

ARTICLE 5: E-FILING

5.01 AUTHORITY

- a) Specific authority for electronic signatures, time of electronic filing and electronic service has been granted by Supreme Court Order M.R. 18368, filed October 24, 2012.
- b) Pursuant to a letter dated November 6, 2015, from the Director of the Administrative Office of the Illinois Courts, commencing January 1, 2016, all filings in civil cases must be made electronically (e-filing).
- c) Pursuant to Supreme Court Order entered January 16, 2018, and in reference to Supreme Court Order M.R. 18368, effective July 1, 2019, all civil case filings must be electronically filed using the statewide eFileIL system.

5.02 (RESERVED)

5.03 DESIGNATION OF ELECTRONIC FILING CASE TYPES

- (a) This Court hereby authorizes all civil cases with the exception of WF (Will Filing) as permissible electronic filing case types. From time to time, with the approval of the Director of the Administrative Office of the Illinois Courts, the Court may authorize, by written Administrative Order, additional types of cases to be processed via electronic filing. The Circuit Court Clerk shall direct the phasing in of additional implementation.
- (b) Any notice of appeal and post judgment enforcement proceeding documents may be e-filed and served in accordance with Supreme Court Rules.

5.04 DEFINITIONS

The following terms in these Rules are defined as follows:

- (a) Conventional manner of filing: The filing of paper documents with the Clerk as is done in cases that are not e-file cases.
- (b) Electronic Document (“e-document”): An electronic file containing informational text.
- (c) Electronic Filing (“e-file”): An electronic transmission of information between the Clerk of the Circuit court and a Vendor for the purposes of case processing.
- (d) Electronic Image (“e-image”): An electronic representation of a document that has been

transformed to a graphical or image format.

(e) Electronic Service (“e-service”): An electronic transmission of documents to a party, attorney, or representative in a case via the vendor. However, e-service is not capable of conferring jurisdiction under circumstances where personal service is required as a matter of law.

(f) Portable Document Format (“PDF”): A file format that preserves all fonts, formatting colors and graphics of any source document regardless of the application platform used.

(g) Subscriber: One contracting with a Vendor to use the e-filing system.

(h) Vendor: A company or organization that has an executed Electronic Information Project Agreement with the Clerk of the Circuit Court to provide e-filing services for the 18th Judicial Circuit or any electronic filing service provider (EFSP) certified for filing into the Supreme Court mandated eFileIL system.

5.05 AUTHORIZED USERS

(a) The Clerk of the Circuit Court shall accept and approve filings electronically through a Vendor or through the Clerk’s computer workstation.

(b) The Clerk of the Circuit Court shall allow the filing of a document or pleading using the conventional manner of filing subject to Rule 2.02(a) and (b). At no time shall the e-filing program prevent or exclude the ability to file and valid pleading with the Clerk of the 18th Judicial Circuit Court. In those circumstances, the Clerk shall scan conventionally filed documents into the electronic file.

(c) Each attorney shall register with an approved e-filing vendor and provide their DuPage attorney registration identification number on any filings (i.e., Local Rule 1.25). Pro se parties shall register using a valid credit card, debit card, or other valid electronic payment method. All other justice community users shall be registered upon confirmation of authorization by the Clerk of the Circuit Court. Court partner agency users and individual registrations will be used to identify the source of e-filed documents submitted to the court electronically.

(d) Pro se litigants may utilize e-filing through a vendor on the internet by means of individual transactional agreements and credit card payment.

(e) Without charge during normal business hours, the Clerk of the Circuit Court shall provide attorneys and parties in e-file cases access to an e-file computer workstation.

5.06 FILING OF EXHIBITS

(a) Physical items for which a photograph may be substituted may be electronically imaged and e-filed. Items not conducive to electronic filing, such as documents under seal and physical exhibits for which an image will not suffice shall be filed in their physical form at the Clerk's Office or in the Courtroom, as directed by order of the court and in conformity with Supreme Court "Electronic Filing Standards and Principles." The Motion and Notice of Motion for permission to file any of these physical items may be done electronically.

(b) Electronically filed exhibits may be filed with their associated pleading, motion, or document in the same PDF as long as size limits allow for it. Any documents or exhibits filed separately from their associated pleading, motion, or document due to size limitations, even if (filed in the same transaction), shall be filed with the DuPage Exhibit Cover Sheet, Form 4393. Exhibits tendered without the appropriate cover sheet may be rejected for filing.

