

IN THE CIRCUIT COURT  
OF THE SEVENTH JUDICIAL CIRCUIT  
STATE OF ILLINOIS  
SANGAMON COUNTY ADMINISTRATIVE ORDER 2014-6

**FILED**

MAY 16 2014 ADMN 1

*Anthony P. Schubert*  
Clerk of the  
Circuit Court

**E-FILING PROCEDURES**

**1. AUTHORITY**

By the issuance of Order Number M.R. 18368, the Illinois Supreme Court has approved e-filing for civil case types filed in the Sangamon County Circuit Clerk's office in the Seventh Judicial Circuit Court. The Order, dated October 24, 2012, was effective January 1, 2013.

Implementation of e-filing of civil case types will begin on May 19, 2014.

**2. DESIGNATION OF ELECTRONIC FILING CASE TYPES**

This Court hereby authorizes civil case types that are originally filed as such to be permissible electronic filing case types. The Circuit Court Clerk shall direct the phasing in of initial implementation of civil case types by type to be processed via electronic filing.

All appellate and post-judgment enforcement proceeding documents and notices may be filed and served in the conventional manner or by means of e-filing at the trial court level.

Wills in original format, confidential, impounded, expunged and sealed cases and documents shall be submitted in the conventional manner to the clerk's office for filing. Motions for leave to file a document under seal may be e-filed and designated as such at the time of e-filing. A party who has a legal basis for filing a document under seal without prior court order must electronically file a motion for leave to file under seal. The motion must include an explanation of how the document meets the legal standards for filing sealed documents.

**3. DEFINITIONS**

The following terms in these procedures are defined as follows:

Conventional manner of filing - The filing of paper documents with the Clerk as is done in cases that are not e-file cases.

Electronic Document ("e-document") - An electronic file containing informational text.

Electronic Filing ("e-filing") - An electronic transmission of information between the Clerk of the Circuit Court and a vendor for the purposes of case processing.

Electronic Image ("e-image" or "image") -An electronic representation of a document that has been transformed to a graphical or image format.

Electronic Service ("e-service")-An electronic transmission of documents to a party, attorney or representative in a case via the vendor. However, e-service is not capable of conferring jurisdiction under circumstances where personal service is required as a matter of law.

PDF (Portable Document Format) - A file format that preserves all fonts, formatting colors and graphics of any source document regardless of the application platform used.

Subscriber- One contracting with a vendor to use the e-filing system.

Vendor -A company or organization that has an executed Electronic Information Project Agreement with the Clerk of the Circuit Court to provide e-filing services for the 7th Judicial Circuit, Sangamon County.

#### **4. AUTHORIZED USERS**

The Court and the Clerk of the Circuit Court shall provide a list of staff members designated to operate the e-filing system within the scope of their duties, and the names of any other individuals, as deemed necessary by the Court. The Circuit Clerk shall maintain a current list containing the names and contact information for all vendors approved to provide e-filing services within the County. The vendor or vendors shall assign a confidential password to every authorized user, which will be used by the listed individuals to access the vendors' product services. No authorized user shall knowingly authorize or permit the authorized user's password to be used by anyone else.

Pro-se, attorneys or other parties may utilize e-filing on the Internet by means of individual transactional agreements and registration with a vendor from a list of approved vendors that the Circuit Clerk keeps. Payment methods will be established by each individual vendor.

All other court partner agencies shall be registered upon confirmation of authorization by the Clerk of the Circuit Court. Filings from court partner agencies using integrated systems within a secure domain shall not require individual registrations. Court partner agency users and individual registrations will be used to identify the source of the e-filed document submitted to the court electronically.

During normal business hours, the Clerk of the Circuit Court shall provide attorneys and parties in e-file cases access without charge to an e-file computer workstation. Any attorney or party of a designated e-file case who requests to

file a document and is not a Subscriber, shall be given a temporary username and confidential password, and allowed to spend a reasonable time at the workstation in connection with e-filing cases.

