

**POLICY FOR IMPLEMENTATION
OF AN
ELECTRONIC FILING PILOT PROJECT IN ILLINOIS' COURTS**

A) Authority. The chief judges and clerks of the circuit court may permit documents to be filed electronically on a pilot basis only after approval by the Supreme Court through the Director of the Administrative Office of the Illinois Courts. Electronic filing of court documents is authorized to begin in a pilot county or counties, designated by the Court, and on the recommendation of the Administrative Director, when deemed appropriate by the Administrative Director. Approval of any electronic filing pilot project does not relieve the clerk of the circuit court of their responsibility to insure the security and integrity of court documents.

- 1) Prior to implementation of a system, the clerk of the circuit court shall seek approval of electronic filing by submitting an application to the Administrative Director which shall be signed by the circuit clerk and authorized by the signature of the chief judge.
- 2) The application shall specify the county(ies), division(s), or classes of cases in which the proposed electronic filing system will be used. The application should also identify the documents to be accepted.
- 3) The application shall include a description of the proposed hardware and software, and how it integrates with the case management system.
- 4) The application shall describe how the public will be notified of the pilot project for electronic filing.
- 5) The application should describe the process used to register attorneys and verify that they are in good standing with the court, which incorporates the use of registrant's id's and passwords.
- 6) The application should describe how the electronic filing system authenticates electronic filing participants and transmissions, incorporating digital signatures.
- 7) The application shall include documentation of a successful testing phase.
- 8) The application shall explain the overall procedure for electronic filing including:
 - (a) Operational steps;
 - (b) Hours of Operation;
 - (c) Document format(s) for all filed documents;
 - (d) Medium used to access the electronic filing system, i.e. internet, intranet, dial-up lines;
 - (e) Procedures and requirements within the filed documents, i.e. specific filing procedures, attachments to pleadings;

- (f) Procedure to follow in the event of hardware or software failure;
 - (g) Verification of date and time of filing of documents;
 - (h) Handling of special exchanges, i.e. certificate of service, signature block, sealed documents, confidential documents.
- 9) The application should describe how fees are managed with regard to electronically filed documents.
- 10) The application shall explain how the proposed electronic filing system will meet the following:
- (a) Adequate interchange standards and compatibility with any statewide data access;
 - (b) Integration of electronic with paper aspects of the system;
 - (c) Ease of installation and maintenance;
 - (d) Ease of use by the court, attorneys and parties;
 - (e) Reliability;
 - (f) Security;
 - (g) Data integrity;
 - (h) Reasonable controls;
 - (i) Audit trails;
 - (j) Long-term storage;
 - (k) Cost-effective upgrade or replacement to enable the migration of data as technology changes;
 - (l) Economy of operation;
 - (m) A means of authenticating the source of each document;
 - (n) A means of authenticating the accuracy of transmission of each document;
 - (o) A means of accurately ascertaining the date and time of filing;
 - (p) A means to provide the filing party with verification of the date and time of filing;
 - (q) Type of electronic signature, manner and format in which signature is affixed, and a means to verify electronic signatures;
 - (r) A means to produce paper copies of documents filed electronically;
 - (s) A means to provide a secure back-up of any data storage device that contains documents that have been filed electronically; and
 - (t) A means to make a microfilm reproduction of documents filed electronically.
- 11) The application shall explain how the proposed electronic filing system will meet the following five requirements:
- (a) Filing shall be limited to attorneys or parties who have registered with the clerk of the circuit court in which the filing is made;
 - (b) The form of filing shall not affect the right of public access to court files;

- (c) Printed copies of any filed document shall be made available by the circuit court clerk's office at a reasonable cost or otherwise as directed by statute or rule;
 - (d) The clerk of the circuit court shall remain responsible for making, keeping, and preserving complete records of all circuit court proceedings and determinations in accordance with the Court's General Administrative Order on Recordkeeping in the Circuit Courts; and
 - (e) Filing fees shall be applicable as provided by law.
- 12) The Administrative Director may approve, disapprove, or request modification of the circuit court clerk's proposal, giving notice of her/his action to the chief judge and clerk of the circuit court.

B) Scope of Filing.

- 1) Electronic filing is limited to electronic line transfers, excluding transfers of information by means of a facsimile transmission device (fax), and has no effect on any existing statute or Supreme Court rule governing facsimile transmissions.
- 2) The scope of electronic filing in any pilot county is to be defined in the application of the clerk and is subject to the approval of the Administrative Director. Upon the grant of a request to the Administrative Director seeking an exception after a system has been approved and implemented, a chief judge may specify additional documents which may not be filed by electronic means.
- 3) An electronic filing of a verified pleading constitutes an attorney's certification that the original verified pleading is in the attorney's possession. The attorney shall produce the verified pleading for inspection at the request of any party or the court.
- 4) The filing of documents by electronic means does not relieve the filing party of any duty to serve copies required by rule or statute.
- 5) A will or other testamentary document may not be filed by electronic means.
- 6) The filing of documents by electronic means is limited to AR, CH, D, F, L, LM, MR, MC, SC, and TX case categories.

C) Protocol Requirements. An electronic filing protocol must include:

- 1) A means of authenticating the source of each document;

- 2) A means of authenticating the accuracy of transmission of each document;
- 3) A means of accurately ascertaining the date and time of filing;
- 4) A specification of documents that may not be filed electronically; and
- 5) A means to produce paper copies of documents filed electronically, including signatures, of sufficient quality to survive in readable form for the period of time that the file to which it relates is required to be retained pursuant to the Court's General Administrative Order on Recordkeeping in the Circuit Courts.

D) Management of Electronically Filed Documents. Documents filed electronically shall be subject to the following requirements:

- 1) An office accepting a filing must be able to authenticate the source of any electronic line transfer received.
- 2) The clerk of the circuit court must index any filing as required by the Court's General Administrative Order on Recordkeeping in the Circuit Courts;
- 3) The provisions of the Court's General Administrative Order on Recordkeeping which require that a microfilm copy of documents be produced shall apply to all documents received in electronic form; and
- 4) All devices and software to be used for reproduction must comply with generally accepted legal standards of authentication of documentary evidence.

E) Oversight Responsibilities. Any office accepting electronic filings must:

- 1) Assure that nothing contained within the medium received would threaten the integrity of documents maintained by the receiving office in machine-readable form;
- 2) Integrate new filings into an appropriate machine-readable data base in a manner that would permit their retrieval and conversion into paper form as required by this policy;
- 3) Provide adequate security to limit access by persons making filings so that they cannot tamper with other filings or records of the office; and
- 4) Provide documentation and access to the electronic filing system as may be requested by the Director of the Administrative Office of the Illinois Courts.

The Administrative Office of the Illinois Courts shall provide oversight of electronic filing in Illinois' courts and shall report to the Court any non-compliance with this policy.

F) Supreme and Appellate Courts. This policy does not authorize electronic filing in the Supreme and Appellate Courts.

G) Effective Date. January 1, 2003.