

**RULES OF PRACTICE
CIRCUIT COURT OF ILLINOIS
TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, IL**

**Circuit Court Rule
Local Rule 16-1 – Amended E-Filing Rules for the Twentieth Judicial Circuit Court,
St. Clair County, IL**

The following is adopted as a rule of the Circuit Court of the Twentieth Judicial Circuit, State of Illinois:

11.00 E-FILING

11.01 Authority

A. By the issuance of Order Number M.R. 18368, the Illinois Supreme Court has approved electronic filing for Circuit Courts in the state of Illinois. The Order, dated October 24, 2012, was effective January 1, 2013. Electronic filing shall run pursuant to the *Electronic Filing Standards and Principles* set out in the Supreme Court Order.

B. Specific authority for electronic signatures, time of electronic filing and electronic service has been granted by Supreme Court Order M.R. 18368, filed October 24, 2012 and amended on September 14, 2014.

11.02 Designation of Electronic Filing Case Types

A. This Court hereby authorizes civil and criminal case types (including citations) that are originally filed as such, as permissible electronic filing case types. From time to time the Court may authorize, by written Administrative Order, additional types of cases to be processed via electronic filing. The Circuit Court Clerk shall direct the phasing in of initial implementation.

B. On or after the effective date, each new case shall become an e-file case subject to these rules when a Plaintiff or the State’s Attorney files a complaint electronically or a Defendant files an answer electronically.

C. All appellate and post-judgment enforcement proceeding documents and notices shall be filed and served in the conventional manner and not by means of e-filing including but not limited to the notice of appeal and notice to prepare.

D. Documents and notices in entirely impounded, sealed, expunged, or confidential cases shall be filed in the conventional manner and not by means of e-filing. Documents and notices involving impounded, sealed, expunged, or confidential documents within an otherwise open case shall also be filed in the conventional manner and not by means of e-filing. Electronically filed documents subsequently impounded, sealed, or expunged by order of the Court shall be subject to the same rules and restrictions as paper copies of filed documents retained by attorneys or other officers of the Court subsequently impounded, sealed, or expunged.

E. Documents required to be maintained in their original form pursuant to the *Manual on Recordkeeping in the Circuit Courts* or other rule or statute are excluded from electronic filing.

11.03 Definitions

The following terms in these rules are defined as follows:

Conventional manner of filing – The filing of paper documents with the Clerk as is done in cases that are not e-file cases.

Attorney Account – An account established by an attorney in agreement with Clerk of the Court from which filing fees can be applied.

Electronic Document (“e-document”) – An electronic file containing informational text.

Electronic Filing (“e-filing”) – An electronic transmission of information between the Clerk of the Circuit Court and a vendor for the purposes of case processing.

Electronic Image (“e-image”) – An electronic representation of a document that has been transformed to a graphical or image format.

PDF – A file format that preserves all fonts, formatting colors and graphics of any source document regardless of the application platform used.

Subscriber – One contracting with a Vendor to use the e-filing system.

Vendor – A company or organization that has an executed Electronic Information Project Agreement with the Clerk of the Circuit Court to provide e-filing services for the 20th Judicial Circuit.

11.04 Authorized Users

A. The Court and the Clerk of the Circuit Court shall provide a list of staff members designated to operate the e-filing system within the scope of their duties, and the names of any other individuals, as deemed necessary by the Court. The Circuit Clerk shall maintain a current list containing the names and contact information for all Vendors approved to provide e-filing services within the County. The Vendor or Vendors shall assign confidential user identifications and passwords to the Clerk, which will be used by the listed individuals to access the Vendors’ product services. No user shall knowingly authorize or permit the Clerk’s confidential user identifications and passwords to be used by anyone other than staff members designated by the Court or the Clerk of the Court.

B. Upon receipt by the Vendor of a properly executed E-file Subscriber Agreement/Registration, and notification to the Clerk of the Circuit Court in writing, the vendor shall assign to the Subscriber confidential user identification and password. The Subscriber shall use this confidential user identification and password to file, serve, receive, review and retrieve electronically filed pleadings, orders and other documents in an assigned case. No confidential user identification and password holder shall knowingly authorize or permit his or her confidential user identification and password to be used by anyone other than authorized attorneys or employees of the attorney’s law firm or designated co-counsel, where it has been established in writing by the confidential user identification and password holder that designated counsel may file documents on behalf of the assigning counsel.