## **5. METHOD OF FILING**

The Circuit Court hereby authorizes electronic filing in civil cases as identified in Procedure 2 (Designation of Electronic Filing Case Types) and Procedure 6 (Maintenance of Original Documents) of this Administrative Order. Once a case becomes an e-file case, the Clerk of the Circuit Court may accept subsequent filings electronically through an approved vendor or through the Clerk's computer workstation.

All e-filed documents relating to a single pleading or document submitted in the same electronic transaction shall be "electronically stapled" using the "main" and "supporting" functionality of the e-filing and service system so that multiple related documents, such as a motion and proposed order, are linked logically together and identified as a single transaction.

Multiple documents in the same case can be filed in the same transaction. Documents that require a file stamp must be uploaded as individual documents in the same transaction. Filing more than one pleading as a single document will prevent the file stamp from showing on each pleading and will affect the updating of the case in the Circuit Clerk's case management system.

All e-filed documents or pleadings directly relating to a previously e-filed document, or pleading shall be linked to the previously e-filed document or pleading, using the "linked document feature" in the e-filing and service system.

At no time shall e-filing prevent or exclude the ability to file by conventional means any valid pleading with the Clerk of the Seventh Judicial Circuit Court, Sangamon County. Any document which may be filed under these procedures may instead be filed with the Clerk of the Circuit Court in paper format. The Clerk shall scan conventionally filed documents into the electronic file.

File exhibits not readily available in electronic form (e.g. blueprints, large maps) may be filed conventionally. If possible, however, a filing party should scan a paper exhibit and file it electronically, in accordance with the size and scanning limitations set by Administrative order 2013-34. A party electronically filing evidentiary materials must attach an index listing each item of evidence and identifying the related paper. The Motion and Notice of Motion for permission to file any of these physical items may be done electronically in e-file cases. The Court in its discretion may deem that certain documents may be filed in a conventional manner.

The Court, through the Clerk of the Court, may issue e-filing notices and other documents electronically in an e-file case.

## 6. MAINTENANCE OF ORIGINAL DOCUMENTS

Anyone filing an electronic document that requires an original signature certifies by so filing that the original signed document exists in the filing person's possession. Unless otherwise ordered by the Court, the filing party shall maintain and preserve all documents containing original signatures that are filed electronically. The filing party shall make those signed originals available for inspection by the Court, the Clerk of the Court or by other counsel in the case upon five (5) days' notice. At any time, the Clerk of the Court may request from the filing party a hard copy of an electronically filed document, which shall be provided within five (5) business days upon reasonable notice.

Documents required to be maintained in original form pursuant to the Manual on recordkeeping established by the Court's *General Administrative Order on Recordkeeping in the Circuit Courts* or other rule or statute are excluded from electronic filing.

All documents that are required to be maintained and preserved must be kept for one year after the appellate process period has been completed.

## 7. PRIVACY ISSUES

Easy access to electronic documents raises many privacy issues, some of which have been addressed in the "Electronic Access Policy for Circuit Court Records of the Illinois Courts," Revision effective April 1, 2004. While the Electronic Access Policy allows for greater access of electronic documents by attorneys of record and litigants, e-filing users must be sensitive to confidential and personal information not filed under seal, even though electronically filed documents will be exchanged through a secure transmission. Attorneys of record and litigants must comply with the policy in its current form and including any future revisions. Once the document is filed electronically, it becomes part of the Official Court Record and would be open for public inspection at the Clerk's office, unless otherwise ordered by the Court. A signed order allowing the filing of pleadings under seal must be provided with the sealed documents. It is the responsibility of counsel and the parties to be sure that all pleadings comply with any policies or rules which require redaction of personal identifiers. The clerk is not responsible for the content of the filed documents and has no obligation to review, redact or screen any expunged, sealed or impounded information. Parties and their counsel shall refrain from including, or shall redact where inclusion is necessary, the following personal identifiers from all documents filed electronically or conventionally, with the court, including exhibits thereto, in accordance with Supreme Court Rule 15 (effective October 4, 2011) and Supreme Court Rule 138 (effective July 1, 2013).