5.07 MAINTENANCE OF ORIGINAL DOCUMENTS

(a) Anyone filing an electronic document that requires an original signature certifies by so filing, that the original signed document exists in the filing person's possession. Unless otherwise ordered by the Court, the filing party must retain the original document as signed either conventionally or electronically, until one year after the date that judgment has become final by the conclusion of direct review or the expiration of the time for seeking such review. The filing party shall make those signed originals available for inspection by the Court, the Clerk of the Court or by other counsel in the case, upon five (5) days' notice. At any time, the Clerk of the Court may request from the filing party a hard copy of an electronically filed document, which shall be provided within five (5) business days upon reasonable notice.

(b) The Clerk of the Court shall create and maintain a paper copy of all e-filings in all criminal cases as well as WF (Will Filing) in a parallel manual court file.

5.08 PRIVACY ISSUES

It is the responsibility of the filing party or counsel to ensure that documents filed electronically do not disclose previously or statutorily impounded or sealed information or private information defined in Supreme Court Rules 15 and 138.

Documents in confidential, impounded, or sealed cases may be electronically filed. For cases not subject to mandatory E-Filing, documents may 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.

Any document submitted electronically that is improperly marked in a Vendor E-File system as confidential without a valid legal basis may be filed by the Circuit Clerk as a non-confidential filing.

In addition to the materials referenced in Supreme Court Rules 15 and 138, parties and their counsel shall refrain from including, or shall redact where inclusion is necessary, the following personal identifies from all documents electronically filed with the court, including exhibits, thereto, unless otherwise ordered by the Court.

(a) *Social Security Number and Driver's License Number.* If an individual's social security number or driver's license number must be included in a document, only the last four digits of the number shall be used.

(b) *Names of Minor Children.* If the involvement of a minor child must be mentioned, only the initials of that child's name shall be used; however, if the minor is a named party to the action, the full name of the minor shall be used, absent leave of Court.

(c) *Dates of Birth.* If an individual's date of birth must be included in a document, only the year shall be used.

(d) *Financial Account Numbers and Debit/Credit Card Numbers.* If financial account or Debit/Credit Card numbers are relevant, only the last four digits of these numbers shall be used.

5.09 FORMAT OF DOCUMENTS

(a) All electronically filed pleadings shall, to the extent practicable, be formatted in accordance with the applicable Rules governing formatting of paper pleadings. Additionally, each electronically filed pleading and document shall include the case title, case number and the nature of the filing.

(b) Each electronically filed document shall also include the typed name, email address, address, and telephone number of the attorney or pro se party filing such document. Attorneys shall include their DuPage County Attorney Number on all documents.

(c) 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.

(d) In as much as technology changes, the maximum file size allowable is available in the vendor's user manual. If a document exceeds the maximum size allowed, the filer will file multiple documents, each under the maximum file size. In such case, the user will be responsible for dividing the document into appropriately sized parts and placing a cover page on each document providing the case number, case title, and part number (i.e., 1 of 4, 2 of 4, etc.). Exhibits filed separate from their associated document must use the exhibit cover sheet defined in Rule 5.06(b).

(e) Any electronically filed document must be unalterable (PDF) and be able to be printed with the same contents and formats as if printed from its authoring program. The e-filing vendor is required to make each electronically filed document that is not infected by a virus available for transmission to the Clerk immediately after successful receipt and virus checking of the document.

(f) Bulk filings of multiple cases or multiple documents combined into one PDF document shall not be accepted. Documents with different case numbers must be filed individually in separate transactions. Filing of individual documents within the same case will be accepted in a single electronic filing transaction.

(g) Documents not complying with the format specified by the applicable statute, local rule, or standards may be rejected.

(h) 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 basic record.

5.10 SIGNATURES AND AUTHENTICATION

(a) Any document filed electronically, including all pleadings, motions, documents, etc., using a verified user authentication shall be deemed to have been signed by the holder of the user authentication. Documents containing facsimile or typographical signatures may be filed electronically and shall be deemed to have been signed in person by the individual

identified.

(b) In the absence of a facsimile or typographical signature, any document electronically filed with a user's identification and password is deemed to have been personally signed by the holder of the user identification and password.

(c) Documents containing signatures of one or more persons or third parties may be filed electronically and shall bear a facsimile or typographical signature. The filing party or attorney must confirm approval of all persons, persons not a party to the case or not registered persons, required to sign the document.

(d) 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. The filing party must retain the original document 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.

(e) Signatures as defined in subparagraphs (a), (b), (c), (d), (g), and (h), satisfy Supreme Court Rules and statutes regarding signatures, and give rise to the application of available sanctions when appropriate.

