

**ADMINISTRATIVE AND PROCEDURAL RULES OF THE ILLINOIS APPELLATE
COURT - FOURTH DISTRICT**

201 West Monroe Street, Springfield, IL 62704

Revised 11/2017

Illinois Supreme Court Rule 22(h) authorizes this court to adopt rules of practice consistent with the Illinois Supreme Court Rules, the Uniform Administrative and Procedural Rules of the Illinois Appellate Courts, and the Illinois Compiled Statutes.

1. Filing and Form of Documents Filed in the Appellate Court

Attorneys and self-represented litigants must electronically file all documents in civil cases, except documents exempted by Illinois Supreme Court Rule. Attorneys and self-represented litigants may not file documents through any alternative filing method, except in the event of emergency upon leave of Court. A list of approved Electronic Filing Service Providers is at <http://efile.illinoiscourts.gov/service-providers.htm>.

Attorneys and self-represented litigants may electronically file documents in criminal cases. If not filed electronically, all criminal filings must be forwarded to the Appellate Court Clerk's office either by personal delivery or by the United States Postal Service or similar courier to:

Fourth District Appellate Court Clerk

201 West Monroe Street

Springfield, Illinois 62704

Unless received after the due date, documents and materials filed conventionally in criminal cases will be deemed filed upon receipt by the Appellate Court Clerk (Illinois Supreme Court Rule 373). If received after the due date, the time of mailing shall be deemed the time of filing. Proof of mailing shall be as provided in Illinois Supreme Court Rule 12.

All documents filed with the Appellate Court must comply with Illinois Supreme Court Rules and must be signed by at least one attorney of record whose professional physical address, email address, and Illinois Attorney Registration and Disciplinary Commission number must be listed. Self-represented litigants shall sign their name and provide a physical address and email address.

2. Appearance and Withdrawal of Attorneys

Attorneys shall file an appearance or other pleading before addressing the Appellate Court unless presenting a motion for leave to appear by intervention or otherwise. Procedures for withdrawal shall be consistent with Illinois Supreme Court Rule 13(c).

3. Address Changes

All attorneys and self-represented litigants shall immediately notify the Appellate Court Clerk of any change of physical or email address. The notice shall be served on all parties of record.

4. Contents of the Record on Appeal

The contents of the record on appeal are specified in Illinois Supreme Court Rules 321 and 608. The standards for the electronic filing of the record on appeal are set forth in the Illinois Supreme Court's Standards and Requirement for Electronic Filing the Record on Appeal Manual.

5. Review of Administrative Orders

The procedure for direct review of Administrative Orders by the Appellate Court is defined in Illinois Supreme Court Rule 335.

6. Briefs

All briefs filed with the Appellate Court must be signed by at least one attorney of record whose professional physical address, email address, and Attorney Registration and Disciplinary Commission number shall be listed. Self-represented litigants shall sign their name and provide a physical address, email address, and telephone number. The form, length, number of copies, format of briefs, and time deadlines must comply with Illinois Supreme Court Rules 341 through 345.

7. Filing Fees and Reproduction of Materials

As of January 1, 2015, in all cases docketed in the Appellate Court, all appellants shall pay a filing fee of \$50. Appellees, upon entry of appearance or filing of any document, shall pay a \$30 fee as required by section 705 of the Appellate Court Act (705 ILCS 105/28), Illinois Supreme Court Rule 313, and Supreme Court Administrative Order M.R. 3140.

The Appellate Court Clerk's office will not produce paper copies of certified records on appeal for any party or non-party. Reproductions of other documents filed with the Appellate Court Clerk may be requested and, if the request is granted, will be provided at the cost of \$0.25 per page (Supreme Court Administrative Order M.R. 10958).

The Appellate Court's computer system and the information contained in that system, including but not limited to internal electronic court communications and internal administrative documents, will not be printed or provided to any party, his or her attorney, or the general public.

8. Motions

Motion titles shall reflect the precise nature of the relief sought, such as "Motion for Extension of Time to File the Appellant's Brief" rather than merely "Motion" or "Motion for Extension of Time."

Motions shall state the relief sought and the support for the motion. When the motion is based on facts that do not appear of record, the motion shall be supported by affidavit. If counsel has conferred with opposing counsel and opposing counsel has no objection to the motion, that fact shall be stated in the motion title, body, and affidavit in order to allow the Appellate Court to rule on the motion. The procedures for motions are specified in Illinois Supreme Court Rules 361 and 610.