Social Security Number—If an individual's social security number must be included in a

document, only the last four digits of the number shall be used.

Dates of Birth – If an individual's date of birth must be included in a document, only the year shall be used (Supreme Court Rule 138 (b) (2) effective January 1, 2014).

Names of Minor Children - If the involvement of a minor child must be mentioned, only the initials of that child's name shall be used (Supreme Court Rule 138 (b) (3) effective January 1, 2014).

Financial Account Numbers – If financial account numbers are relevant, only the last four digits of these numbers shall be used.

Debit and credit card numbers – if debit and credit card numbers are used; only the last four digits of this number shall be used.

In addition to the above, persons filing electronically shall exercise extreme caution when filing documents that contains the following:

- i. Personal identifying numbers, such as a driver's license number.
- ii. Medical records, such as treatment and diagnosis.
- iii. Employment history information.
- iv. Individual financial information.
- v. Proprietary or trade secret information.
- vi. All similar data

## **8. REQUIREMENTS OF AN ELECTRONIC DOCUMENT**

All electronically filed pleadings shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings. Additionally, each electronically filed pleading and document shall include the case title, case number and the parties' complete names. The nature of the filing shall conform to Administrative order 2013-34. Documents that do not conform to the rules set forth in this Administrative Order may be rejected by the Circuit Clerk.

Each electronically filed document shall also include the typed name, e-mail address, address and telephone number of the attorney or pro se party filing such document. Attorneys shall include their Illinois ARDC number on all documents.

An e-filed document must be in PDF format compatible with the latest version of Adobe Reader. An e-filed document created by a word processing program must be the original and must be converted directly into a PDF file using Adobe Acrobat, a word processing program's PDF conversion utility, or another software program. In the event that proposed orders are submitted in a case, the PDF of the proposed order must be generated directly from the word processing program. Documents only available in paper format may be scanned and converted to PDF for e-filing.

Multiple documents may be e-filed in a single transaction. However, each document shall be uploaded separately in the same transaction and shall apply to the same case. Documents in more than one case submitted in a single transaction will be rejected.

An e-filed document item may contain hyperlinks to another part of the same document, an external source cited in the document, an appendix item associated with the document, an embedded case, or a record cite. Any external material behind the link is not considered part of the-filing.

The Clerk's office may reject an e-filed document for nonconformance with this Rule. Any electronically filed document must be unalterable by the vendor (PDF) and be able to be printed with the same contents and formats as if printed from its authoring program. The e-filing vendor is required to make each electronically filed document that is not infected by a virus available for transmission to the Clerk immediately after successful receipt and virus checking of the document.

Proposed orders filed for the consideration of the assigned Judge shall be filed in an editable Rich Text Format (rtf) document in addition to the required PDF version of the proposed order.

Document Title section in the e-filing system: When e-filing and/or e-serving a document, the following information shall be provided in the document title section of the e-filing vendor's system to enable the Court and the parties to search for information in the system:

- a. the party or parties filing the document;
- b. a descriptive title of the document;
- c. the party or parties against whom relief is sought, if any;
- d. the nature of the relief sought

(i.e. Defendant ABC Corp's Motion for Summary Judgment; Plaintiff Michael Michaelson's Motion to Compel Discovery from Defendant XYZ Corp.)

## **9. SIGNATURES**

Each electronically filed document, including all pleadings, motions, papers, etc., that require an original signature when conventionally filed, shall bear a facsimile or typographical signature of the attorney or prose party authorizing

such filing, (e.g., "/s/ Adam Attorney"), and shall be deemed to have been signed in person by the individual identified.

In the absence of a facsimile or typographical signature, any document electronically filed with user identification and password is deemed to have been personally signed by the holder of the user identification and password.

