only be requested once an appeal is filed. It will no longer be possible for you to request transcripts prior to making your decision, as a general matter. If review of the record is necessary prior to making a decision, you should listen to the tape. However, more emphasis on oral decisions while the testimony is fresh in your mind may alleviate this problem. If, in the unusual case, it is absolutely necessary that a transcript be prepared prior to a decision because of extreme complexity or another legitimate reason, such request should be made in writing to the Central Docket Unit fully justifying the need for a transcript. You are also reminded that preparation of reserved decisions is to be done in your office.