



Supreme Court of Illinois

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ELECTRONIC RECORD TO BE ACCESSIBLE IN THIRD DISTRICT APPELLATE CASES FROM WILL COUNTY

Chief Justice Thomas L. Kilbride and the Illinois Supreme Court announced Monday that Will County in the Third Judicial District will be added to a pilot project allowing the filing of the trial record on appeal electronically.

The Supreme Court authorized the Illinois Appellate Court in the Third Judicial District to begin an e-project that will allow attorneys, parties and appellate justices to view, access and work electronically from the official record of cases on appeal from Will County for appeals filed after October 1, 2012.

The Supreme Court also authorized on Monday the e-project to be expanded to Boone, Carroll, Jo Daviess, Kendall, Lee, Stephenson and Winnebago counties in the Second Judicial District and to Moultrie County in the Fourth Judicial District.

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

"This expansion more than doubles the number of counties participating in the e-record pilot project, demonstrating the determined cooperation between the courts and the circuit clerks to bring digital technology's convenience and cost-saving efficiencies to the Illinois court system," Chief Justice Kilbride said. "I appreciate the efforts of everyone who has worked toward bringing this to fruition, especially Will County Circuit Clerk Pam McGuire and her staff.

"Will County is the Third District's most populous county and electronic filing of the record will greatly streamline the appeals process."

Seven counties in four Judicial Districts have already implemented the pilot project. They are: Clinton County in the Fifth Judicial District, Adams County in the Fourth Judicial District, Rock Island County in the Third Judicial District and DeKalb, DuPage, McHenry and Ogle counties in the Second Judicial District.

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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.

The pilot project is effective immediately in the Third District. It is a joint effort between the Appellate Court under Presiding Appellate Justice Daniel L. Schmidt, Appellate Clerk Gist Fleshman of the Third Judicial District, and Ms. McGuire, the Will County clerk.

Presiding Appellate Justice Schmidt said that Monday's announcement by Chief Justice Kilbride will greatly improve how the record is handled in the Third District's largest county.

"This is an exciting development," Appellate Justice Schmidt said. "Will County is the most populous county in the Third District. The lion's share of our appeals comes out of Will. Having computer access to records on appeals will go a long way toward streamlining the appellate process here in the Third."

Clerk Fleshman believes e-filing will bring a savings of time and resources to users across the board. "Every appellate justice can now view the electronic copy simultaneously, while with a paper record only one justice could review it a time," Clerk Fleshman said. "As well, the attorneys do not have to share one record. To the extent the issues allow, all of the attorneys can work on their briefs simultaneously, which is especially important in expedited appeals.

"The court and the parties will also benefit from the reduction in mailing costs and the additional security this provides to the court records. This continues to be a huge improvement for the clerk's office, the court, the practicing attorneys and the public."

Ms. McGuire expressed appreciation to the Supreme Court for the opportunity to streamline the filing of the record on appeal. "We are excited to become a partner with the Third District Appellate Court on a pilot for sending electronic appeal records," Clerk McGuire said. "This will help expedite the appeal process, as the Justices reviewing the record and the parties involved in the case will all have access to the electronic record simultaneously.

"Our office prepares between 500-600 appeal records yearly, this will be a huge cost savings for the county and our office as it will reduce the need for our office to physically make a security paper copy for our record, save staff preparation time and it will reduce the associated postage expense while promoting Will County's 'Go Green' initiative and most importantly the record will arrive at the Appellate Court sooner."

The pilot programs allow attorneys, parties and appellate justices to electronically view, access and work from the official record of cases on appeal from Will 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 exhibits: i.e. photos and physical evidence such as weapons, clothing and the like.

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

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and brief, 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 Third 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 Third District and the parties.

The parties, attorneys for a party, approved court personnel and justices of the Third 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 Third 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 Will County, access to the electronic record will be terminated.

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