Documents containing signatures of third parties may be filed electronically and shall bear a facsimile or typographical signature. If a document requires the signature(s) of one or more persons not a party to the case or not registered for electronic filing, the filing party or attorney must confirm all persons required to sign the document approve it. Original signatures of all non-electronic filers must be obtained before filing the document. The document must indicate the identity of each non-registered signatory. The filing party must retain the original document until one year after the date that the judgment has become final by the conclusion of direct review or the expiration of the time for seeking such review.

The system will provide a method for authentication of judicial officer actions. Any document electronically signed by the court pursuant to this section satisfies Supreme Court Rules and statutes regarding original signatures on court documents. The Chief Judge's office will maintain an electronic file of all presiding judge's signatures for verification or authentication. The judicial e-signature will be authenticated when the judicial officer completes a secure sign on process to gain access to the e-file vendor's system.

Orders issued by a judge may bear a typographic or electronic signature. Orders shall then be forwarded to the Circuit Clerk for an official e-filing court stamp. The date of the official e-filing court stamp shall constitute the date of entry of the order.

Any document electronically signed pursuant to this Procedure 9 satisfies all Supreme Court Rules and statutes regarding original signatures on court documents.

The original signed document that has been electronically filed pursuant to this Procedure 9 shall be maintained and preserved as required by Procedure 6 Maintenance of Original Documents.

Where a Clerk or Judicial Officer is required to endorse a document, the typed name of the clerk/Judicial Officer shall be deemed the signature on an electronic document.

## **10. TIME OF FILING, ACCEPTANCE BY THE CLERK AND ELECTRONIC FILING STAMP**

Any document submitted electronically shall be considered as filed with the Clerk of the Circuit Court upon transmission, review and acceptance, and has been completed with the Clerk's electronic filing stamp. Any documents submitted electronically that do not comply with the rules set forth in this Administrative Order or that is not accepted for electronic filing by the Clerk of the Circuit Court will be rejected and returned to the submitting entity. All document(s) shall be capable of being printed, without the need for modification by the Clerk, in conformance with the following standards and as required for documents conventionally filed:

1. Electronic documents should print on individual sheets measuring 8.5 inches by 11 inches.
2. The text of documents filed electronically shall use the color black. Signatures and dates may be in contrasting colors provided they will print legibly.
3. The electronic document shall have a clean margin of at least one inch on the top, bottom and each side. Margins may be used for non-essential notations that will not affect the validity of the document, including but not limited to form numbers, page numbers and customer notations.
4. The first page of the electronic document shall contain a blank space, measuring at least 2 inches by 2 inches, from the upper right corner, to provide space for the application of the Clerk's file stamp.
5. Multiple documents should be uploaded separately. When documents are uploaded, **DO NOT** combine multiple documents together as one file. For example, upload a Motion for Summary Judgment as one document, then upload the proposed order, and then upload the exhibits. All these documents can be uploaded together in "one transaction," just do not upload them as one file. Proposed Orders that you submit may be accessed by the Judge. For the Judge's convenience, please be sure that Proposed Orders are submitted in an editable format. Failure to upload proposed orders in an editable format will result in that document being "rejected" by the court clerk and will require the correct format of document to be resubmitted.
6. Submitting a Transaction on Behalf of Multiple Parties: When submitting a transaction on behalf of more than one party, please follow these steps:
  - a. The pleading must include all the party names vs. having multiple pleadings for each individual party (i.e., firms should upload one Motion to Dismiss on behalf of Smith Co.,



Hughes Co., and ABC Corp. instead of three separate Motions to Dismiss on behalf of each individual party).

