

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
OF ILLINOIS**

**ADMINISTRATIVE ORDER NO. 2023- 8
AMENDING LOCAL RULE III PERTAINING TO REMOTE PROCEEDINGS
PURSUANT TO SUPREME COURT RULE 45**

The Circuit Court for the Fifth Judicial Circuit of Illinois, having received the unanimous approval of its circuit judges, and acting through its Chief Circuit Judge, adopts the following Administrative Order amending Rule III of the Rules of Practice for the Fifth Judicial Circuit of Illinois pertaining to remote appearances in circuit court proceedings within and throughout the Fifth Judicial Circuit:

WHEREAS, the Illinois Supreme Court recognized that remote appearances may be used effectively and appropriately for both civil and criminal cases and, during May 2020, enacted Supreme Court Rule 45 governing the use of such appearances in the circuit courts;

WHEREAS, on November 30, 2022, the Supreme Court adopted amendments to Supreme Court Rule 45 (effective January 1, 2023) which further encourage and promote the use of remote appearances;

WHEREAS, the circuit judges of the Fifth Judicial Circuit have considered that all of its counties do not have the resources available, including the personnel, to implement all of the mandates of Supreme Court Rule 45 and that the case divisions and procedures within the several counties comprising the Fifth Judicial Circuit are vastly different, and therefore concluded that each jurisdiction within the Fifth Judicial Circuit should be allowed to craft its own remote appearance procedures based upon its particular needs, resources, demographics, and the details of a particular case type or proceeding; and

WHEREAS, Supreme Court Rule 45 provides that within ninety (90) days of the effective date of the Rule, the chief judge of each circuit shall submit to the Supreme Court, through its Administrative Office, a local rule explaining in plain language the option of participating in court proceedings remotely.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The Rules of Practice for the Fifth Judicial Circuit of Illinois are hereby amended to add the following provisions pertaining to remote participation in court proceedings, and in all other respects not inconsistent herewith, the Rules of Practice for the Fifth Judicial Circuit remain in full force and effect:

Rule III. Appearances, Time to Plead & Withdrawal

(E) Remote Appearances

- (1) *Permitted Remote Appearances and Required Personal Appearances.* Pursuant to S.Ct.Rs 45, 46, and 241, the following protocols apply in conducting courtroom proceedings remotely. Remote hearings in this context are either telephonic events and/or video conferencing events that are intended to substitute for in-person, courtroom proceedings. While there are several platforms for conducting telephonic and/or video conferencing proceedings, this Rule contemplates the employment of a standard telephone for telephonic proceedings and/or the Zoom platform for telephonic and video conferencing proceedings.

Except as otherwise specifically provided in this Rule, a remote appearance or court proceeding shall be equivalent to an in-person court appearance or proceeding for all purposes.

Except as otherwise set forth in this Rule, a person's opportunity to participate remotely in civil, juvenile, and criminal matters shall be as permitted in S.Ct.Rs. 45, 241, 725 ILCS 5/106D-1, and 725 ILCS 5/109-1(f). Unless the court has waived a person's appearance for a specific hearing or proceeding, a person not permitted by S.Ct.Rs. 45, 241 725 ILCS 5/106D-1, or 725 ILCS 5/109-1(f) to appear remotely must appear in person for the hearing or proceeding.

- (2) *Definitions.* The definitions in S.Ct.R 45 apply to this Rule.
- (3) *Exemptions.* S.Ct.R. 45 and administrative orders of the Fifth Judicial Circuit, as amended from time-to-time, determine the case types and proceedings eligible for remote hearings. Eligibility does not depend upon whether a party is represented by an attorney.

Pursuant to S.Ct.R. 45(b)(1), the Fifth Judicial Circuit has, by administrative order, opted to exempt certain case types and proceedings from the option to appear remotely without advance court approval. Persons may appear remotely in exempted case and proceeding types only with the court's advance approval. Remote appearances shall be conducted pursuant to remote hearing policies or protocols enacted, and amended from time-to-time, by the circuit court for each county within the Fifth Judicial Circuit.

Information pertaining to exempted case types and proceedings for each jurisdiction within the Fifth Judicial Circuit may be obtained from the resources identified in subparagraph 5(b) *infra*.

- (4) *Which Documents Must Include Remote Appearance Information.* All summonses, notices, and court orders setting court dates where case participants may appear remotely shall include the following: (1) instructions for where to obtain a Zoom Meeting ID, Password, and Link information, (2) dial-in information, (3) the courthouse address and courtroom number, and (4) contain the following language:

“Case Participants wishing to attend this hearing may appear in-person in the courtroom or may attend remotely on Zoom video or telephone conferencing. Remote hearing methods should follow the procedures set forth in the court’s local protocols found at its website: *[insert URL, hyperlink, and other locations where this information may be found]*.”

- (5) *Procedures for Appearing Remotely.* Persons permitted to appear remotely should be aware of the following:

(a) All circuit courts within the Fifth Judicial Circuit use the Zoom platform for remote hearings. All persons desiring to appear remotely must be able to access and use the Zoom platform with devices capable of receiving and transmitting data without interruption.

(b) If any person needs help appearing remotely, they should contact the Court Administrator or the appropriate scheduling desk in the Circuit Court Clerk’s office for the county in which they are seeking to appear between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

Clark County:

Court Administrator: (217) 826-8713

Circuit Court Clerk: (217) 826-2811

Coles County:

Court Administrator: (217) 348-0538

Circuit Court Clerk: (217) 348-0516

Cumberland County:

Court Administrator: (217) 849-3871

Circuit Court Clerk: (217) 849-3601

Edgar County:

Court Administrator: (217) 466-7473

Circuit Court Clerk: (217) 466-7447

Vermilion County:

Court Administrator: (217) 554-7830

Circuit Court Clerk: (217) 554-7700

See also <https://www.illinoiscourts.gov/self-help/court-by-phone-or-video> for remote court resources, including written instructions and short videos on how to Zoom from a computer and mobile device.