9. Emergency Motions

Emergency motions shall be filed and proceed pursuant to Illinois Supreme Court Rule 361(g). No emergency motion may be filed in the Appellate Court unless the appeal has been docketed following receipt of a filed notice of appeal or interlocutory petition under applicable Illinois Supreme Court Rules.

The words "Emergency Motion" must appear in the title. The Appellate Court Clerk, upon receiving a filing entitled "Emergency Motion," shall immediately direct it to the Fourth District Appellate Court's motions judge. If the emergency motion requires action by this court by a certain date or time, that information must be set forth in the first paragraph of the motion. The motion shall specify the nature of the emergency and the grounds for the specific relief requested.

The party filing the emergency motion shall serve all other parties. The type of service made shall be specifically indicated on the Certificate of Service.

Emergency motions shall only be filed when a matter involves a genuine emergency. Motions for extension of time to file a record or brief are not considered emergencies.

Upon receipt of an Emergency Motion, the Appellate Court may

1. Enter an order requesting a response by a specific date or time;
2. Wait for the time provided by Illinois Supreme Court Rule for expiration of time for a response.
3. Enter an order resolving the motion; or
4. Take whatever action is deemed appropriate.

10. Disposition of Cases

Where no appellee brief is timely filed, a case will be considered ready for submission to the Appellate Court seven days after the day the brief is due to be filed, unless a timely motion for extension of time to file the brief is filed. If a timely motion for extension of time is filed, but no brief is subsequently timely filed, the case will be considered ready for submission to the Appellate Court on the due date determined by the resolution of the motion(s) for extension.

All other cases will be considered ready for disposition upon the timely filing of the appellant reply brief (or cross-reply brief). Where no reply brief (or cross-reply brief) is timely filed, a case will be considered ready for disposition on the day the reply brief (or cross-reply brief) is due to be filed, unless a timely motion for extension is filed.

If a timely motion for extension is filed but no reply brief (or cross-reply brief) is subsequently timely filed, the case will be considered ready for disposition as of the due date determined by the resolution of the motion or motions for extension. See last page of this document for appeal time

schedule.

11. Mandatory Accelerated Disposition of Child Custody Appeals

The expedited procedures in Illinois Supreme Court Rule 311(a) shall apply as the rule directs. If the appeal is taken from a judgment or order affecting other matters, issues, or decisions affecting the rights of persons other than the child, the court may handle all pending issues using the expedited rules in Rule 311(a).

12. Appeals advanced in Delinquent Minor Cases

The expedited procedures in Illinois Supreme Court Rule 660A shall apply to appeals from final judgments in delinquent minor proceedings arising under the Juvenile Court Act.

13. Accelerated Timetable for cases other than appeals filed under Rules 311(a) and 660A

All accelerated cases must adhere to the following due date schedule:

1. The record on appeal (or certificate in lieu of record) and the report of proceedings shall be filed no later than 35 days after the filing of the notice of appeal. Any request for extension of the time for filing shall be accompanied by an affidavit of the court clerk or court reporter stating the reason for the delay and shall be served on the trial judge and the chief judge of the judicial circuit.

2. The appellant brief must be filed within 21 days of the filing of the record or certificate in the Appellate Court.

3. The appellee brief must be filed within 21 days thereafter.

4. Any reply brief must be filed within 7 days thereafter.

5. In the case of a cross-appeal, the cross-reply brief must be filed within 7 days thereafter.

Requests for continuance are disfavored and shall be granted only for compelling circumstances (Illinois Supreme Court Rule 311(a)(7)).

When a motion requesting a continuance is based on a delay in the preparation of the record, the motion shall detail the proceedings at the status hearing required by Illinois Supreme Court Rule 311(a)(3), including the trial court's determination of the record and whether the trial judge has requested the chief judge's assistance in resolving any filing delays. The motion shall also attach a file-stamped copy of any order entered by the trial court at the status hearing and an affidavit of the clerk or court reporter stating the reason for the delay.

14. Disposition of Accelerated Cases

Where no appellee brief is timely filed, an accelerated case will be considered ready for disposition seven days after the day that the brief is due to be filed, unless a timely motion for extension of time to file the appellee brief is filed. If a timely motion for extension of time is filed

but no appellee brief is subsequently timely filed, the case will be considered ready for disposition seven days after the due date determined by the resolution of the motion or motions for extension of time.

All other accelerated cases will be considered ready for disposition upon the timely filing of the appellant reply brief (or cross-reply brief, if applicable). Where no reply brief (or cross-reply brief) is timely filed, a case will be considered ready for disposition on the due date for the reply brief (or cross-reply brief) unless a timely motion for extension of time is filed.