- b. In the document title field, list all party names that the document pertains to (i.e. Defendants Smith Co., Hughes Co., and ABC Corp's Motion to Dismiss).
7. Add co-counsel to the case when e-filing the Entry of Appearance: When an Entry of Appearance is filed; firms are required to enter the names of the attorneys designated as co-counsel. You must ensure that you submit your Entry of Appearance transaction in the following way:
- a. Any attorney who is listed as counsel (i.e. lead attorney, co-counsel, etc.) on the Entry of Appearance must be added to the e-filing vendor's system at the time the Entry of Appearance is e-filed. Please check that the attorney is in fact listed on the Entry of Appearance.
  - b. If the attorney selected does not have an Illinois bar number entered in the e-file vendor's system, **DO NOT** add that attorney to a particular Sangamon County case. This will cause an integration error between the e-file vendor and the court's case management system and will cause a delay in the docketing of your firm's transaction.
  - c. Please remember to select the correct authorizer. Selecting the wrong authorizing attorney, will cause integration errors between the e-file vendor's system and the court's case management system. This will cause a delay in the docketing of your firm's transaction and may result in the proper attorneys not displaying on the service list.

A person who files a document electronically shall have the same responsibility as a person filing a document in the conventional manner for ensuring that the document is complete, readable and properly filed.

Any document submitted electronically to the Clerk's Office by 11:59 P.M. on a day that the Clerk's Office is open for business shall, unless rejected by the Clerk, be file stamped for that business day.

Any document submitted electronically to the Clerk's Office on a day when the Clerk's Office is not open for business shall, unless rejected by the Clerk, be file stamped at the next period for which the Clerk's Office is open to receive conventional filings.

Upon receipt by the vendor, and submission of an electronic document to the Clerk, the vendor shall issue a confirmation to the Subscriber. The confirmation shall indicate the time and date of receipt, and serve as proof that the document has been submitted to the Clerk. A subscriber will receive

notification from the vendor if a document is not accepted by the Clerk's office. In that event, the Subscriber may be required to re-file the document to meet necessary filing requirements.

Each document reviewed and accepted for filing by the Clerk of Court shall receive an electronic file stamp. The file stamp will be applied by the deputy clerk accepting the filing and shall set forth the Seventh Judicial Circuit Court, Sangamon County, the name and office of the clerk and the official date and time of filing, and contain the word "FILED". This file stamp shall be merged with the electronic document and shall be visible when the document is printed and viewed on-line. Electronic documents are not officially filed without the electronic filing stamp. Filings so endorsed shall have the same force and effect as documents file stamped in the conventional manner.

#### **11. ELECTRONIC SERVICE, COURTESY COPIES AND FILING PROOF OF SERVICE**

Electronic service is not capable of conferring jurisdiction. Therefore regarding electronically filed cases, documents that require personal service to confer jurisdiction as a matter of law may not be served electronically through an e-file vendor, but must be served in the conventional manner.

All other documents may be served upon the other parties or their representatives electronically through the e-file vendor. The filing party or attorney shall be responsible for completing electronic service of these other documents using the vendor's system. By their participation in this e-filing program, parties and their designated counsel consent to receipt of all other documents e-filed and e-served upon them via access to the vendor's system over the Internet.

If a party or party's designee has not subscribed to a vendor's services, the party shall provide service pursuant to any authorized method of service as defined in Supreme Court Rule 11 (effective as of July 1, 2013).

E-service shall be deemed complete at the first posted date and time by the e-filing vendor. However, for the purpose of computing time for any other party to respond, any document filed on a day or at a time when the Clerk is not open for business is deemed to be served on the Clerk's next business day. The electronic service of a pleading or other document shall be considered as valid and effective service on all parties and shall have the same legal effect as personal service of an original paper document.

If electronic service on a party does not occur, the party to be served shall, absent extraordinary circumstances, be entitled to an order extending the date for any response or the period within which any right, duty or other act must be performed.

The e-filing vendor is required to maintain an e-service list for each e-filed case. These service lists will be updated via the court's case management system or information provided by the filer during electronic filing. The vendor shall immediately update the service list upon being given notice of new contact information. Whenever a document is submitted for service upon other parties by the e-filing vendor's system, the e-filing vendor shall use the most current e-service list to perform service.