(6) *Procedures for Requesting Permission to Appear Remotely.* Unless otherwise allowed by (1) a circuit court's own protocols or (2) a case-by-case exception made within the court's discretion, a person seeking permission to appear remotely pursuant to S.Ct.R. 45(c) or (d) must seek that permission through a written motion filed, scheduled, and served as required by Rule IV (A)(1).

(7) *Conduct of Remote Hearings and Required Decorum.* Unless otherwise allowed by the court, remote hearings shall be conducted as follows:

(a) Remote hearings must be arranged and scheduled pursuant to the remote hearing protocols enacted by the circuit court for the county in which the case is being heard;

(b) The procedures, manners, and methods by which a remote hearing will be conducted remain within the discretion of the court, within the bounds of applicable law, rules, and practice procedures;

(c) Remote hearings shall be conducted to the same standards as hearings in a courtroom and in accordance with the Illinois Rules of Civil Procedure, Illinois Rules of Evidence, Illinois Supreme Court Rules, and these Rules;

(d) All case participants must use and display their true legal names (not aliases, "user," or "iPhone") on the Zoom platform in order to gain entrance to and participate in a remote hearing;

(e) All case participants should ensure they have a good connection/signal to avoid a breakdown in connection during the hearing and that the device being

used to access the hearing is fully charged. All case participants must have fully operative video and/or audio functions;

(f) If requested by a party and if technologically feasible, the court may, in its discretion, allow breakout meetings, private chats, or other private communications between attorneys and clients during a hearing; provided, however, that during the testimony of any person, that person may not communicate by private chat or otherwise with any other person;

(g) The court, through its official court reporters and court specialists, will make and keep the official record of all remote hearings, and no case participant may record or photograph, screen shot, or otherwise capture an image or recording of any part of a remote hearing through the Zoom platform or any other means. However, unless pre-arranged with the court before a telephone conference, no verbatim record will be taken or maintained of any such conference conducted pursuant to this Rule;

(h) Unless otherwise allowed by the court upon a showing of good cause, including a showing of exigent, safety, or security circumstances with appropriate safeguards, any person permitted to testify remotely must appear by both video and audio;

(i) If a party intends to call a non-party witness during a remote hearing, that party is responsible for obtaining a hearing invitation for the witness through the remote hearing protocols enacted by the circuit court for the county in which the case is being heard;

(j) Each remote witness must be alone in a secure room with the doors closed;

(k) Each remote witness should ensure there will be no interruptions or distractions for the duration of his or her testimony;

(l) When case participants are not speaking, they shall mute their microphones, and all electronic devices aside from those being used for the remote hearing must be turned off, or silenced, with notifications muted;

(m) Any members of the public or media present for a remote hearing must remain muted and not interfere with the hearing unless permitted by the court to speak or otherwise participate;

- (n)** Only one case participant may speak at a time, and case participants shall not speak over one another;
- (o)** All case participants must be in an environment free of video and/or audio distractions;
- (p)** All case participants appearing by video, should leave their video on unless allowed otherwise by the court;
- (q)** Eating, drinking, or chewing gum by any case participant is not allowed without the court's permission, and the use of tobacco or vaping products is strictly prohibited by any case participant;
- (r)** All case participants should use their best efforts to remain in one place while appearing remotely, and avoid moving around (for example, appearing from a moving vehicle or pacing) or stepping away from the hearing without advance permission by the court;
- (s)** No tangible exhibit may be used during a remote hearing unless it has been pre-marked and a copy provided before the hearing to all other parties and the court, all in conformity with the remote hearing protocols enacted by the circuit court for the county in which the case is being heard;
- (t)** Tangible exhibits shown through video or photographs through the Zoom platform's Share Screen feature must be viewable by all case participants present for the remote hearing;
- (u)** The court, in its discretion, may at any time terminate or suspend a remote hearing for technological or other reasons, and if the judge presiding over the remote hearing determines that a case participant is behaving in a disruptive or abusive manner, the judge may mute or remove the offending participant from the hearing and may order the participant to appear in person for future hearings;
- (v)** If a case participant requires the use of an interpreter, that participant is responsible for coordinating with the court how the interpreter will be obtained and participate in the hearing;
- (w)** All case participants shall be appropriately dressed and conduct themselves as they would in a courtroom, *i.e.*, being courteous, civil, and respectful to all other case participants;

(x) All case participants shall ensure that any Zoom platform backgrounds or filters used are appropriate and in conformity with courtroom decorum and standards; and

(y) Case participants should not sit directly in front of or behind a window or otherwise use lighting that interferes with the quality of the video.

2. **Effective Date.** This administrative order is effective *instanter* and its measures shall remain in effect until amended or modified by further order of the court.
3. This Administrative Order shall be filed in the Offices of the several Clerks of the Circuit Court for the Fifth Judicial Circuit and made available to the public.
4. **Communication of Rule 3.** The Clerks of the Circuit Court for the Fifth Judicial Circuit shall post this administrative order in their offices and on their websites.

ENTERED this ____ day of March, 2023.

Thomas M. O'Shaughnessy,
Chief Circuit Judge,
Fifth Judicial Circuit of Illinois

APPROVED:



Hon. Mark E. Bovard



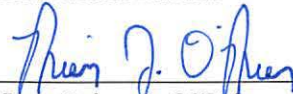
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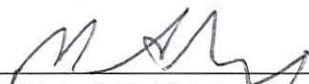


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ENTERED this 20th day of March, 2023.



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