C. Without charge during normal business hours, the Clerk of the Circuit Court shall provide attorneys and parties in e-file cases access to an e-file computer workstation. Any attorney or party of a designated e-file case who is not a subscriber that requests to file a document shall be given a temporary confidential user identification and password, and allowed to spend a reasonable time at the workstation in connection with e-filing cases.

D. When available, court partner agencies shall not be required to register individually while using integrated systems.

11.05 Method of Filing

A. The Circuit Court hereby authorizes electronic filing in each of the designated cases as identified in Rule 11.02, above. Once a case becomes an e-file case the Clerk of the Circuit Court may accept subsequent filings electronically through an approved Vendor online or through the Clerk’s computer workstation, hereafter.

B. At no time shall the ability to file electronically prevent or exclude the ability to file any valid pleading with the Clerk of the 20th Judicial Circuit Court in conventional paper format. The Clerk shall scan conventionally filed documents into the electronic file.

C. Physical items for which a photograph may be substituted may be electronically imaged and e-filed. Items not conducive to electronic filing, such as documents under seal and physical exhibits for which an image will not suffice, shall be filed in their physical form at the Clerk’s Office or in the Courtroom, as directed by order of the Court. The Motion and Notice of Motion for permission to file any of these physical items may be done electronically in e-file cases. The Court in its discretion may deem that certain documents may be filed in a conventional manner.

D. Electronic documents containing links to material either within the filed document or external to the filed document are not considered part of the filing or the official court file.

E. The Court, through the Clerk of the Court, may issue e-filing notices and other documents electronically in an e-file case.

11.06 Maintenance of Original Documents

A. Anyone filing an electronic document that requires an original signature certifies by so filing, that the original signed document exists in the filing person's possession. Unless otherwise ordered by the Court, the filing party shall maintain and preserve all documents containing original signatures that are filed electronically. The filing party shall make those signed originals available for inspection by the Court, the Clerk of the Court or by other counsel in the case, upon five (5) days' notice. At any time, the Clerk of the Court may request from the filing party a hard copy of an electronically filed document, which shall be provided within five (5) business days upon reasonable notice.

B. All documents that are required to be maintained and preserved must be kept by the filing party for one year after the appellate process period has been exhausted when a final mandate of the appellate court has been issued.

11.07 Privacy Issues

Easy access to electronic documents raises many privacy issues, some of which have been addressed in the "Electronic Access Policy for Circuit Court Records of the Illinois Courts", Revision effective April 1, 2004. While the Electronic Access Policy allows for greater access of electronic documents by attorneys of record and litigants, e-filing users must be sensitive to confidential and personal information not filed under seal, even though electronically filed documents will be exchanged through a secure transmission. Once the document is filed electronically, it becomes part of the Official Court Record and would be open for public inspection at the Clerk's office, unless otherwise ordered by the Court. It is the responsibility of counsel and the parties to be sure that all pleadings do not disclose previously statutorily impounded or sealed information or private information defined in Supreme Court Rule 15 (Social Security Numbers, effective April 26, 2012) and Supreme Court Rule 138 (Personal Identity Information, effective July 1, 2013).

In addition, persons filing electronically shall exercise extreme caution when filing documents that contains the following:

1. Personal identifying numbers.
2. Medical records, such as treatment and diagnosis.
3. Employment history information.
4. Individual financial information.
5. Proprietary or trade secret information.
6. Names of Minor Children.
7. Any similar information or data.

E-filed documents which contain any of the above information may be immediately sealed by the assigned judge with a redacted copy placed in the file with notice provided to parties within ten (10) days of the sealing. Any objection to the sealing shall be heard pursuant to motions requesting same.

11.08 Format of Documents

A. All electronically filed documents shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper documents. Additionally, each electronically filed pleading and document shall include the case title, case number and the nature of the filing.

- B. Each electronically filed document shall also include the typed name, e-mail address, address and telephone number of the attorney filing such document. Attorneys shall include their ARDC Number and attorney or firm suspense account number on all documents.
- C. Bulk filings of multiple cases within a single electronic filing transaction will not be accepted. Documents with different case numbers must be electronically filed individually. Individual pleadings, motions, affidavits, addendums, and otherwise distinct court documents within a case may be filed in a single transaction.
- D. Bulk filings of multiple cases within a single electronic filing transaction will be accepted when filed directly from the law enforcement agency.
- E. Any electronically filed document must be unalterable by the vendor (sealed, text searchable PDF format), and be able to be printed with the same contents and formats as if printed from its authoring program. The E-filing vendor is required to make each electronically filed document that is not infected by a virus available for transmission to the Clerk immediately after successful receipt and virus checking of the document. The Clerk will digitally store approved unalterable documents in a TIFF format converted from the sealed PDF.
- F. If proposed orders are submitted electronically, the proposed orders must be in PDF format.
- G. Individual electronic filing transactions must not exceed 5 MB. However, the filer can divide the document into multiple transactions, under the maximum file size, for electronic filing of documents exceeding the maximum file size.
- H. Documents filed that do not comply with the format specified by the applicable statute or rule may be rejected.