If a timely motion for extension is filed but no reply brief (or cross-reply brief) is subsequently timely filed, the case will be considered ready for disposition as of the due date determined by the resolution of the motion or motions for extension of time.

15. Oral Arguments

Cases in the Appellate Court shall be called for argument or submitted without argument in the sequence and manner provided by Illinois Supreme Court Rules 351 and 352.

Appellant(s) and appellee(s) shall receive a total of 20 minutes for oral argument. The appellant(s) will receive a total of 5 additional minutes to present rebuttal. Oral argument shall omit the recitation of the facts and procedural history of the case except to the extent necessary to frame the issues presented on appeal.

In Workers' Compensation cases, the appellant(s) and appellee(s) shall receive a total of 15 minutes for oral argument with 5 additional minutes to present rebuttal for appellant.

16. Rehearing

A petition for rehearing may be filed within 21 days after the filing of the judgment (Illinois Supreme Court Rule 367).

17. Recording of Proceedings

Audio recordings of all oral arguments in the Appellate Court are available at www.illinoiscourts.gov

18. Workers' Compensation Commission Appeals

A five-judge panel of the Appellate Court will sit as the Workers' Compensation Commission division of each district of the Appellate Court and will hear and decide all appeals involving review of orders from the Workers' Compensation Commission. (Illinois Supreme Court Rule 22(i)).

19. Fourth District Appellate Courthouse Building

The Fourth District Appellate Court Clerk's office is open for the transaction of business from 8:30 a.m. to 4:30 p.m. each day except Saturdays, Sundays, and legal holidays as determined by the Illinois Supreme Court.

20. Personnel

The members of the Fourth District Appellate Court staff are precluded from providing legal advice to litigants, potential litigants, or their counsel.

21. Electronic Records on Appeal

The Fourth District Appellate Court shall, in its own discretion, grant or deny authorization to access the electronic Record on Appeal as offered by the Appellate Court Clerk at a designated secured web site. Any copy of the electronic record downloaded by either party need not be returned to the Appellate Court.

TIME SCHEDULE FOR AN APPEAL

DAY 0 An appealable order is entered.

DAY 30 The notice of appeal must be filed in the Circuit Court within 30 days of the entry of an appealable order. **The filing of the notice of appeal begins a new time schedule.**

DAYS 0-7 The notice of appeal must be filed, with proof of service, in the Appellate Court.

DAY 1 to 14 Appellant orders transcripts and requests the circuit clerk to prepare the Record on Appeal.

DAY 14 Docketing statement must be filed in the Appellate Court.

DAY 49 Report of proceedings filed with Circuit Court Clerk (seven weeks after notice of appeal.)

DAY 63 Record on appeal must be filed in the Appellate Court (nine weeks after notice of appeal.) **The filing of the record begins a new time schedule.**

DAY 0 The record or certificate in lieu of record must be filed in the Appellate Court.

35 DAYS The appellant brief is due 35 days (five weeks) after the record is filed.

35 DAYS The appellee brief must be filed 35 days (five weeks) after the due date of the appellant brief.

14 DAYS

The appellant reply brief must be filed 14 days (two weeks) after the due date of the appellee brief.

The case proceeds to the oral or nonoral calendar.

See the attached documents for specific information related to electronic filing.

Appendix A

Fourth District Appellate Court Electronic Filing Procedures and User Manual

Appendix B

In re: Mandatory Electronic Filing In Civil Cases ORDER M.R. 18368 filed January 22, 2016

Appendix C

In re: Electronic Filing in Civil and Criminal Cases and Remote Access Systems M.R. 18368
Amendment filed May 30, 17.

**FOURTH DISTRICT APPELLATE COURT ELECTRONIC FILING PROCEDURES AND
USER MANUAL**

Revised November 14, 2017

1. **Electronic Filing Required in Civil Cases.** Unless exempt under Illinois Supreme Court Rules, all documents filed by attorneys and self-represented litigants in civil appeals shall be filed electronically in accordance with the Illinois Supreme Court Rules, the Order entered January 22, 2016, by the Supreme Court of Illinois in *In re: Mandatory Electronic Filing in Civil Cases* (M.R. 18368), and as provided in this *Illinois Appellate Court Electronic Filing Procedures and User Manual (Manual)*.

Documents in criminal appeals may be filed electronically.

