



# Supreme Court of Illinois

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## **ELECTRONIC RECORD TO BE USED IN FOURTH DISTRICT APPELLATE CASES FROM LOGAN COUNTY**

Illinois Supreme Court Chief Justice Thomas L. Kilbride announced Wednesday the expansion of an e-project that allows attorneys, parties and appellate justices to view, access and work electronically from the official record of cases on appeal in the Fourth Judicial District.

The Supreme Court has authorized Logan County to allow the electronic transfer of the official court record of cases on appeal filed after July 1, 2013. Logan joins Adams and Moultrie counties in the Fourth Judicial District and 14 other counties that participate in the pilot project.

Since he became Chief Justice in 2010, Justice Kilbride has pledged to make the Illinois courts more user friendly by implementing improvements in technology. Since then, the Supreme Court has opened avenues for e-filing, creating a special E-Business Committee in June 2011; announcing in October 2012 statewide standards and new and amended Supreme Court rules that will allow all courts in Illinois to begin electronic filing in civil cases; and greatly expanding the pilot project that allows the e-filing of the trial record in the Appellate courts.

"Logan County becomes the 17th county in Illinois that will file the trial record on appeal electronically," Chief Justice Kilbride said. "We've come a ways since announcing the first two counties to participate in the pilot project back in 2011.

"We give a big thank you to all who have helped us and the courts make progress."

Justice Rita B. Garman of the Fourth Judicial District said the program's progress is a result of its noted successes where it already has been implemented.

"I'm pleased to see the pilot project move forward in the Fourth District," Justice Garman said. "The e-filing program has been quite successful in Adams and Moultrie counties and has been met with positive feedback with those involved."

This program is a joint effort between the Appellate Court under Presiding Justice Robert J. Steigmann, Appellate Clerk Carla Bender of the Fourth Judicial District, and Logan County Circuit Clerk Mary Kelley. 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.

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## **Fourth District E-Filing Project in Logan County Add One**

Ms. Bender expressed that the electronic transmission process has improved efficiency and reduced costs.

"The ongoing pilot project in Adams and Moultrie counties is proceeding well," Ms. Bender said. "We initiated this pilot for the purpose of development of a system of electronic transmission of the record on appeal from the Circuit Court Clerk to the Appellate Court. In the past year and a half the process has been developed, tested and is continuing to expand. The electronic process provides simultaneous access to the record on appeal to all parties and eliminates the logistical obstacles that paper records present.

"It is proving to be a very useful tool for the bench and the bar alike."

Logan County Circuit Clerk Mary Kelley believes the benefits of filing the record of appeal electronically will be reaped through reducing the time it takes for the record to be prepared by the Circuit Clerk, transported to and through the appeals process. All parties involved with the appeal will receive the record electronically which will also be cost efficient. E-filing the appeal record will enhance the security and safekeeping of the court's record by both the circuit and appellate court clerks.

"Observing the successes of the pilot project in Adams and Moultrie counties shows that transferring the case file electronically is a safe, secure and efficient method," Ms. Kelley said. "I am excited that Logan County will be a part of this project."

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

Throughout Illinois, 16 counties in four judicial districts have already implemented the pilot project. They are: Clinton County in the Fifth Judicial District; Adams and Moultrie counties in the Fourth Judicial District; Rock Island and Will counties in the Third Judicial District; and Boone, Carroll, DeKalb, DuPage, Jo Daviess, Kendall, Lee, McHenry, Ogle, Stephenson and Winnebago counties in the Second Judicial District.

In addition, the Supreme Court announced in January 2012 a pilot project for the electronic filing of motions, briefs and related documents with the Illinois Supreme Court Clerk's office. That project involved the Illinois Attorney General, the State Appellate Defender's Office and the Office of the Illinois State's Attorneys Appellate Prosecutor.

The program was expanded by the Court in January 2013 to include the option for all documents in cases on the Court's general docket to be filed with the Supreme Court electronically, including documents concerning attorney disciplinary matters before the Court. The expanded pilot project also gives the option for persons registered with the third-party vendor, including *pro se* litigants and attorneys licensed in other jurisdictions appearing in a specific case, to file documents electronically.

In October 2012, the Supreme Court announced 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. Before, only five counties in Illinois have been approved to operate e-filing systems as

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part of a pilot project on a limited basis. The announcement ended 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 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, after a notice of appeal is filed in the Fourth District Appellate Court, the official record on appeal is forwarded on paper from the Circuit Court Clerk to the Appellate Clerk. After it is filed, it is physically transported to the attorney of record on one side of the case. When that attorney files his or her brief with the appellate court, the record is then transported to the attorney on the other side of the case for use in preparation of the brief.

After briefing is completed, the record is returned to the court, the case is assigned to an authoring appellate court justice, and the record must be forwarded to the judge's office where it resides with the justice assigned to write the decision until the conclusion of the case. It is then, finally, returned to the Circuit Court Clerk.

If, during the process of the court's consideration of the appeal, the two other Appellate justices assigned to the case wish to review the record, it must be physically transported from the justice in possession to the justice who requests possession.

The pilot project makes the physical transfer of the record unnecessary, and removes the cost of repeatedly transporting the record back and forth from the appellate clerk's office. This improvement in efficiency benefits not only the lawyers and the court, but the clients being served and taxpayers who fund the courts.

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