

STATE OF ILLINOIS
FOURTH JUDICIAL CIRCUIT

SECONDED AMENDED
ADMINISTRATIVE ORDER NO. 2013 - 12

ADMINISTRATIVE ORDER TO IMPLEMENT AN E-FILING PROGRAM
FOR MONTGOMERY COUNTY

WHEREAS, the Supreme Court of Illinois issued Order M.R. 18368 effective January 1, 2013, approving "Electronic Filing Standards and Principles" to maintain uniformity of electronic filing practices and procedures throughout the State of Illinois; and

WHEREAS, M.R. 18368 directs that local rules or administrative orders be adopted by circuits or counties within circuits to implement an e-filing program; and

WHEREAS, Administrative Order No. 2013-12 entered June 25, 2013, which establishes the standards and principles for e-filing in Montgomery County of the Fourth Judicial Circuit was amended July 21, 2015, to include filings in Criminal Felony and Criminal Misdemeanor cases; and

WHEREAS, Montgomery County has added additional case categories for e-filing and now allows for the filing of an Application to Sue or Defend as an Indigent Person.

IT IS THEREFORE ORDERED THAT the attached "Electronic Filing Standards Implementing E-Filing Program – Fourth Judicial Circuit – Montgomery County", which have been amended to include adoption and mental health case categories and the ability to file an Application to Sue or Defend as an Indigent Person, is hereby adopted and effective the date written below.

Dated: 1/23/17



Michael D. McHaney, Chief Judge

ELECTRONIC FILING STANDARDS IMPLEMENTING E-FILING PROGRAM
FOURTH JUDICIAL CIRCUIT – MONTGOMERY COUNTY

GENERAL

A. AUTHORITY

These standards are implemented pursuant to the authority granted by M. R. 18368 issued by the Supreme Court of Illinois.

B. EFFECTIVE DATE

The standards are effective on the date of the order entered and attached hereto.

C. DEFINITIONS

The following terms in these rules are defined as follows:

ARDC # - the registration number issued by the Illinois Attorney Registration and Disciplinary Commission to attorneys practicing in Illinois.

Clerk – the Circuit Clerk of the Circuit Court of the Fourth Judicial Circuit, Montgomery County, Illinois.

Conventional Filing – the filing of paper documents with the Clerk as is done under applicable Supreme Court rules pre-dating the implementation of the Statewide Standards in Montgomery County.

Electronic Filing (“e-filing”) – an electronic transmission of information and documents between the clerk of the circuit court and a Vendor for the purposes of case processing.

Electronic Service (“e-service”) – service completed by an electronic transmission to the designated parties which includes access to electronically filed documents.

Facsimile Signature – a reproduction of a manual signature, saved electronically.

Filer – an attorney authorized to practice law in the State of Illinois who has an e-filing account with Vendor.

PDF – portable document format is a file format that preserves all fonts, formatting colors and graphics of any source document regardless of the application platform used.

Statewide Standard – the “Electronic Filing Standards and Principles” approved by the Illinois Supreme Court by M.R. 18368 on October 24, 2012, as amended from time to time.

Typographical Signature – a signature comprised of text (e.g., “/s/ Perry R. Mason”).

Vendor – a company or organization under contract with the Circuit Clerk of the Circuit Court of the Fourth Judicial Circuit, Montgomery County, Illinois, to provide e-filing services in the court.

STANDARDS

1. IDENTIFICATION OF CASE TYPES

The following case types are eligible for electronic filing:

- AD -- Adoption
- CF -- Criminal Felony
- CH -- Chancery
- CM -- Criminal Misdemeanor
- CV-- Conservation
- D -- Divorce
- F -- Family
- L -- Law (L)
- LM -- Law (LM)
- MH -- Mental Health
- MR -- Miscellaneous Remedy
[Limited to the following MR categories: Administrative Review, Attachment, Burnt Records, Change of Name, Corporation Dissolution, Declaratory Judgment, Demolition, Abatement of Nuisance, Prohibition, Election Contest, Escheat, Extradition, Habeas Corpus, Lost Goods or Money, Mandamus, No Exeat, Quo Warranto, Subpoena, Confirmation of Election Judges, Appoint Special Prosecutor, Expungement, Appointment of Receiver, Fictitious Vital Record, Peace Bond Complaint, Pet/Discovery or Depose, Pet/Decl Sexually Violent, Statutory Summary Suspension]
- OV-- Ordinance Violations
- P -- Probate
- SC -- Small Claims
- TR-- Traffic

2. ACCEPTANCE AND REJECTION OF DOCUMENTS

Any electronic document or record submitted to the Clerk of the court for filing shall be deemed filed if not rejected by the Clerk. The transmission date and time of transfer shall govern the electronic file mark. Pleadings received by the Clerk before midnight on a day the courthouse is open shall be deemed filed that day. If filed on a day the courthouse is not open for business, the document will be deemed filed the next business day. While the case is pending, the Clerk shall retain an audit trail of submission, acceptance, and filing of electronic documents by recording the dates and times transmitted, received, and accepted or rejected. The electronically filed transmission shall be endorsed with the electronic file mark setting forth, at a minimum, the identification of the court, the Clerk, the date, and the time of filing.