2. **Definitions.** The following terms shall be defined as:

- a. **"Electronic Filing"** (e-filing) means filing a digital document with the Appellate Court directly from the registered user's computer or the Public Access Terminal using an approved EFSP.
- b. **"Electronic Filing Manager"** (EFM) the Supreme Court of Illinois's central e-filing service used by all Illinois courts which manages the flow of e-filed documents from the registered user to the Appellate Court via the EFSP.
- c. **"Electronic Filing Service Provider"** (EFSP) means an independent company approved in the State of Illinois at <http://efile.illinoiscourts.gov/service-providers.htm> to operate a web portal that transmits e-filings from the registered user through the EFM to the intended court.
- d. **"Envelope Number"** means a unique number assigned by the EFM to each e-filing transaction, which may be used to track an e-filing transaction.
- e. **"Hyperlink"** means a link from a hypertext file or document to another location or file, typically activated by clicking on a highlighted word or image on the screen.
- f. **"PDF"** means Portable Document Format, a proprietary file format developed by Adobe Systems, Inc.
- g. **"Public Access Terminal"** means a publicly accessible computer and scanner provided by the Appellate Court for the purposes of facilitating electronic filing with the court. The Public Access Terminal is available during normal business hours in the Appellate Court Clerk's offices.
- h. **"Registered User"** means an individual who has registered a username and password with the EFSP.
- i. **"Technical Failure"** means a malfunction of the EFM, EFSP, or the Illinois Court's hardware, software, and/or telecommunications facility, which results in the inability of a registered user to submit a document for e-filing. It does not include the failure of a registered user's equipment.
- j. **"Transaction Confirmation"** means a confirmation transmitted to a registered user after the user has submitted a transaction through an EFSP to the Appellate Court. At a minimum, the transaction confirmation displays a transaction number and the date and time the transaction was submitted by the registered user through the EFSP. The transaction confirmation may serve as the filer's proof of submission.

3. **Secured Documents.**

- a. Confidential, impounded, sealed, or otherwise secured documents ("secured") shall be submitted

only when clearly designated as such at the time of filing.

- b. Motions for leave to file a secured document may be e-filed and must be designated as such at the time of submission. The secured document shall be submitted at the same time as the motion, but in a separate transaction than the transaction containing the motion.

4. Registration, Change of Contact Information, Usernames, and Passwords.

- a. Registration to become a registered user through efileIL is available on an approved EFSP's website. For a list of approved EFSP vendors, visit <http://efile.illinoiscourts.gov/service-providers.htm>
- b. The registrant shall provide all requested registration information including a secure username and password to the EFSP. This username and password shall also function as a signature on each e-filed document, as provided in paragraph 6, and will authorize payment of all filing fees and service fees, if any, as provided in paragraph 9.
- c. If an attorney is suspended or disbarred by the Supreme Court of Illinois, e-filing account access will be suspended.
- d. The Appellate Court reserves the right to revoke any registered user's privileges with or without cause.
- e. Once registered, it is the responsibility of the registered user to keep contact information, including e-mail address, current with the Appellate Court and the EFSP.

5. Format of an E-Filed Document.

- a. Except as otherwise provided, an e-filed document shall comply with the current Illinois Supreme Court Rules, including but not limited to page and word limitations, page size, font type, margin width, and font size.
- b. E-filed documents must be in text-searchable PDF format compatible with the latest version of Adobe Reader. Except as otherwise provided by this manual, an e-filed document generated by a word processing program must not be a scan of the original, but must instead be converted directly into a PDF file using Adobe Acrobat, a word processing program's PDF conversion utility, or another software program. Whenever possible, scanning should be avoided.
- c. If scanning is unavoidable, the scanned document must be made searchable using optical-character-recognition (OCR) software, such as Adobe Acrobat Professional, and have a resolution of 300 dots per inch (dpi) with a "black and white" setting.
- d. The size of any single transaction shall not exceed 150 megabytes (MB).
- e. Documents in different cases submitted in a single transaction will be rejected.
- f. Documents submitted for e-filing shall at the end of the document include a proof of service for the filing and any other item required by the Illinois Supreme Court Rules as a single file.
- g. If a document requires leave of court before filing, the registered user shall attach the proposed document as an exhibit to the motion for leave in a single transaction. The proposed document shall also be submitted for e-filing, but in a separate transaction than the transaction containing the motion requesting leave.
- h. Appendix materials may be scanned if necessary, but scanning should be avoided whenever possible. An appendix shall be combined into one file with the document with which it is associated for purposes of e-filing, unless the resulting computer file would exceed 150 MB. In

such case, the registered user is responsible for dividing the document into appropriately sized parts, with each part having a separate page that labels each part of the appendix (e.g. Appendix 1; Part 2 etc.) and submitting the parts in separate transactions that do not exceed 150 megabytes.