All Subscribers and other participants must immediately notify other parties, the Clerk and the e-filing vendor of any change of firm name, delivery address, fax number or e-mail address. It is the responsibility of the subscriber to maintain and update their account and firm information in the e-filing system.

Paper courtesy copies of documents customarily required to be provided to the court shall continue to be required in e-file cases, absent a specific court order to the contrary.

## **12. COLLECTION OF FEES**

The e-filing of a document requiring payment of a statutory filing fee to the Clerk of the Court in order to achieve valid filing status shall be filed electronically in the same manner as any other e-file document.

Prior to the start of each business day, the vendor shall electronically transmit to the Clerk's bank account all statutory filing fees required for the previous day's electronic filings. The vendor shall electronically provide the Clerk's Accounting Department a detailed breakdown including case number, type of transaction and party being billed for the payment for each deposit. The vendor shall act as a limited agent for the Clerk and collect such required filing fees from the Subscriber through direct billing of that Subscriber, unless the payment of the fee has been waived by court order of law.

Fees charged to e-filing Subscribers by the vendor for vendor services are solely the property of the vendor and are in addition to any statutory fees associated with statutory filing fees.

## **13. SYSTEM OR USER ERRORS**

The Court and Clerk of the Circuit Court shall not be liable for malfunction or errors occurring in electronic transmission or receipt of electronically filed or served documents.

If the electronic filing is not filed with the Clerk because of (1) an error in the transmission of the document to the e-filing vendor which was unknown to the sending party or (2) a failure to process the electronic filing when received by the e-filing vendor or (3) erroneous rejection by the Circuit Court Clerk or (4) other technical problems experienced by the filer or (5) the party was

erroneously excluded from the service list or (6) for good cause shown, the Court may upon satisfactory proof enter an order permitting the document to be subsequently filed effective as of the date filing was first attempted.

Anyone prejudiced by the court's order to accept a subsequent filing effective as of the date filing was first attempted as authorized above by this Procedure 13, shall be entitled to an order extending the date for any response, or the period within which any right, duty or other act must be performed.

#### **14. VENDOR CONDITIONS**

E-filing vendor(s) with Electronic Information Project Agreements executed with the Clerk of the Circuit Court are hereby appointed to be the agent of the Clerk of the Circuit Court regarding electronic filing, receipt, service and/or retrieval of any pleading or document via the e-filing vendor's system.

1. The e-filing vendor shall make electronically filed documents, and documents being served electronically through the e-filing vendor's system, available to subscribers and the designated court authorized users through the e-filing vendor's system in accordance with the current contract between the Clerk and the e-filing vendor, and consistent with the Supreme Court's Electronic Access Policy for Circuit Court Records of the Illinois Courts. The e-filing vendor shall return to the filer the electronically file stamped document of each accepted filing without additional cost to the filer. The e-filing vendor shall provide a method for authentication of judicial office actions.

Ownership of the documents and access to the data associated with all e-filed documents remains with the court.

The e-filing vendor may require payment of a fee or impose other reasonable requirements by contract with a Subscriber as conditions for processing electronic filings. Pursuant to contract terms, the e-filing vendor must provide services but is not permitted to require payment of a fee for government users pursuant to statute 705ILCS105/27.1a (dd) or parties deemed indigent by the Court.

The Chief Judge of the Court or his/her designee, in coordination with the Clerk of the Court, shall review and approve the terms of the Subscriber Agreement. The vendor shall provide at least 30 days' notice prior to the effective date of any Subscriber Agreement changes.

Certified copies of electronically filed documents may not be obtained electronically. The Clerk of the Court will only issue certified copies in the conventional manner.

Sangamon County Administrative Order 2014-6 shall expire November 30, 2014,  
unless sooner superseded or rescinded.

ENTERED THIS 15 DAY of May, 2014

  
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Chief Judge Leslie Graves