11.09 Signatures

- A. Each electronically filed document, including all pleadings, motions, papers, etc., that require an original signature when conventionally filed, shall bear a facsimile or typographical signature of the attorney authorizing such filing, (e.g., “/s/ Adam Attorney”), and shall be deemed to have been signed in person by the individual identified.
- B. In the absence of a facsimile or typographical signature, any document electronically filed with a user identification and password is deemed to have been personally signed by the holder of the user identification and password.
- C. Documents containing signatures of third parties or non-electronic filers may be filed electronically and shall bear a facsimile or typographical signature.
- D. Any document electronically signed by the court pursuant to this section satisfies Supreme Court Rules and statutes regarding original signatures on court documents.
- E. The Chief Judge’s office will maintain an electronic file of all presiding judges’ signatures for verification or authentication. The judicial e-signature will be authenticated when the judicial officer completes a secure sign on process to gain access to the e-file vendor’s system.
- F. Orders issued by the Presiding Judge shall bear a typographic or electronic signature and an official e-filing court stamp, and shall be e-filed and served. The date of the official court stamp shall constitute the date of entry of the order.
- G. Signatures as defined in this section, satisfy Supreme Court Rules and statutes regarding signatures, and give rise to the application of available sanctions when appropriate.
- H. The original signed document that has been electronically filed pursuant to this section, shall be maintained and preserved as required by Rule 11.06.
- I. Where a Clerk is required to endorse a document, the typed name of the Clerk shall be deemed to be the Clerk’s signature on an electronic document.

11.10 Time of Filing, Acceptance by the Clerk and Electronic Filing Stamp

- A. Any document filed electronically shall be in the custody of the Clerk of the Circuit Court upon review and acceptance. The transmission date and time shall determine the Clerk’s electronic filing stamp. Electronic filing is available to the user twenty-four hours, seven days a week. Documents electronically filed before midnight on a day the courthouse is open shall be deemed filed that day. If filed on a day the courthouse is not open for

business, shall be file stamped the next business day. All document(s) shall be capable of being printed, without the need for modification by the Clerk, in conformance with the following standards and as required for documents conventionally filed:

1. Electronic documents should print on individual sheets measuring 8.5 inches by 11 inches.
 2. The text of documents filed electronically shall use the color black. Signatures and dates shall also be black in color.
 3. The electronic document shall have a clean margin of at least one (1) inch on the top, bottom and each side. Margins may be used for non-essential notations that will not affect the validity of the document, including but not limited to form numbers, page numbers and customer notations.
 4. The first page of the electronic document shall contain a blank space, measuring at least 3 inches by 5 inches, from the upper right corner, to provide space for the application of the Clerk's file stamp.
- B. A person who files a document electronically shall have the same responsibility as a person filing a document in the conventional manner for ensuring that the document is complete, readable and properly filed.
- C. Upon receipt by the Vendor, and submission of an electronic document to the Clerk, the Vendor shall issue a confirmation to the Subscriber. The confirmation shall indicate the time and date of receipt, and serve as proof that the document has been submitted to the Clerk. A subscriber will receive e-mail notification from the Vendor if a document is not accepted by the Clerk's office. In that event, the Subscriber may be required to re-file the document to meet necessary filing requirements.
- D. Each document reviewed and accepted for filing by the Clerk of Court shall receive an electronic file stamp. The stamp shall be endorsed in the name of the Circuit Clerk by the deputy clerk accepting the filing, and shall include the identification of the court, official time and date of filing and contain the word "ELECTRONICALLY FILED". This file stamp shall be merged with the electronic document and shall be visible when the document is printed and viewed on-line. Electronic documents are not officially filed without the electronic filing stamp. Filings so endorsed shall have the same force and effect as documents time stamped in the conventional manner.