(f) An original signed document that has been electronically filed pursuant to subparagraphs (a), (b), (c), and (d) above, shall be maintained and preserved as required by Rule 5.07.

(g) Where a Clerk is required to endorse a document, the typed name of the clerk shall be deemed to be the clerk's signature on an electronic document.

(h) All Judges' and other necessary electronic signatures shall be captured and maintained by the Circuit Court Clerk. Each signature shall be protected by internal system security measures and use security tokens and encrypted passwords to authenticate the use of the e-signature.

5.11 TIME OF FILING, ACCEPTANCE BY THE CLERK AND ELECTRONIC FILING STAMP

(a) Any document filed electronically shall be considered as filed with the Clerk of the Circuit Court upon review and acceptance, and the transmission has been completed with the Clerk's electronic filing stamp.

(b) A person who files a document electronically shall have the same responsibility as a

person filing a document in the conventional manner for ensuring that the document is complete, readable, and properly filed.

(c) 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.

(d) Upon receipt by the Vendor, and submission of an electronic document to the Clerk, the Vendor shall issue a confirmation to the Subscriber. The confirmation shall indicate the time and date of receipt and serve as proof that the document has been submitted to the Clerk. A Subscriber will receive email notification from the Vendor if a document is not accepted by the Clerk's office. In that event, the Subscriber may be required to re-file the document to meet necessary filing requirements.

(e) Each document reviewed and accepted for filing by the Clerk of Court shall receive an electronic file stamp. The stamp shall be endorsed in the name of the Circuit Clerk by the deputy clerk accepting the filing, and shall include the identification of the court, the official time and date of filing and contain the word "FILED." This file stamp shall be merged with the electronic document and shall be visible when the document is printed and viewed on-line. Electronic documents are not officially filed without the electronic filing stamp. Filings so endorsed shall have the same force and effect as documents time stamped in the conventional manner.

5.12 ELECTRONIC SERVICE, COURTESY COPIES AND FILING PROOF OF SERVICE

(a) Electronic service is not capable of conferring jurisdiction. Therefore, regarding electronically filed cases, documents that require personal service to confer jurisdiction as a matter of law may not be served electronically through an e-file vendor, but must be served in the conventional manner.

(b) All other documents may be served upon the other parties or their representatives electronically through the e-file vendor. The filing party or attorney shall be responsible for completing electronic service of these other documents using the vendor's system.

(c) If a party or party's designee has not subscribed to a vendor's services, service of all other documents via facsimile transmission is hereby authorized. In the event of service via facsimile, the vendor's system will record the date and time the fax transmission was completed in the proof of service for that transaction. If neither e-file nor fax transmission service is possible, the vendor shall provide service by mail and charge back the cost to the

subscriber.

(d) E-service via email shall be deemed complete on the first court day following transmission by the e-file vendor or party. The electronic service of a pleading or other document shall be considered as valid and effective service on all parties and shall have the same legal effect as personal service of an original paper document.

(e) If electronic service on a party does not occur because of (1) inaccessibility to the Vendor's system, (2) an error in the vendor's transmission of notice to the party being served, (3) the vendor's failure to process the electronic filing for service or (4) the party was erroneously excluded from the service list, the party to be served shall, absent extraordinary circumstances, be entitled to an order extending the date for any response or the period within which any right, duty or other act must be performed.

(f) The e-filing vendor is required to maintain an e-service list for each e-filed case. The vendor shall immediately update the service list upon being given notice of new contact information. Whenever a document is submitted for service upon other parties by the e-filing vendor's system, the e-filing vendor shall use the most current e-service list to perform service.

(g) All subscribers and other participants must immediately, but not later than ten business days prior to when such a change takes effect, notify other parties, the Clerk and the e-filing vendor of any change of firm name, delivery address, fax number or email address.

(h) Paper courtesy copies of documents customarily required to be provided to the court shall continue to be required in e-file cases, absent a specific court order to the contrary.

5.13 COLLECTION OF FEES

(a) The e-filing of a document requiring payment of a statutory filing fee to the Clerk of the Court in order to achieve valid filing status shall be filed electronically in the same manner as any other e-file document.

(b) Approved vendors shall electronically transmit to the Clerk's bank account all statutory filing fees required for electronic filings. The vendor shall electronically provide the Clerk's Accounting Department a detailed breakdown including transaction identifier and/or case number, type of transaction and party being billed for the payment for each deposit. The vendor shall act as a limited agent for the Clerk and collect such required filing fees from the subscriber through direct billing of that subscriber, unless the payment of the fee has been waived by court order or law.

