



## Supreme Court of Illinois

May 30, 2017

### **ILLINOIS SUPREME COURT ANNOUNCES AMENDMENTS TO STATEWIDE E-FILING ORDER**

The Illinois Supreme Court today announced amendments to the January 22, 2016 E-filing Order, with the goal of further facilitating the Illinois courts' statewide move to an electronic filing system. The amendments address court and vendor fees, incarcerated pro se litigants, migration of counties with stand-alone e-filing systems, a statewide remote access system and criminal e-filing.

"The initial e-filing implementation has gotten off to a great start with over 3,000 registered users and tens of thousands of cases electronically filed," Illinois Supreme Court Chief Justice Lloyd A. Karmeier said. "These amendments provide a continuation for the vision the Court has long hoped to achieve – an efficient statewide e-filing system that provides the same experience for the filer no matter where they are located."

**Court and Vendor Fees.** 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. The Supreme Court's Electronic Filing Standards and Principles (Standards) 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.

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.

**Incarcerated Pro Se Litigants.** 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.

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.

**Migration to eFileIL.** 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.

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 eFileIL.

**Re:SearchIL.** 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.

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.

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.

**Criminal E-filing.** 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 eFileIL.

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.

"These amendments address questions that the Court has received during the initial implementation period. This will allow courts at all levels to continue planning to meet the mandatory dates set by the Court," said Michael J. Tardy, Director of the Administrative Office of the Illinois Courts. "It represents a fundamental cultural change in moving our system of justice into the use of digital technology. We appreciate all the hard work that has been done so far and look forward to the continued work that will be needed to achieve the Court's vision."

The January 22, 2016, Order announced that the electronic filing of documents in civil cases will be required in civil cases in the Supreme Court and five districts of the Appellate Court effective July 1, 2017, and in all circuit courts effective January 1, 2018. All other terms of the January 22, 2016, Order shall remain in full force and effect.

Mandatory, statewide e-filing ensures efficiency, consistency, and fairness. For attorneys and self-represented litigants alike, mandatory e-filing means no more running to the Clerk's Office to file a document before the close of business or to the post office to make sure that a filing is postmarked on time. Because e-filing may be done at any hour and from any location, access to the court will be more convenient for all.

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