- i. An e-filed document may contain hyperlinks to another part of the same document, an external source cited in the document, an appendix item associated with the document, or a record citation. A hyperlink within an appendix item is also permitted. Any external material behind the link is not part of the e-filing.
- j. An e-filed document must not contain a virus or malware. The e-filing of a document constitutes a certification by the registered user that the document has been checked for viruses and malware.
- k. The color of the cover of a brief, whether electronic or paper, shall comply with Illinois Supreme Court Rule 341.
- l. The Appellate Court may reject an e-filed document for failure to comply with Illinois Supreme Court Rules or this Manual.

6. Signatures on E-Filed Documents.

- a. Except as otherwise provided, the registered user's confidential, secure username and password constitute the registered user's signature in compliance with the Illinois Supreme Court Rules and statutes regarding original signatures on court documents. When a signature is provided in this manner, the registered user must also include either an "/s/" and the registered user's name typed in the space where the registered user's signature would otherwise appear or an electronic image of the registered user's signature, which may take the form of a public key-based digital signature or a scanned image of the registered user's signature.
- b. The registered user shall not allow his or her username or password to be used by anyone other than an agent who is authorized by the registered user.
- c. If a document is notarized, sworn to or made under oath, the registered user must e-file the document as a scanned image containing an image of the necessary original signature(s). A document certified pursuant to Section 1-109 of the Code of Civil Procedure may contain an electric signature as described in subparagraph a.
- d. If a document requires the signature of an opposing party, the registered user must e-file the document as a scanned image containing the opposing party's signature.

7. Timing of E-Filing.

- a. The EFSP and the EFM are agents of the Appellate Court for the purpose of e-filing and receipt of electronic documents. Upon submission of an e-filed document, the EFSP will return to the registered user a transaction confirmation, which shall serve as proof of submission.
- b. A document will be considered timely submitted if e-filed before midnight on or before the date on which the document is due.
- c. A document submitted electronically after midnight or on a day when the Appellate Court Clerk's office is not open for business will, unless rejected, be file stamped on the next day the clerk's office is open for business.
- d. A document submitted to the Appellate Court Clerk for filing shall be deemed filed upon review and acceptance by the clerk. The filed document shall be endorsed with the clerk's electronic file

mark setting forth, at a minimum, the identification of the district (and division, if applicable) of the Appellate Court, the Appellate Court Clerk, and the date and time of filing.

- e. After the Appellate Court Clerk reviews an e-filed document, the registered user will receive an e-mail notification of the review results.
- f. In the event the Appellate Court Clerk rejects a submitted document, the document will not be filed and the registered user will receive an electronic notification of the reason(s) for rejection.
- g. A document properly e-filed pursuant to paragraph 5 of this policy, which requires a motion and an Appellate Court order allowing its filing, will be deemed filed on the date the motion is granted.
- h. If a document is untimely due to any technical failure, the registered user may seek appropriate relief from the Appellate Court, upon good cause shown.

8. Proof of Service.

- a. Documents filed electronically shall be served on all parties and/or counsel of record in accordance with the Illinois Supreme Court Rules. The proof of service shall advise all parties and/or counsel of record as to the method of service and specify the document was electronically filed.
- b. If a document requires an Appellate Court order allowing its filing, no additional proof of service is required as long as the original proof of service filed with the motion for leave to file the document includes a reference to the unfiled document and is served on all parties and/or counsel of record.

9. Payment of Filing Fees.

- a. Registered users filing documents electronically shall pay the applicable filing and appearance fees electronically to the Appellate Court through the EFSP at the time of filing.
- b. Registered users requesting waiver of fees shall file an application for waiver of fees pursuant to Illinois Supreme Court Rule 298. The application shall be a separate transaction from the transaction containing the document for filing. If the application for waiver of fees is denied, the document will not be filed.

Approved: June 19, 2017, eff. July 1, 2017; revised November 14, 2017.

Appendix B

In re: Mandatory Electronic Filing In Civil Cases ORDER M.R. 18368 filed January 22, 2016

Appendix C

*In re: Electronic Filing in Civil and Criminal Cases and Remote Access Systems M.R. 18368
Amendment filed May 30, 17.*

IN THE
SUPREME COURT OF ILLINOIS

In re: Mandatory Electronic Filing
In Civil Cases

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M.R. 18368

ORDER

The exchange of information required to resolve disputes in court has, until the past quarter century, relied almost exclusively on paper documents. Technology has since evolved to provide for the automated exchange of court information. Court users, including self-represented litigants, increasingly benefit from paperless court systems that allow for electronic filing, service and access to case documents.

