

Proposal 15-02
Amends Supreme Court Rule 12
Offered by the Illinois Supreme Court Commission on Access to Justice

Rule 12. Proof of Service in the Trial and Reviewing Courts; Effective Date of Service

(a) Filing. When service of a document is required, proof of service shall be filed with the clerk.

(b) Manner of Proof. Service is proved:

(1) by written acknowledgment signed by the person served;

(2) in case of service by personal delivery, by certificate of the attorney, or ~~affidavit certificate~~ of a person, other than an attorney, as provided in section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109 (West 2012)), who made delivery;

(3) in case of service by mail or by delivery to a third-party commercial carrier, by certificate of the attorney, or ~~affidavit certificate~~ of a person other than the attorney, as provided in section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109 (West 2012)), who deposited the document in the mail or delivered the document to a third-party commercial carrier, stating the time and place of mailing or delivery, the complete address which appeared on the envelope or package, and the fact that proper postage or the delivery charge was prepaid; or

(4) in case of service by mail by a *pro se* petitioner from a correctional institution, ~~by affidavit, or~~ by certification as provided in section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109 (West 2012)) of the person who deposited the document in the institutional mail, stating the time and place of deposit and the complete address to which the document was to be delivered;

(5) in case of service by facsimile transmission, by certificate of the attorney or ~~affidavit certificate~~ of a person other than the attorney, as provided in section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109 (West 2012)), who transmitted the document via facsimile machine, stating the time and place of transmission, the telephone number to which the transmission was sent, and the number of pages transmitted.

(6) in case of service by e-mail, by certificate of the attorney or ~~affidavit~~ of a person other than the attorney, as provided in section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109 (West 2012)), who transmitted the document via e-mail, stating the time and place of transmission to a designated e-mail address of record.

(c) Effective Date of Service by Mail. Service by mail is complete four days after mailing.

(d) Effective Date of Service by Delivery to Third-Party Commercial Carrier. Service by delivery to a third-party commercial carrier is complete on the third business day after delivery of the package to the third-party carrier.

(e) Effective Date of Service by Facsimile Transmission. Service by facsimile machine is complete on the first court day following transmission.

(f) Effective Date of Service by E-mail. Service by e-mail is complete on the first court day following transmission.

(g) Effective Date of Service by Electronic In-box. Service by electronic in-box under Rule 11(b)(7) is complete on the first court day following transmission.