

M.R. 3140

**IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS**

Order entered December 21, 2012.

(Deleted material is struck through and new material is underscored.)

Effective immediately, the effective date of new Supreme Court Rule 138 (filed October 24, 2012) is revised from January 1, 2013, to July 1, 2013.

Also, effective January 1, 2013, Supreme Court Rules 11, 12, and 131 are amended, as follows.

Amended Rule 11

Rule 11. Manner of Serving Documents Other Than Process and Complaint on Parties Not in Default in the Trial and Reviewing Courts

(a) On Whom Made. If a party is represented by an attorney of record, service shall be made upon the attorney. Otherwise service shall be made upon the party.

(b) Method. Documents shall be served as follows:

(1) by delivering them to the attorney or party personally;

(2) by leaving them in the office of the attorney with the attorney's clerk, or with a person in charge of the office; or if a party is not represented by counsel, by leaving them at the party's residence with a family member of the age of 13 years or upwards;

(3) by depositing them in a United States post office or post office box, enclosed in an envelope, plainly addressed to the attorney at the attorney's business address, or to the party at the party's business address or residence, with postage fully prepaid;

(4) by delivering them to a third-party commercial carrier—including deposit

in the carrier's pick-up box or drop off with the carrier's designated contractor—enclosed in a package, plainly addressed to the attorney at the attorney's business address, or to the party at the party's business address or residence, with the delivery charge fully prepaid; or

(5) by transmitting them via facsimile machine to the office of the attorney or party, who has consented to receiving service by facsimile transmission. Briefs filed in reviewing courts shall not be served by facsimile transmission.

(i) A party or attorney electing to serve pleadings by facsimile must include on the certificate of service transmitted the telephone number of the sender's facsimile transmitting device. Use of service by facsimile shall be deemed consent by that party or attorney to receive service by facsimile transmission. Any party may rescind consent of service by facsimile transmission in a case by filing with the court and serving a notice on all parties or their attorneys who have filed appearances that facsimile service will not be accepted. A party or attorney who has rescinded consent to service by facsimile transmission in a case may not serve another party or attorney by facsimile transmission in that case.

(ii) Each page of notices and documents transmitted by facsimile pursuant to this rule should bear the circuit court number, the title of the document, and the page number.

(6) by transmitting them via e-mail to the designated e-mail address of record for the attorney or party if the attorney or party consented to e-mail service. The listing of a designated e-mail address on documents or the use of e-mail service shall be deemed consent by that party or attorney to receive e-mail service. Any party may rescind consent of e-mail service in a case by serving a notice on all parties or the attorneys of record. A party or attorney who has rescinded consent to e-mail service in a case may not serve another party or attorney by e-mail in that case; or

(7) by transmission through a service provider that provides an electronic in-box for those parties registered to use the service.

(c) Multiple Parties or Attorneys. In cases in which there are two or more plaintiffs or defendants who appear by different attorneys, service of all documents shall be made on the attorney for each of the parties. If one attorney appears for several parties, that attorney is entitled to only one copy of any document served upon the attorney by the opposite side. When more than one attorney appears for a party, service of a copy upon one of them is sufficient.

(d) E-Mail Address. ~~A party or an attorney must include on the appearance and~~

~~on all pleadings filed in court an e-mail address for service of documents.~~
Mandatory E-Mail Service. The use of e-mail service is mandatory if a local circuit adopts mandatory e-filing pursuant to Illinois Supreme Court Electronic Filing Standards.

Amended April 8, 1980, effective May 15, 1980; amended April 10, 1987, effective August 1, 1987; amended October 30, 1992, effective November 15, 1992; amended December 29, 2009, effective immediately; amended Oct. 24, 2012, effective Jan. 1, 2013; amended Dec. 21, 2012, eff. Jan. 1, 2013.

Committee Comment
(December 21, 2012)

New subparagraphs (b)(6) and (7) were created to allow for service of documents electronically. The amendments facilitate electronic communications among the court, parties, and counsel and complement the expansion of e-filing in the trial courts. However, electronic service may not be appropriate in all instances. For example, absent a secure method for electronic service of documents, other service options should be used for cases or documents filed confidentially.

Amended Rule 12

Rule 12. Proof of Service in the Trial and Reviewing Courts; Effective Date of Service

(a) Filing. When service of a paper is required, proof of service shall be filed with the clerk.