(c) Fees charged to e-filing subscribers by the vendor for vendor services are solely the property of the vendor and are in addition to any statutory fees associated with statutory filing fees.

(d) Copies of any document or certification of same shall be available to the requesting party at a reasonable cost, including all applicable fees as set by rule or statute.

(e) In the event the Court orders a monetary refund from any e-file transaction, the amount refunded will be less any credit card or vendor fees that may have been charged by an e-filing vendor. The Circuit Clerk shall refund upon order of Court only the amount that has been received from the e-File vendor.

5.14 SYSTEM OR USER ERRORS

(a) The Court and Clerk of the Circuit Court shall not be liable for malfunction or errors occurring in electronic transmission or receipt of electronically filed or served documents.

(b) If the electronic filing is not filed with the Clerk because of (1) an error in the transmission of the document to the vendor which was unknown to the sending party or (2) a failure to process the electronic filing when received by the Vendor or (3) rejection by the Circuit Court Clerk or (4) other technical problems experienced by the filer or (5) the party was erroneously excluded from the service list, the Court may upon satisfactory proof enter an order permitting the document to be subsequently filed effective as of the date filing was first attempted.

(c) In the case of a filing error, absent extraordinary circumstances, anyone prejudiced by the Court's order to accept a subsequent filing effective as of the date filing was first attempted shall be entitled to an order extending the date for any response, or the period within which any right, duty or other act must be performed.

5.15 VENDOR CONDITIONS

(a) Approved EFSP's for eFileIL and E-Filing vendor(s) with Electronic Information Project Agreements executed with the Clerk of the Circuit Court are hereby appointed to be the agent of the Clerk of the Circuit Court regarding electronic filing, receipt, service and/or retrieval of any pleading or document via the e-filing vendor system.

(b) The e-filing vendor shall make electronically filed documents, and documents being served electronically through the e-filing vendor's system, available to subscribers and the

designated court authorized users through the e-filing vendor's system in accordance with the current contract between the Clerk and the e-filing vendor, and consistent with the Supreme Court's Electronic Access Policy for Circuit Court Records of the Illinois Courts.

(c) The e-filing vendor may require payment of a fee or impose other reasonable requirements by contract with a subscriber as conditions for processing electronic filings. Pursuant to contract terms, the e-filing vendor must provide services but is not permitted to require payment of a fee for government users or parties deemed indigent by the Court.

(d) The Chief Judge of the Court or his/her designee, in coordination with the Clerk of the Court, shall review and approve the terms of the subscriber agreement. The vendor shall provide at least thirty (30) days' notice prior to the effective date of any subscriber agreement changes.

5.16 ELECTRONIC RECORDS

Specific authority for designating the electronic record as the official court record was granted by Supreme Court Order M.R. 1218, filed October 24, 2012.

(a) *Designation of electronic record case types.* This Court hereby authorizes all electronic court records to be the official court record. This includes all civil (AD, AR, CH, DC, DN, ED, EV, FA, FC, GC, GR, LA, LM, MH, MR, OP, PR, SC, and TX) case types. The Court may authorize, by written Administrative Order, the electronic records of additional types of cases to be the official court record. The Circuit Court Clerk shall direct the phasing in of additional implementation.

(b) *Definitions.* The following terms in these Rules are defined as follows:

(1) "Electronic record" means all official trial court records for a case filed and stored electronically, except all documents required to be maintained in original form.

(2) "Print on demand" means the ability to print any electronic document for use by judges, court personnel, lawyers, litigants, and the public.

(c) *Access to Electronic Records.* This Court adopts the Supreme Court Remote Access Policy. Access to the electronic court record will be available consistent with that policy. All protected information will be viewable only by the parties of record consistent with the Manual on Recordkeeping, as established by the Supreme Court's General Administrative Order on Recordkeeping in the Circuit Courts, and applicable laws. The electronic record

can be accessed at any time subject to unexpected technical failures, normal system maintenance, or as may otherwise be technically feasible.

- [Supreme Court Remote Access Policy](#) (PDF)
- [Manual on Recordkeeping](#) (PDF)

(d) *Protecting the Electronic Record.* The Clerk of the Circuit Court shall ensure the migration and safety of the Court's records through regular maintenance of the hardware and software, and through replication of the data to offsite storage facilities.

5.17 SUMMONS ON NEW CASE FILINGS

(a) Summons that require a court date shall be filed in a separate electronic filing transaction from the complaint. The summons may be filed electronically after the Circuit Clerk has filed the complaint, assigned a case number and court location.