



Supreme Court of Illinois

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

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

Since the time he became Chief last October, Justice Kilbride has pledged to move to make Illinois court operations more economical, more efficient and more user friendly by implementing improvements in technology.

The announcement Wednesday accompanied an Order filed by the Supreme Court authorizing the Illinois Appellate Court in the Fourth District to begin an e-project that will allow attorneys, parties and appellate justices to view, access and work from the official record of cases on appeal from Adams County. It is similar to one announced August 3 which authorized the Appellate Court in the Second Judicial District to electronically transfer and make electronically accessible the official court record of cases on appeal from DuPage and Ogle counties.

Chief Justice Kilbride also announced recently that the Appellate Court in the Third Judicial District is preparing a proposal to submit to the Court to allow the access and sharing of an electronic trial record.

Chief Justice Kilbride said making the records on appeal available electronically brings the courts closer to eventually making e-business universal throughout the Illinois court system.

"There may be some other names for what we are doing and what we hope to do: e-filing, e-records, e-guilty pleas, e-tickets, e-warrants," said Chief Justice Kilbride. "I call it e-business, and our plan is to move forward as expeditiously as possible to get the job done. This is another step toward that goal."

Justice Rita B. Garman presented the proposal of the Fourth Judicial District to the Supreme Court and is fully supportive.

"It moves the Appellate Court forward in an important way to make the transfer of documents easier and more efficient," said Justice Garman. "I'm happy to see the Fourth District developed this on its own and take the initiative to implement a pilot project, learn from it and implement it district-wide."

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Fourth District E-Filing Project Add One

The pilot project is effective immediately in the Fourth District. It is a joint effort between the Appellate Court under Presiding Justice James A. Knecht, Clerk Carla Bender of the Fourth Judicial District, and Adams County Circuit Court Clerk Randy Frese. Ms. Bender is the former president of the Illinois Circuit Clerks Association and Mr. Frese is the current president of the group, composed of the 102 elected Circuit Court Clerks in Illinois. Ms. Bender formerly was the Circuit Court Clerk of Logan County. 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.

"This will help the courts in Illinois to catch up with what's happening in the private practice of law and the business world," said Appellate Justice Knecht. "We understand e-business is a priority of Chief Justice Kilbride and the Supreme Court, and this is part of the advancement of that technology.

"We chose Adams County to start because it is a moderate-sized county, and we wanted to begin small and do it right. In the long run, this will certainly be more efficient and more helpful to the Appellate justices, the attorneys, the clients they serve, and the people of the state of Illinois."

Ms. Bender believes that once attorneys and justices get used to the electronic transfer of the lower court record, they will agree it is much more efficient. It promises a saving of time and resources to users across the board.

"Obviously, we're going to save on staff resources in the clerk's office and the Appellate Court," Ms. Bender said. "The preparation of the electronic record will come from an already digitalized, electronic record in the Circuit Court. The computer will do the compilation, the assembling and documentation of that record as opposed to human beings having to do it. Once compiled, it will be delivered in seconds, rather than over days. Mailing costs and delivery costs are eliminated."

Mr. Frese said that Adams County has been using a proven software system to electronically image its records since 2010, and is looking forward to helping lead the pilot project.

"Transferring the case file electronically will surely prove to be a safe, secure and efficient method," Mr. Frese said. "I think we need to move forward with this initiative, and I am excited that Adams County will be a part of the pilot project."

A similar project was approved for the Second Appellate District in August among DuPage and Ogle counties and the clerk's office in Elgin.

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

The accessible electronic record 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

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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.

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 Adams County, access to the electronic record will be terminated.

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