The Supreme Court of Illinois has adopted numerous rules, policies and initiatives to promote e-filing with the goal of fostering the effective and efficient administration of justice. Advances in e-filing were initiated on September 19, 2002, when the Court filed M.R. Order 18368 authorizing the electronic filing of documents with the Supreme Court on a pilot basis. However, after several years, only five counties were operating under the pilot program.

To encourage expansion of e-filing, the Court approved *Electronic Filing Standards and Principles* on October 24, 2012, thereby concluding the pilot status of civil case e-filing and authorizing permanent e-filing upon circuit court request and Court approval. In September 2014, the Court amended the *Electronic Filing Standards and Principles* to include e-filing in criminal case types and traffic citations. Yet, to date, only 15 of 102 Illinois counties have sought and been granted approval for e-filing.

The scant use of e-filing statewide brings to bear what the Supreme Court has long recognized -- the barriers to statewide e-filing revolve primarily around the wide variances in funding and technology resources available to the state's 24 circuit courts, including the 13 different case management systems currently operating in Illinois.

Committee Review and Recommendations

To address this challenge, the Technology Committee of the Conference of Chief Circuit Judges was tasked in 2013 with considering statewide standardization of data definition and exchange methods for e-filing and e-records. On June 21, 2013, the committee included within its recommendations to the Conference the conclusion that statewide e-filing efforts will develop if courts are mandated to e-file and follow a common set of standards for data packaging and organization.

On November 26, 2014, the Court created the *e-Business Policy Advisory Board and Technical Committee* comprised of judges, court clerks, attorneys and court technology personnel. The *e-Business Policy Board* is charged with providing recommendations, advice, and guidance to the Supreme Court and its Administrative Office of the Illinois Courts regarding the implementation of e-Business applications and data exchanges in Illinois circuit courts.

On December 15, 2015, the *e-Business Policy Board* made several recommendations to the Court, including: (1) set a date certain for the implementation of mandatory e-filing of civil cases for all counties in the state; (2) require a single e-filing manager (EFM) to integrate e-filed documents into the case management systems of all counties not presently approved to conduct e-filing; and, (3) allow counties currently approved for e-filing to continue with their current e-filing systems, including EFMs, until one year after the centralized EFM has been operational for all other counties in the state, during which time a review should be conducted to recommend a date certain for those counties to begin using the centralized EFM for the e-filing of civil cases.

In spite of the rules, policies and standards in place, the implementation of discretionary e-filing programs has not achieved the desired goal of statewide e-filing on civil matters. As such, in reliance upon the recommendations of multi-disciplinary committees, boards, and court staff who have spent years evaluating this issue, this Court concludes that e-filing in civil cases in Illinois must be made mandatory.

THEREFORE, IT IS ORDERED that:

1. This Order governs e-filing in civil cases for the Illinois Supreme Court, Illinois Appellate Court and Illinois Circuit Courts.
2. E-filing of civil cases shall be mandatory in the Illinois Supreme Court and the Illinois Appellate Court effective July 1, 2017.
3. E-filing of civil cases shall be mandatory in Illinois Circuit Courts effective January 1, 2018.
4. In the Illinois Supreme Court and Illinois Appellate Court, e-filing of civil cases shall occur consistent with applicable policies, guidelines and/or standards authorized by the Supreme Court and through the utilization of a centralized electronic filing manager (EFM) authorized by the Supreme Court. The centralized EFM shall be integrated with the Supreme Court Clerk and the five Illinois Appellate Court Clerk case management systems.
5. In all Circuit Courts which have not implemented an authorized local e-filing program by the filing date of this Order, e-filing of civil cases shall occur per the applicable policies, guidelines and/or standards authorized by the Supreme Court, and through the utilization of a centralized electronic filing manager (EFM)

authorized by the Supreme Court. The centralized EFM shall be integrated with each Circuit Court's case management system.

