

M.R. 3140

**IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS**

Order entered October 4, 2011.

(Deleted material is struck through and new material is underscored, except in Rules 138 and 241, which are entirely new.)

Effective November 1, 2011, Supreme Court Rule 138 is adopted and Supreme Court Rule 208 is amended, and effective immediately Supreme Court Rule 241 is adopted and Supreme Court Rule 302 is amended, as follows.

New Rule 138

Rule 138. Social Security Numbers in Pleadings and Related Matters.

(a) Unless otherwise required by law or ordered by the court, parties shall not include Social Security numbers in documents filed with the court, including exhibits thereto, whether filed electronically or in paper. If disclosure of an individual's Social Security number is required for a particular filing, only the last four digits of that number shall be used. The filing must be accompanied by a confidential information form in substantial compliance with the attached **NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING**, which shall identify the full Social Security number and shall remain confidential, except as to the parties or as the court may direct.

(b) Neither the court, nor the clerk, will review each pleading for compliance with this rule. If a pleading is filed without redaction, a party or identified person may move the court to order redaction. If the court finds the inclusion of the Social Security number was willful, the court may award the prevailing party reasonable expenses, including attorney fees and court costs, incurred in making or opposing the motion.

(c) This rule does not require any party, attorney, clerk or judicial officer to redact information from a court record that was filed prior to the adoption of this rule; provided, however, that a party may request that a Social Security number be redacted in a matter that preceded the adoption of this rule.

Adopted October 4, 2011, effective November 1, 2011.

Committee Comment
(October 4, 2011)

This rule was adopted pursuant to section 40 of the Identity Protection Act (5 ILCS 179/40 (West 2010)).

[Appendix]

In the Circuit Court of the _____ Judicial Circuit,
_____ County, Illinois
(Or, In the Circuit Court of Cook County, Illinois)

_____))
Plaintiff/Petitioner,))
) Case No. _____
v.))
))
_____))
Defendant/Respondent,))

**NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT
FILING**

Pursuant to Illinois Supreme Court Rule 138, the filer of a court record at the time of filing shall include a confidential information form which identifies the full social security numbers for any individuals whose social security numbers are redacted within the filing. This information will not be available to the public and this document will be stored in a separate location from the case file.

Party/Individual Information:

1. Name: _____
Address: _____

Phone: _____
SSN: _____
2. Name: _____
Address: _____

Phone: _____
SSN: _____

(Attach additional pages, if necessary.)

Amended Rule 208

Rule 208. Fees and Charges; Copies

(a) Who Shall Pay. Except as provided in paragraph (e), ~~The~~ party at whose instance the deposition is taken shall pay the fees of the witness and of the officer and the charges of the recorder or stenographer for attending. The party at whose request a deposition is transcribed and filed shall pay the charges for transcription and filing. The party at whose request a tape-recorded deposition is filed without having been transcribed shall pay the charges for filing, and if such deposition is subsequently transcribed the party requesting it shall pay the charges for such transcription. If, however, the scope of the examination by any other party exceeds the scope of examination by the party at whose instance the deposition is taken, the fees and charges due to the excess shall be summarily taxed by the court and paid by the other party.

(b) Amount. The officer taking and certifying a deposition is entitled to any fees provided by statute, together with the reasonable and necessary charges for a recorder or stenographer for attending and transcribing the deposition. Every witness attending before the officer is entitled to the fees and mileage allowance provided by statute for witnesses attending courts in this State.

(c) Copies. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

(d) Taxing as Costs. The ~~aforsaid~~ fees and charges provided for in paragraphs (a) through (c) may, in the discretion of the trial court, be taxed as costs.

(e) Controlled Expert Witness Fees. Each party shall, unless manifest injustice would result, bear the expense of all fees charged by his or her Rule 213(f)(3) controlled expert witness or witnesses.

Amended September 8, 1975, effective October 1, 1975; amended October 4, 2011, effective November 1, 2011.

New Rule 241

Rule 241. Use of Video Conference Technology in Civil Cases

The court may, for good cause shown in compelling circumstances and upon appropriate safeguards, permit presentation of testimony in open court by contemporaneous transmission from a different location.

Adopted October 4, 2011, effective immediately.

Committee Comments

The presentation of live testimony in court remains of utmost importance. As such, showings of good cause and compelling circumstances are likely to arise when a witness is unable to attend trial for unexpected reasons, such as accident or illness, but is able to testify from a remote location. Advance notice should be given to all parties of foreseeable circumstances that may lead the proponent to offer testimony by contemporaneous transmission.

Good cause and compelling circumstances may be established if all parties agree that testimony should be presented by contemporaneous transmission; however, the court is not bound by a stipulation and can insist on live testimony.

Adequate safeguards are necessary to ensure accurate identification of the witness and protect against influences by persons present with the witness. Accurate transmission must also be assured.

Amended Rule 302

Rule 302. Direct Appeals to the Supreme Court

(a) Cases Directly Appealable. Appeals from final judgments of circuit courts shall be taken directly to the Supreme Court (1) in cases in which a statute of the United States or of this state has been held invalid, and (2) in proceedings commenced under Rule 21~~(c)~~(d) of this court. For purposes of this rule, invalidity does not include a determination that a statute of this state is preempted by federal law.

(b) Cases in Which the Public Interest Requires Expeditious Determination. After the filing of the notice of appeal to the Appellate Court in a case in which the public interest requires prompt adjudication by the Supreme Court, the Supreme Court or a justice thereof may order that the appeal be taken directly to it. Upon the entry of such an order any documents already filed in the Appellate Court shall be transmitted by the clerk of that court to the clerk of the Supreme Court. From that

point the case shall proceed in all respects as though the appeal had been taken directly to the Supreme Court.

(c) Summary Disposition.

(1) The Supreme Court, after the briefs have been filed, may dispose of any case without oral argument or opinion if no substantial question is presented or if jurisdiction is lacking.

(2) The Supreme Court, on its own motion or upon the motion of a party, before or after any brief has been filed or oral argument held, may summarily vacate and remand a judgment of the circuit court for noncompliance with Rule 18. Such vacatur shall not constitute a determination on the merits of the constitutional question presented.

Amended effective July 1, 1971. (An amendment of June 29, 1978, was to have abolished direct appeals in proceedings to review orders of the Industrial Commission. The amendment was to have been effective January 1, 1979. On December 1, 1978, the effective date of the amendment was postponed until July 1, 1979. On June 1, 1979, the amendment was rescinded.) Amended August 9, 1983, effective October 1, 1983; amended February 1, 1984, effective February 1, 1984, with Justice Moran dissenting (see *Yellow Cab Co. v. Jones* (1985), 108 Ill. 2d 330, 342); amended July 27, 2006, effective September 1, 2006; amended October 4, 2011, effective immediately.