



Supreme Court of Illinois

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ELECTRONIC RECORD TO BE ACCESSIBLE IN FOURTH DISTRICT APPELLATE CASES FROM MOULTRIE COUNTY

Chief Justice Thomas L. Kilbride and the Illinois Supreme Court announced Monday another step toward better integrating Illinois court systems and operations with the digital age.

The Supreme Court authorized the Illinois Appellate Court in the Fourth 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 Moultrie County for appeals filed after October 1, 2012. Moultrie joins Adams County in the Fourth Judicial District that transfers electronically the official court record of cases on appeal.

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

Since he became Chief Justice in October 2010, Justice Kilbride has pledged to make Illinois court operations more efficient by implementing improvements in technology. He said making the records on appeal available electronically brings the courts closer to 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.

Justice Rita B. Garman presented the Fourth Judicial District's proposal to the Supreme Court and continues to support this initiative.

"I'm pleased to see that the Fourth Judicial District continues to take the initiative in implementing this pilot project," Justice Garman said. "Adding Moultrie County moves this pilot project forward in an important way for the Appellate Court to make the transfer of documents easier and more efficient."

The pilot project is effective immediately. It is a joint effort between the Appellate Court under Presiding Justice John W. Turner, Appellate Clerk Carla Bender of the Fourth Judicial District,

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and Moultrie County Circuit Clerk Cynthia Braden. In announcing his e-business initiative, Chief Justice Kilbride emphasized the importance of including the Circuit Clerks and all others who work and use the court systems.

"Our Adams County pilot project is fully underway and working well," Appellate Justice Turner said. "We are pleased to expand the program to Moultrie County. We thank the Moultrie County Circuit Court Clerk for her interest and willingness to engage in this endeavor.

"Although it will take hard work and patience, our goal is to eventually expand electronic filing of the record on appeal to all thirty counties in the Fourth Appellate District."

Clerk Bender believes that with the success of Adams County in the electronic filing of the record of cases on appeal, more counties in the Fourth Judicial District will see the many benefits of e-filing.

"This (e-filing of the record on appeal) expands our ability at the Appellate Court to make the process of distribution of the record more efficient and brings us one county closer to the ultimate goal of making the electronic record the common practice instead of the exception to the rule," Ms. Bender said.

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

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.

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 accessible electronic record filed in the Appellate Court 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 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.

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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 Fourth 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 Fourth District and the parties.

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

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