



Supreme Court of Illinois

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April 2, 2012

ELECTRONIC RECORD TO BE ACCESSIBLE IN FIFTH DISTRICT APPELLATE CASES FROM CLINTON COUNTY

Chief Justice Thomas L. Kilbride and the Illinois Supreme Court announced Monday that Clinton County in the Fifth Judicial District will take part in a pilot project to allow the filing of the trial record on appeal electronically.

The Supreme Court Order authorized the Illinois Appellate Court in the Fifth Judicial District to begin an e-project that will allow attorneys, parties and appellate justices to view, access and work from the official record of cases on appeal from Clinton County.

The first county in the Fifth Judicial District authorized to file the trial record electronically, Clinton County joins Rock Island County in the Third Judicial District, Adams County in the Fourth Judicial District and DuPage and Ogle Counties in the Second Judicial District to electronically transfer and make electronically accessible the official court record of cases on appeal.

In addition, the Court announced in January a pilot project for the electronic filing of motions, briefs and related documents with the Illinois Supreme Court Clerk's office. That project involves the Illinois Attorney General, the State Appellate Defender's Office and the Office of the Illinois State's Attorneys Appellate Prosecutor.

Chief Justice Kilbride has said making the records on appeal available electronically will bring the courts closer to eventually making e-business universal throughout the Illinois court system. Since he became Chief Justice in October 2010, Justice Kilbride has pledged to make Illinois court operations more efficient by implementing improvements in technology.

"I thank Clinton County for its willingness to test what we believe will be a more effective and expedited process of filing and maintaining the trial court record," Chief Justice Kilbride said. "This is another important step towards embracing e-business to make Illinois courts more efficient."

Supreme Court Justice Lloyd A. Karmeier of the Fifth Judicial District presented the proposal to the Court and said the program would streamline costs and improve access to information.

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Fifth District E-Filing Project Add One

"Putting records in electronic form and allowing them to be filed that way will not only save shipping and labor costs, it will substantially improve the ability to search the pleadings and transcripts and locate and retrieve relevant information," Justice Karmeier said. "It also offers the potential for allowing multiple users to view the record at the same time regardless of their physical location.

"It is a major step forward in terms of case management and should yield immediate benefits to litigants, lawyers, and court personnel. I am very grateful to Jeff Luebbers, the Circuit Clerk of Clinton County; Jack Flood, Clerk of the Fifth District Appellate Court; and James Donovan, Presiding Justice of the Fifth District Appellate Court, for supporting the Supreme Court's e-business program and taking the initiative in organizing this project."

The pilot project is effective immediately in the Fifth District. It is a joint effort between the Appellate Court, the Clerk of the Fifth Judicial District, and the Clinton County circuit clerk.

With electronic filing of the trial record, Presiding Appellate Justice Donovan believes the appeals process would accelerate and result in timelier disposition of cases. "I believe that filing an electronic record on appeal will expedite appeals due to the fact that attorneys and the court will have simultaneous access to the record," Appellate Justice Donovan said.

"I would like to thank Carla Bender, the Clerk of the Fourth Judicial District for her advice on how to proceed with the electronic filing of the trial record."

With this pilot project, Mr. Flood believes a savings of time and resources would happen. "This pilot project is an important first step in allowing the Fifth District to take advantage of electronic technologies that are routine in the business world," Mr. Flood said.

"This will ultimately make the court more efficient and will prove to be more economical for the court system and ultimately, the Illinois taxpayers."

Mr. Luebbers said that Clinton County has been using a proven software system to electronically image its records since October 2010, and is looking forward to working on the pilot project.

"This will save everybody a whole lot of extra work and have the Appellate judges use the files in digital form instead of paper form," Mr. Luebbers said. "When Justice Karmeier came down for the quarterly meeting with the circuit judges and we showed him our scanning and imaging capabilities, he was very impressed and very enthusiastic about our capabilities and helped get this ball rolling.

"This is a long time coming and we are looking forward to it."

The pilot programs allow attorneys, parties and appellate justices to electronically view, access and work from the official record of cases on appeal in Clinton County. However, the paper record will continue to be available to parties who would rather use it.

The accessible electronic record will include transcripts of the trial and associated hearings, motions, other pleadings and documents. It will exclude physical evidence such as weapons, clothing and the like.

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Fifth District E-Filing Project Add Two

Currently, once a notice of appeal is filed, the official record of the case is physically transported to the attorney of record on one side of the case. When that attorney concludes the filing of the necessary motions and briefs, the record is then physically transported to the attorney on the other side of the case. If additional briefs are required, the record is transported back and forth between the attorneys. After the case is argued in the Appellate Court, the record resides with the Appellate justice assigned to write the opinion. The two other justices hearing the case may request the record as well, but it must be physically transported from the justice in possession to the justice who requests possession.

The pilot projects make the physical transfer of the record unnecessary, and removes the cost of repeatedly transporting the record back and forth from the District clerk's office. They provide a stream of efficiency in preparing and working on appeals that benefit not only the lawyers and the court, but the clients being served and taxpayers who fund the courts.

Under the Fifth District pilot project, a paper record pursuant to Supreme Court rules will remain with the Clerk and be accessible from the Clerk, but a mirror record will be produced electronically with identical pagination.

Attorneys who file appearances in the case will receive a password providing access to the record, as well as all the justices in the Fifth District and the parties.

The parties, attorneys for a party, approved court personnel and justices of the Fifth District will have the ability to search, bookmark and make notes on their individual copy of the electronic record. Any markings or notations made by a user on the electronic record are secure and are unique to that user's copy. No user will be able to view or access another user's copy. The Fifth District Clerk will retain an unmodified copy of the electronic record at all times.

The electronic record will be in a format that supports searchable text, both word and phrase. Once a mandate issues in an appellate case from Clinton County, access to the electronic record will be terminated.

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