(b) Manner of Proof. Service is proved:

- (1) by written acknowledgment signed by the person served;
- (2) in case of service by personal delivery, by certificate of the attorney, or affidavit of a person, other than an attorney, who made delivery;
- (3) in case of service by mail or by delivery to a third-party commercial carrier, by certificate of the attorney, or affidavit of a person other than the

attorney, who deposited the paper in the mail or delivered the paper to a third-party commercial carrier, stating the time and place of mailing or delivery, the complete address which appeared on the envelope or package, and the fact that proper postage or the delivery charge was prepaid; or

(4) in case of service by facsimile transmission, by certificate of the attorney or affidavit of a person other than the attorney, who transmitted the paper via facsimile machine, stating the time and place of transmission, the telephone number to which the transmission was sent, and the number of pages transmitted.

(5) in case of service by e-mail, by certificate of the attorney or affidavit of a person other than the attorney who transmitted the document via e-mail, stating the time and place of transmission to a designated e-mail address of record.

(c) Effective Date of Service by Mail. Service by mail is complete four days after mailing.

(d) Effective Date of Service by Delivery to Third-Party Commercial Carrier. Service by delivery to a third-party commercial carrier is complete on the third business day after delivery of the package to the third-party carrier.

(e) Effective Date of Service by Facsimile Transmission. Service by facsimile machine is complete on the first court day following transmission.

(f) Effective Date of Service by E-mail. Service by e-mail is complete on the first court day following transmission.

Amended effective July 1, 1971, and July 1, 1975; amended October 30, 1992, effective November 15, 1992; amended December 29, 2009, effective immediately; amended Dec. 21, 2012, eff. Jan. 1, 2013.

Amended Rule 131

Rule 131. Form of Papers

(a) Legibility. All papers and copies thereof for filing and service shall be legibly written, typewritten, printed, or otherwise duplicated. The clerk shall not file any which do not conform to this rule.

(b) Titles. All papers shall be entitled in the court and cause, and the

plaintiff's name shall be placed first.

(c) Multiple Parties. In cases in which there are two or more plaintiffs or two or more defendants, it is sufficient in entitling papers, except a summons, to name the first-named plaintiff and the first-named defendant with the usual indication of other parties, provided there be added the official number of the cause.

(d) Name, Address, and Telephone Number, and E-mail Address of Responsible Attorney or Attorneys. All papers filed in any cause or served upon the opposite party shall bear the name, and business address, and telephone number, ~~and e-mail address, if any,~~ of the responsible attorney or attorneys and the law firm filing the same, or the mailing address, and telephone number of the party who appears in his own proper person. ~~If service by facsimile transmission is permitted and the responsible attorney or attorneys or the party who appears in his own proper person will accept service by facsimile transmission or via e-mail,~~ then the paper shall also bear the statement "Service [by facsimile transmission] [via e-mail] will be accepted at [facsimile telephone number] [e-mail address]."

Amended February 19, 1982, effective April 1, 1982; amended October 30, 1992, effective November 15, 1992; amended Dec. 21, 2012, eff. Jan. 1, 2013.

Rule 138 – Revised Effective Date

Rule 138. Personal Identity Information

(a) In civil cases, personal identity information shall not be included in documents or exhibits filed with the court. This rule applies to paper and electronic filings.

(b) Personal identity information, for purposes of this rule, is defined as follows:

- (1) Social Security numbers;
- (2) birth dates;
- (3) mother's maiden names;
- (4) drivers license numbers;
- (5) financial account numbers, and
- (6) debit and credit card numbers.

A court may order other types of information redacted or filed confidentially,

consistent with the purpose and procedures of this rule.

(c) If the court orders the filing of documents or exhibits that contain personal identity information, the information shall be filed under seal in a document titled "Notice of Personal Identity Information Within Court Filing." The notice shall identify the documents or exhibits that contain personal identity information and the order requiring the filing. The notice shall remain confidential, except to parties or as the court may order.

(d) Neither the court, nor the clerk, is required to review documents or exhibits for compliance with this rule.

(e) If a document or exhibit is filed containing personal identity information, a party or any other person whose information has been filed may move that the court order redaction and filing as provided in paragraph (f). The motion shall be filed under seal and the clerk shall remove the document or exhibit containing the personal identity information from public access pending the court's ruling on the substance of the motion. A motion requesting redaction of a document in the court file shall have attached a copy of the redacted version of the document. If the court allows the motion, the clerk shall retain the unredacted copy under seal and the redacted copy shall become part of the court record.

(f) If the court finds the inclusion of personal identity information was willful, the court may award the prevailing party reasonable expenses, including attorney fees and court costs.

(g) This rule does not require any clerk or judicial officer to redact personal identity information from the court record except as provided in this rule.

Adopted Oct. 24, 2012, effective ~~Jan.~~ July 1, 2013.