Pleadings not accompanied by the appropriate filing fee will be rejected by the Clerk.

3. IDENTIFICATION OF FILING PARTY – REGISTRATION REQUIREMENTS

The e-filing system requires that all registered participants (Filers) log in with a user ID (numeric or e-mail) and a password which are associated with an ARDC # when an e-filing account is established. The user ID and password shall be provided by the Vendor when an account is established with the Vendor. The process for establishing an e-filing account on Vendor's system and for verifying the user's identify and associating it with an ARDC # is described in Section 16 below.

All other justice community users shall be registered upon confirmation of authorization by the Clerk of the Court. Court partner agency users and individual registrations will be used to identify the source of the e-filed document submitted to the court electronically.

4. IDENTIFICATION OF INFORMATION REQUIRED TO SUBMIT DOCUMENTS ELECTRONICALLY

Information required in order to create an Electronic Filing:

a. **Filer** – the ARDC # associated with the Filer by the Vendor is used in order to limit the cases/litigants on which the Filer is permitted to file. The ARDC # is the sole identifier provided to the court for filings on existing and new cases.

b. **Case Information** – filings on existing cases in the e-filing system are done from the context of that circuit court's case/litigant system.

c. **Additional Information Required by Court** – the title or name of each document in the filing.

5. ADDITIONAL TYPES OF DOCUMENT FORMATS ALLOWED TO BE SUBMITTED THROUGH THE E-FILING PROCESS IN ADDITION TO PDF

None

6. MAXIMUM FILE SIZE

There is no maximum file size, though the court reserves the right to establish such a limit in the future by amending this provision.

7. MULTIPLE DOCUMENTS SUBMITTED IN A SINGLE FILING TRANSACTION (RESTRICTIONS ON BULK FILINGS)

Bulk filings of multiple cases or multiple documents combined into one PDF document in civil or criminal case types shall not be accepted. Documents with different civil or criminal case numbers must be filed individually in separate transactions. Filing of individual documents within a civil or criminal case should be accepted in a single electronic filing transaction. Multiple citations being electronically filed may be transmitted to the circuit clerk as a single transaction directly from the law enforcement agency.

8. FILING OF EXHIBITS NOT READILY AVAILABLE IN ELECTRONIC FORM

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 forth in Section 9 below. A party electronically filing evidentiary materials must include an index listing each item of evidence and identifying the related paper.

9. FORMAT OF DOCUMENTS

a. Documents must be submitted in PDF format. When possible, documents must be converted to PDF directly from the program creating the document, rather than from the scanned image of a paper document. Documents only in paper format may be scanned and converted to PDF for electronic filing.

b. Unless otherwise required, documents created by word processing programs must be formatted as follows: (i) the size of the type in the body of the text must be no less than 12 point font, and footnotes no less than 10 point font; (ii) the size of the pages must be 8-1/2 by 11 inches; and (iii) the margins on each side of the page must each be a minimum of 1 inch; and (iv) the top right 2" x 2" corner of the first page of each pleading shall be left blank for the Clerk's stamp.

10. REJECTION OF DOCUMENTS WHICH DO NOT COMPLY WITH FORMATTING REQUIREMENTS

Documents filed by attorneys that do not comply with the format specified by the applicable statute or rule may be rejected. Documents filed by pro se parties that do not comply with the format specified by the applicable statute or rule shall be reviewed for acceptance by the court prior to rejection. The court shall establish a business practice for this review process.

11. SUBMISSION OF PROPOSED ORDERS

Proposed orders submitted in a case must be in PDF format, text searchable, and generated directly from a word processing program. Proposed orders shall be submitted with all pleadings as required by local rule or order.

12. EXTERNAL LINKS CONTAINED IN DOCUMENTS

Electronic documents containing links to material either within the filed document or external to the filed document are for convenience purposes only. The external material behind the link is not considered part of the filing or the court file.

13. PROCEDURE FOR FAILURE OF ELECTRONIC FILING PROCESS

a. Neither the court nor the Clerk shall be liable for malfunction or errors occurring in the electronic transmission or receipt of electronically filed or served documents.

b. If a document submitted electronically is not filed or is rejected, the court may, upon good cause shown, enter an order permitting the document to be filed effective as of the date of the attempted first filing.

14. PROCEDURE FOR HANDLING OF CONFIDENTIAL DOCUMENTS

The electronic filing system, the document management system and the case management system in this court shall maintain the confidentiality and integrity of the transmission of any document identified as impounded, sealed, or expunged. All documents in confidential, impounded, or sealed cases must be submitted conventionally to the Clerk's office for 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. The document in question may not be attached to the motion as an attachment.