6. In all Circuit Courts operating an approved local e-filing program by the filing date of this Order, e-filing of civil cases shall occur per the applicable policies, guidelines and/or standards authorized by the Supreme Court, and through the utilization of an electronic filing manager (EFM) authorized by the Chief Circuit Judge and Circuit Clerk or the centralized EFM authorized by the Supreme Court. After January 1, 2018, and following evaluation of the implementation and operation of the centralized EFM, the Supreme Court may designate a future date certain at which time all such Circuit Courts shall utilize the centralized EFM authorized by the Supreme Court for the e-filing of civil cases. The centralized EFM shall be integrated with each Circuit Court's case management system.
7. Once a court is subject to mandatory e-filing under this Order, attorneys and self-represented litigants must e-file all documents in civil cases, except documents exempted by rules adopted by this Court. Attorneys and self-represented litigants may not file documents through any alternative filing method, except in the event of emergency. Courts may not accept, file or docket any document filed by an attorney or self-represented litigant in a civil case that is not filed in compliance with this Order, except in the event of an emergency.

The Supreme Court, Appellate Court and Circuit Courts must provide designated space, necessary equipment, and technical support for self-represented litigants seeking to e-file documents during regular court hours.

8. Effective July 1, 2017, all trial court records on appeal will be standardized and transmitted using the central electronic filing manager (EFM) service from each county to the respective reviewing court.
9. The Supreme Court will adopt rules governing e-filing and e-service in accordance with the mandate schedule in this Order.
10. Courts who believe they cannot comply with this Order by the mandatory implementation date specified may petition the Supreme Court for an extension. Such extensions shall not be favored but may be granted for good cause shown.

Order entered by the Court.

FILED

JAN 22 2016

**SUPREME COURT
CLERK**

IN THE
SUPREME COURT OF ILLINOIS

In re: Electronic Filing in Civil and Criminal
Cases and Remote Access Systems) M.R. 18368

ORDER

The Supreme Court having been advised of sufficient and satisfactory progress toward the mandates contained in the January 22, 2016, Order *In re: Mandatory Electronic Filing In Civil Cases* (M.R. 18368), and with the goal of further facilitating full statewide e-Filing for Illinois courts, it is THEREFORE ORDERED that the January 22, 2016, Order is amended as follows and further explained in the Annotation attached to this order:

1. Effective July 1, 2017, for the Illinois Supreme Court and Illinois Appellate Court, and effective January 1, 2018, for the circuit courts, no court or e-Filing vendor shall charge the filer a transaction or user fee to e-File.
2. Self-represented litigants incarcerated in a federal, state or local correctional facility shall not be required to e-File documents but are encouraged to do so if e-Filing is available within the facility.
3. By no later than July 1, 2018, all circuit courts with stand-alone e-Filing systems shall complete migration from their stand-alone e-Filing systems to eFileIL.
4. By no later than July 1, 2018, all courts shall make available their case documents and information to the statewide remote access system known as re:SearchIL. Courts may continue to utilize other remote access systems in addition to re:SearchIL.
5. Circuit courts may e-File criminal case types (Criminal Felony (CF), Criminal Misdemeanor (CM), Driving Under the Influence (DT)) and juvenile case types (Juvenile (J), Juvenile Abuse and Neglect (JA), and Juvenile Delinquency (JD)) in a permissive manner through eFileIL. Permissive e-Filing of criminal and juvenile cases through eFileIL applies only to filings after the case has been initiated and assigned a case number. Criminal and juvenile case initiation in the circuit courts should continue using current practices. Permissive e-Filing through eFileIL does not include quasi-criminal case types: Traffic (TR), Ordinance Violation (OV), Conservation (CV) and Civil Law (CL).

Circuit courts approved to e-File criminal case types pursuant to the Supreme Court's *Electronic Filing Standards and Principles* may continue current practices.

All other terms of the January 22, 2016, Order shall remain in full force and effect.

Order Entered by the Court.

FILED

MAY 30 2017

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SUPREME COURT
CLERK

ANNOTATION

Par 1. Court and Vendor Fees. The Supreme Court's *Electronic Filing Standards and Principles (Standards)* (approved October 24, 2012, and amended September 16, 2014) were created to govern stand-alone e-Filing systems in those jurisdictions approved to e-File. The *Standards* prohibited courts from collecting a fee (beyond the statutory civil filing fees) but allowed for an e-Filing vendor to charge a transaction or use fee to the e-Filer. Filers not wishing to pay this fee could file in the traditional paper method.

Throughout the implementation process for mandated statewide e-Filing, the Court has endorsed the principle that filers should not be burdened with additional fees, such as a transaction or use fee. This order maintains the prohibition on courts collecting a fee as articulated in the *Standards* and further prohibits vendors from charging transaction or use fees for e-Filing. Prohibited fees do not include statutory filing fees; processing fees related to payments by credit card, debit card, or e-check; or value-added fees for optional services offered by a certified electronic filing service provider (EFSP) for eFileIL.

