

IN THE
SUPREME COURT OF ILLINOIS

In re: Electronic Filing in Civil and Criminal)
Cases and Remote Access Systems) M.R. 18368
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ORDER

The Supreme Court having been advised of sufficient and satisfactory progress toward the mandates contained in the January 22, 2016, Order *In re: Mandatory Electronic Filing In Civil Cases* (M.R. 18368), and with the goal of further facilitating full statewide e-Filing for Illinois courts, it is THEREFORE ORDERED that the January 22, 2016, Order is amended as follows and further explained in the Annotation attached to this order:

1. Effective July 1, 2017, for the Illinois Supreme Court and Illinois Appellate Court, and effective January 1, 2018, for the circuit courts, no court or e-Filing vendor shall charge the filer a transaction or user fee to e-File.
2. Self-represented litigants incarcerated in a federal, state or local correctional facility shall not be required to e-File documents but are encouraged to do so if e-Filing is available within the facility.
3. By no later than July 1, 2018, all circuit courts with stand-alone e-Filing systems shall complete migration from their stand-alone e-Filing systems to eFileIL.
4. By no later than July 1, 2018, all courts shall make available their case documents and information to the statewide remote access system known as re:SearchIL. Courts may continue to utilize other remote access systems in addition to re:SearchIL.
5. Circuit courts may e-File criminal case types (Criminal Felony (CF), Criminal Misdemeanor (CM), Driving Under the Influence (DT)) and juvenile case types (Juvenile (J), Juvenile Abuse and Neglect (JA), and Juvenile Delinquency (JD)) in a permissive manner through eFileIL. Permissive e-Filing of criminal and juvenile cases through eFileIL applies only to filings after the case has been initiated and assigned a case number. Criminal and juvenile case initiation in the circuit courts should continue using current practices. Permissive e-Filing through eFileIL does not include quasi-criminal case types: Traffic (TR), Ordinance Violation (OV), Conservation (CV) and Civil Law (CL).

Circuit courts approved to e-File criminal case types pursuant to the Supreme Court's *Electronic Filing Standards and Principles* may continue current practices.

All other terms of the January 22, 2016, Order shall remain in full force and effect.

Order Entered by the Court.

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SUPREME COURT
CLERK

ANNOTATION

Par 1. Court and Vendor Fees. The Supreme Court's *Electronic Filing Standards and Principles (Standards)* (approved October 24, 2012, and amended September 16, 2014) were created to govern stand-alone e-Filing systems in those jurisdictions approved to e-File. The *Standards* prohibited courts from collecting a fee (beyond the statutory civil filing fees) but allowed for an e-Filing vendor to charge a transaction or use fee to the e-Filer. Filers not wishing to pay this fee could file in the traditional paper method.

Throughout the implementation process for mandated statewide e-Filing, the Court has endorsed the principle that filers should not be burdened with additional fees, such as a transaction or use fee. This order maintains the prohibition on courts collecting a fee as articulated in the *Standards* and further prohibits vendors from charging transaction or use fees for e-Filing. Prohibited fees do not include statutory filing fees; processing fees related to payments by credit card, debit card, or e-check; or value-added fees for optional services offered by a certified electronic filing service provider (EFSP) for eFileIL.

Par 2. Incarcerated Pro Se Litigants. The January 22, 2016, Order mandates that all attorneys and self-represented litigants electronically file documents in all civil cases in Illinois. Recognizing that individuals who are incarcerated in federal, state, or local correctional facilities or jails may not have access to the technology necessary for e-Filing in the courts, this order exempts incarcerated self-represented litigants from mandatory e-Filing of civil cases.

Par. 3 Migration to eFileIL. The Court's January 22, 2016, order provides, in pertinent part: "After January 1, 2018, and following evaluation of the implementation and operation of the centralized EFM, the Supreme Court may designate a future date certain at which time all such Circuit Courts shall utilize the centralized EFM authorized by the Supreme Court for the e-filing of civil cases. The centralized EFM shall be integrated with each Circuit Court's case management system." As the last phase of statewide civil e-Filing implementation proceeds on schedule and within the projected budget, the Court has identified a future date – July 1, 2018 – to mandate migration of the remaining courts utilizing a stand-alone system to e-FileIL.

Par 4. Re:SearchIL In order to meet the Court's ultimate objective of a statewide online remote access system, the Court is moving forward with implementation of re:SearchIL.

The implementation and access to re:SearchIL will progress at a pace set by the Court. Initially, access will be provided only to judges, clerks, and parties to a case and will allow trial courts to use re:SearchIL as a free document management system for the storage and archiving of electronic court documents. Re:SearchIL will provide judges, clerks, and court officials with free unlimited access to a central online database of case documents and information from all Illinois courts using a searchable application interface.

Critical to the implementation of re:SearchIL is the requirement that each court transition to the Court's eFileIL system and make available its case documents and information to re:SearchIL in a timely manner. Under the 'repository' method, all e-Filed documents (accepted by the clerk) are automatically copied from eFileIL to the re:SearchIL application. This method is free to each court and can be implemented with no additional integration. The clerks will access the re:SearchIL application and identify and mark the confidential documents in re:SearchIL and in their local case management system (CMS).

The 'integration' method allows a court's CMS vendor to integrate the CMS directly with re:SearchIL using standard software specifications and a similar integration and testing process as provided with eFileIL. Using the 'integration' method, re:SearchIL retrieves a court's documents directly from its CMS (provided they are not confidential). This method allows clerks to manage confidential case information solely within their CMS and re:SearchIL reads those settings to prevent unauthorized access. Courts may start making documents available to re:SearchIL using the 'repository' method and later transition to the 'integration' method once their CMS vendors have completed the development work.

While the initial scope of re:SearchIL will limit case document access to judges and parties to a case, re:SearchIL is designed to serve as an online remote access system similar to Pacer in the federal courts. Using re:SearchIL as a remote access application provides local courts an online 'store-front' and central online application offering all attorneys, litigants, media and the public access to local court documents for the entire state. The re:SearchIL application offers a free case index and user access to case documents (view/download) for a predetermined document access fee. The document access fee is collected through re:SearchIL and routed, in full, to each local court owning the case documents, provided the court has migrated to eFileIL.

Remote access to court records will first require revisions to current rules and policies, including the Court's *Electronic Access Policy to Circuit Court Records*, to address the protection of confidential documents and information in case records and uniform document access fees. The Court's e-Business Policy Advisory Board is charged with review and recommendations in this regard.

Par 5. Criminal e-Filing is an important and necessary next step to further the Court's goal of a full statewide eFileIL program for all courts. In acknowledgment of the complexities involved with e-Filing criminal and juvenile cases, this order initiates a two-phased approach. To avoid disrupting current case initiation practices, permissive criminal and juvenile e-Filing through eFileIL is allowed for subsequent filings only (after case initiation and a case number is assigned). Criminal and juvenile case initiation in the circuit courts will continue under current practices until further order.

E-Filing of criminal and juvenile cases in the Illinois Supreme Court and Illinois Appellate Court may continue under current practices.

Circuit courts currently approved for criminal e-Filing through the Supreme Court *Standards* may continue their current practices. Those circuit courts with stand-alone e-Filing systems seeking approval to e-File criminal cases must apply and operate under the *Standards* until they migrate to e-FileIL.

Given the numerous law enforcement agencies throughout the state and multiple interfaces for local courts utilizing e-Citation programs, quasi-criminal case types, including Traffic (TR), Ordinance Violation (OV), Conservation (CV), and Civil Law (CL), may not be e-Filed through eFileIL at this time.