15. CONFIDENTIAL CONTENT OF DOCUMENTS

Filer is responsible to ensure that court documents filed electronically appropriately segregate and do not disclose previously or statutorily impounded or sealed information or private information defined in Supreme Court Rule 15 and Supreme Court Rule 138 (effective July 1, 2013). Filer shall indicate during e-filing that any separate document containing confidential information is being filed under seal and indicate the reason it is confidential information, whether being personal identity information as defined by 138, or confidential information pursuant to Supreme Court Rule 15, statute, rule or order.

16. IDENTIFICATION OF REGISTRATION INFORMATION

Prior to filing electronically with the court, a Filer must: a) provide the Clerk in writing with his or her ARDC # and an e-mail address; and b) subscribe to the Vendor's e-filing service.

17. REQUIREMENTS FOR UPDATE OF REGISTRATION INFORMATION

Filer shall keep the required information under section 16 current with Clerk and Vendor.

18. COSTS FOR CERTIFICATION OF ELECTRONIC DOCUMENTS

a. The e-filing system will make a file-stamped copy of the filing available on the e-filing site at no additional cost to the Filer by sending a link to the Filer for that filing.

b. The Clerk shall provide copies of any document or certification of same and may provide the copies electronically. Copies shall be available to the requesting party at a reasonable cost, including all applicable fees as set by rule or statute.

19. PAYMENT METHODS FOR FILING FEES

Filer shall make payment of requisite filing fees to the Clerk in cash, cash equivalent (money order, cashier check) approved check or credit card. Payment made by cash, cash equivalent or approved check must be received by the Clerk prior to the e-filing. Such payments shall be used to establish a balance of funds held by the Clerk, and applied as filing fees are incurred. Vendor may charge fees (e.g., service fees, convenience fees or value-added service fees for e-service) in addition to payment of filing fees by credit card.

20. PROCEDURE FOR ELECTRONIC SIGNATURE

a. **Judiciary** – judges shall use the Court's document management system which will allow for electronic signatures in the form of a Typographical Signature or Facsimile Signature applied based upon the password-based login of the document management system. Electronic signature capture tools may also be employed.

b. **Court Staff** – authentication of court staff shall be by the password-based login to the court information system which is applying the electronic signature. The form of any associated signatures of such staff will be a Typographical Signature indicating the name and title of the Clerk, as well as the ID of the court staff member.

c. **Litigants** – the identity of litigants shall be established using original signature.

d. **Attorneys (Filers)** – any document filed electronically using a verified user authentication issued by a court or Vendor shall be deemed to have been signed by the holder of the user authentication.

e. **Third Party** (person not a Filer or Litigant) – the signature and retention requirements for third parties shall be the same as for litigants.

f. **Non-electronic filers** – if a document requires the signature[s] of one or more persons not a party to the case or not registered for electronic filing (e.g. settlement agreement with a pro-se party, or a witness' affidavit), 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.

21. MAINTENANCE OF ORIGINAL DOCUMENT BY FILER

Filer must retain an original duplicate of any document filed electronically 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 original duplicate may be retained electronically or on paper.

22. ELECTRONIC SERVICE PROCEDURE

E-service of e-filed documents on Filers in civil case types will be accomplished by Vendor, through the system, sending to the e-mail address (provided to the court in the manner

described in Section 16 above) an e-mail containing a link to the filing. This process will be initiated when the document is transmitted to the Clerk.

A means of electronic service on registered attorneys in criminal cases may be established as part of the e-filing system. Service of documents in criminal cases to a pro se defendant who is not represented by counsel shall, unless waived, be made as otherwise provided by rule or statute.

Service of documents shall be made as otherwise provided by rule or statute. Personal service shall be made as required by law.

23. DETERMINATION OF MANDATORY FILINGS IN CASE TYPES SELECTED FOR ELECTRONIC FILING

Electronic filing is not mandatory for any case type or filing type.

24. EXCLUSION OF DOCUMENTS REQUIRED TO BE MAINTAINED IN ORIGINAL FORM

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.

25. ADDITIONAL DOCUMENTS NOT ALLOWED FOR ELECTRONIC FILING

E-filing is not allowed for the following types of documents:

- a. Original Wills filed in probate cases.
- b. Documents provided in requests for discovery.
- c. Any petition to register a judgment from another court.

26. ADDITIONAL PROVISIONS

a. Filer may use the e-filing system to request the scheduling of matters. Hearings may not be set solely by the Filer by use of a message accompanying an e-filing. Hearings shall be scheduled with the Court per existing practices.

b. By becoming a Filer, Filer consents to receive e-service on all cases on which they are listed as attorney of record in the court's case management system.

c. In order to e-file on a case, Filer must be listed as attorney of record on the case in the court's case management system. An attorney shall not file a document on behalf of another attorney, even as co-counsel.