Par 2. Incarcerated Pro Se Litigants. The January 22, 2016, Order mandates that all attorneys and self-represented litigants electronically file documents in all civil cases in Illinois. Recognizing that individuals who are incarcerated in federal, state, or local correctional facilities or jails may not have access to the technology necessary for e-Filing in the courts, this order exempts incarcerated self-represented litigants from mandatory e-Filing of civil cases.

Par. 3 Migration to eFileIL. The Court's January 22, 2016, order provides, in pertinent part: "After January 1, 2018, and following evaluation of the implementation and operation of the centralized EFM, the Supreme Court may designate a future date certain at which time all such Circuit Courts shall utilize the centralized EFM authorized by the Supreme Court for the e-filing of civil cases. The centralized EFM shall be integrated with each Circuit Court's case management system." As the last phase of statewide civil e-Filing implementation proceeds on schedule and within the projected budget, the Court has identified a future date – July 1, 2018 – to mandate migration of the remaining courts utilizing a stand-alone system to e-FileIL.

Par 4. Re:SearchIL In order to meet the Court's ultimate objective of a statewide online remote access system, the Court is moving forward with implementation of re:SearchIL.

The implementation and access to re:SearchIL will progress at a pace set by the Court. Initially, access will be provided only to judges, clerks, and parties to a case and will allow trial courts to use re:SearchIL as a free document management system for the storage and archiving of electronic court documents. Re:SearchIL will provide judges, clerks, and court officials with free unlimited access to a central online database of case documents and information from all Illinois courts using a searchable application interface.

Critical to the implementation of re:SearchIL is the requirement that each court transition to the Court's eFileIL system and make available its case documents and information to re:SearchIL in a timely manner. Under the 'repository' method, all e-Filed documents (accepted by the clerk) are automatically copied from eFileIL to the re:SearchIL application. This method is free to each court and can be implemented with no additional integration. The clerks will access the re:SearchIL application and identify and mark the confidential documents in re:SearchIL and in their local case management system (CMS).

The 'integration' method allows a court's CMS vendor to integrate the CMS directly with re:SearchIL using standard software specifications and a similar integration and testing process as provided with eFileIL. Using the 'integration' method, re:SearchIL retrieves a court's documents directly from its CMS (provided they are not confidential). This method allows clerks to manage confidential case information solely within their CMS and re:SearchIL reads those settings to prevent unauthorized access. Courts may start making documents available to re:SearchIL using the 'repository' method and later transition to the 'integration' method once their CMS vendors have completed the development work.

While the initial scope of re:SearchIL will limit case document access to judges and parties to a case, re:SearchIL is designed to serve as an online remote access system similar to Pacer in the federal courts. Using re:SearchIL as a remote access application provides local courts an online 'store-front' and central online application offering all attorneys, litigants, media and the public access to local court documents for the entire state. The re:SearchIL application offers a free case index and user access to case documents (view/download) for a predetermined document access fee. The document access fee is collected through re:SearchIL and routed, in full, to each local court owning the case documents, provided the court has migrated to eFileIL.

Remote access to court records will first require revisions to current rules and policies, including the Court's *Electronic Access Policy to Circuit Court Records*, to address the protection of confidential documents and information in case records and uniform document access fees. The Court's e-Business Policy Advisory Board is charged with review and recommendations in this regard.

Par 5. Criminal e-Filing is an important and necessary next step to further the Court's goal of a full statewide eFileIL program for all courts. In acknowledgment of the complexities involved with e-Filing criminal and juvenile cases, this order initiates a two-phased approach. To avoid disrupting current case initiation practices, permissive criminal and juvenile e-Filing through eFileIL is allowed for subsequent filings only (after case initiation and a case number is assigned). Criminal and juvenile case initiation in the circuit courts will continue under current practices until further order.

E-Filing of criminal and juvenile cases in the Illinois Supreme Court and Illinois Appellate Court may continue under current practices.

Circuit courts currently approved for criminal e-Filing through the Supreme Court *Standards* may continue their current practices. Those circuit courts with stand-alone e-Filing systems seeking approval to e-File criminal cases must apply and operate under the *Standards* until they migrate to e-FileIL.

Given the numerous law enforcement agencies throughout the state and multiple interfaces for local courts utilizing e-Citation programs, quasi-criminal case types, including Traffic (TR), Ordinance Violation (OV), Conservation (CV), and Civil Law (CL), may not be e-Filed through eFileIL at this time.