



Supreme Court of Illinois

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October 24, 2012

CHIEF JUSTICE THOMAS L. KILBRIDE ANNOUNCES NEW STATEWIDE STANDARDS FOR E-FILING IN ILLINOIS TRIAL COURTS

Chief Justice Thomas L. Kilbride and the Illinois Supreme Court announced on Wednesday new statewide standards and new and amended Supreme Court rules that will allow all courts in Illinois to begin electronic filing of court documents in civil cases.

To date, only five counties in Illinois have been approved to operate e-filing systems as part of a pilot project, mostly on a limited basis. Those counties are Cook, DuPage, Madison, St. Clair and Will. The announcement ends the pilot stage of e-filing in Illinois and allows all circuit court clerks to move to permanent and on-going procedures, if they so wish.

The new statewide principles and standards, new Supreme Court Rule 138 and amended Supreme Court Rule 201, give the go-ahead to civil case e-filing while placing an emphasis on protecting against identify theft and disclosure of sensitive information. They do this by protecting personal identity information such as Social Security numbers, birth dates, mother's maiden names, driver's license numbers, financial account numbers and debit and credit card numbers. This information will be barred from documents or exhibits filed with the court—whether in a paper or electronic filing. Discovery responses are prohibited from filing as well, absent leave of court.

The new standards and rules will apply only to civil cases. They are the product of the Illinois Supreme Court Special E-Business Committee announced by Chief Justice Kilbride in June 2011, chaired by Chicago lawyer Bruce Pfaff.

"Illinois is behind on using e-business and e-filing in its courts. We know that," said Chief Justice Kilbride. "These uniform, statewide standards allow e-filing in our courts; it is no longer part of a wish list. Circuit courts may now use e-filing's greater efficiencies and long-range cost savings in addition to offering a modern way of doing things."

The Supreme Court also announced Wednesday an amendment to Supreme Court Rule 11 to allow service of documents electronically in the trial courts. Attorneys and parties must include an e-mail address for service of documents on appearances and pleadings filed in the court.

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New Statewide Standards for E-Filing in Illinois Courts Add One

The new standards and rules will go into effect January 1, 2013. This will allow Circuit Court clerks, chief judges, judges and attorneys sufficient lead time to make required changes to court operations and automated systems. In the interim, the Administrative Office of the Illinois Courts, under Director Michael J. Tardy, will schedule regional meetings with stakeholders including chief judges, circuit court clerks and court management system vendors to chart the way to best move forward for each individual county.

"This is a great day," said Mr. Pfaff, who runs a law office that is essentially paperless. "Behind the initiative of Chief Justice Kilbride and approval of e-business by the entire Supreme Court, the legal system in Illinois will become more efficient and significantly less expensive to operate. Any county that wishes can adopt e-filing and electronic document management systems and start to take advantage of the power of computers.

"Issues relating to personal privacy have been resolved to the satisfaction of the Supreme Court and those committees which studied the matter. Our committee thanks all of the court clerks and their staffs from around the country that freely gave their time and expertise to help us choose a set of standards and guidelines that allows Illinois to move forward."

There are several jurisdictions around the nation, including the federal courts' PACER system that uses e-filing and other e-technologies. But there are special challenges associated with e-filing in Illinois.

The challenges stem from the fact that Illinois is comprised of 102 counties organized within 23 Circuit Court jurisdictions and five Appellate districts. Both the state and the counties provide financial support for the operation of the courts. Complicating the matter further in Illinois, there are at least 12 different Circuit Court management software systems operating in the various court jurisdictions. Under the new statewide standards, these management systems have to be integrated with any e-filing program.

Implementation requires the cooperation of various entities within a county, including software vendors.

"The Chief Judge and the elected Circuit Court Clerk will have to agree on implementing an e-filing program and inform the Supreme Court that their system is in accordance with the standards and the rules," said Mr. Tardy, who serves as director of the Supreme Court's administrative arm. "Each county has different priorities, needs and resources. I expect some counties, especially those which have been operating pilot programs, will choose to go forward as soon as they can. Others may wait to see how e-filing develops in counties similar to theirs."

New Supreme Court Rule 138, which applies to both paper and electronic filings, defines and prohibits personal identity information from inclusion in documents or exhibits filed with the court and if a court orders the filing of documents that contain personal identity information, it establishes specific steps to file it under seal in a separate document.

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New Statewide Standards for E-Filing in Illinois Courts Add Two

Supreme Court Rule 201 is amended to prohibit the filing of any discovery, which often contains sensitive and personal information, and much of which does not rise to evidence at trial.

The e-filing standards do not preclude an e-filing vendor from charging fees for electronic filing, but no additional fee may be charged by the clerk of the circuit court, and no vendor fee may be shared with the clerk.

Since his colleagues elected him Chief Justice in October 2010, Chief Justice Kilbride has moved to make Illinois court operations more economical, more efficient and more user friendly by implementing improvements in technology. E-filing is still underway as a pilot project in the Supreme Court; in addition, several Illinois counties are participating in pilot projects that allow attorneys, parties and appellate justices to electronically view, access and work from the official record of cases on appeal.

The Special E-Business Committee consulted with representatives from bar groups, appellate lawyers, circuit court clerks and members of the Illinois Judicial Conference. Along with Chair Bruce Pfaff, the Committee members are Sterling attorney Trent L. Bush; Chicago attorney David M. Hundley; Edwardsville attorney Rebecca R. Jackson; Chicago attorney Vanessa G. Jacobsen; Northbrook attorney Alan Pearlman; Wheaton attorney Edward J. Walsh; and Springfield attorney Thomas H. Wilson.

Illinois Supreme Court Clerk Carolyn Taft Grosboll and Fourth District Appellate Court Clerk Carla Bender serve as *ex-officio* members of the Committee.

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