11.11 Service, Changes of Address

- A. Electronic filing is not capable of conferring jurisdiction. Documents that require personal service to confer jurisdiction as a matter of law may not be served electronically through an e-file vendor, but must be served in the conventional manner. Parties shall continue to provide service by mail or as otherwise as provided by Supreme Court Rule 12 for all documents filed electronically.
- B. All Subscribers and other participants must immediately, but not later than ten business days prior to when such a change takes effect, notify other parties, the Clerk and the e-filing Vendor of any change of firm name, delivery address, fax number or e-mail address.
- C. A means of electronic service on registered attorneys in criminal cases may be established as part of the e-filing system. When service is required by the clerk, the clerk of the court may serve electronically to the attorney and shall record in the official court record the effective date and time of service. Service of documents in criminal cases to a pro se defendant who is not represented by counsel shall, unless waived, be made as otherwise provided by rule or statute.

11.12 Collection of Fees

- A. The e-filing of documents requiring payment of a statutory filing fee to the Clerk of the Court in order to achieve valid filing status, shall be filed electronically in the same manner as any other e-file document.
- B. Copies of any document or certification of same may be provided conventionally or electronically and shall be available to the requesting party at a reasonable cost, including all fees as set by statutes, rule, or law.
- C. By agreement with the Clerk, Subscribers may deposit funds into accounts established by the Clerk in advance of actual filings. Upon e-filing documents requiring payment of statutory filing fees, the Clerk shall apply funds from these attorney or firm suspense accounts toward the payment of these fees. The Circuit Court Clerk shall oversee these accounts and provide an account summary report to the Chief Judge upon request.

- D. When the electronic filing includes a request for the waiver of fees by a petition for indigence, payment of the requisite filing fees shall be stayed until the court rules on the petition.
- E. Fees charged to e-filing Subscribers by the Vendor for Vendor services are solely the property of the Vendor and are in addition to any statutory fees associated with statutory filing fees.
- F. Any Vendor providing e-filing services shall be subject to audit to ensure that proposed and collected fees are reasonable and in the public interest.

11.13 System or User Errors

- A. The Court and Clerk of the Circuit Court shall not be liable for malfunction or errors occurring in electronic transmission or receipt of electronically filed or served documents.
- B. If the electronic filing is not filed with the Clerk because of (1) an error in the transmission of the document to the Vendor which was unknown to the sending party; (2) a failure to process the electronic filing when received by the Vendor; (3) rejection by the Circuit Court Clerk; (4) other technical problems experienced by the filer; (5) the party was erroneously excluded from the service list; or (6) for good cause shown, the Court may upon satisfactory proof enter an order permitting the document to be subsequently filed effective as of the date filing was first attempted.
- C. Anyone prejudiced by the court's order to accept a subsequent filing effective as of the date filing was first attempted, shall be entitled to an order extending the date for any response, or the period within which any right, duty or other act must be performed.
- D. The Data Processing Department shall at least quarterly or as additionally directed by the Chief Judge or Circuit Clerk, test the backup and recovery process for electronically imaged documents. Data Processing shall verify that all electronically imaged documents are backed up and recoverable and notify the Chief Judge and Circuit Clerk in writing of each test result.

11.14 Vendor Conditions

- A. E-Filing Vendor(s) with Electronic Information Project Agreements executed with the Clerk of the Circuit Court are hereby appointed to be the agent of the Clerk of the Circuit Court regarding electronic filing, receipt, and/or retrieval of any pleading or document via the e-filing Vendor system.
- B. The e-filing Vendor shall make electronically filed documents available to subscribers and the designated court authorized users through the e-filing Vendor's system in accordance with the current contract between the Clerk and the e-filing Vendor, and consistent with the Supreme Court's Electronic Access Policy for Circuit Court Records of the Illinois Courts.
- C. The e-filing Vendor shall provide a method for authentication of judicial office actions.
- D. Ownership of the documents and access to the data associated with all e-filed documents remains with the Court.
- E. The e-filing Vendor may require payment of a fee or impose other reasonable requirements by contract with a Subscriber as conditions for processing electronic filings. Pursuant to contract terms, the e-filing Vendor must provide services, but is not permitted to require payment of a fee for government users or parties deemed indigent by the Court.
- F. Filings initiated by court partner agencies in criminal cases (e.g., State's Attorney, Public Defender, Attorney General, law enforcement) shall be exempted from the payment of filing fees and vendor fees when appropriate.
- G. The Vendor shall have a disaster recovery plan to restore e-filing operations within a reasonable time frame due to failure causing an interruption in service.
- H. The Chief Judge of the Court or his/her designee, in coordination with the Clerk of the Court, shall review and approve the terms of the Subscriber Agreement. The Vendor shall provide at least 30 days' notice prior to the effective date of any Subscriber Agreement changes.