

Proposal 25-10
Offered by the Illinois Supreme Court e-Business Policy Advisory Board

Illinois Supreme Court Rule 9. Electronic Filing of Documents

(a) Electronic Filing Required. Unless excepted or exempt as provided in paragraphs (c) and (d), respectively, all documents in civil cases shall be electronically filed with the clerk of court using an electronic filing system approved by the Supreme Court of Illinois.

(b) Personal Identity Information. If electronically filing a document that contains Social Security numbers as provided in Rule 15 or personal identity information as defined in Rules 138 or 364, the electronic filer shall adhere to the procedures outlined in Rules 15, 138, and 364.

(c) Exception. The following documents in civil cases may not be electronically filed.

- (1) Original wills.

(d) Exemptions.

(1) The following documents in civil cases are automatically exempt from electronic filing without the need of certification:

- (A) Documents filed by a self-represented litigant incarcerated in a local jail or correctional facility at the time of the filing;
- (B) Documents filed under the Juvenile Court Act of 1987; and
- (C) Documents filed by any person, including an attorney or a self-represented litigant, with a disability, as defined by the Americans with Disabilities Act of 1990, whose disability prevents e-filing.

(2) Documents in a specific civil case are exempt from electronic filing upon good cause shown by certification. Good cause exists where:

- (A) The documents are filed by a self-represented litigant, who is not a currently licensed attorney, who:
 - (i) Does not have computer or Internet access in the home or lacks the technological literacy to meaningfully use the same;
 - (ii) Does not have an e-mail account;
 - (iii) Does not have a credit card or bank account;
 - (iv) Has a language barrier or low literacy (difficulty reading, writing, or speaking in English); or
 - (v) Has tried to electronically file documents but is unable to complete the process and the necessary equipment and technical support for e-filing assistance is not available to the self-represented litigant.
- (B) The documents are filed by any person, including an attorney or self-represented litigant, pursuant to filing procedures for emergency matters established by local authorization.

(3) If exempt from electronic filing for good cause, the party seeking the exemption shall file a Certification for Exemption From E-filing, which includes a certification under section 1-109 of the Code of Civil Procedure and any accompanying documents. The court shall provide, and parties shall be required to use, a standardized form expressly titled "Certification for Exemption From E-filing" adopted by the Illinois Supreme Court Commission on Access to Justice. The exemption shall take effect immediately upon filing of the Certification. If the court later determines that good cause is not shown, the court shall enter an order to that effect stating the specific reasons for the determination and ordering the litigant to e-file thereafter.

(4) Judges may *sua sponte* grant an exemption from electronic filing due to circumstances particular to a filer, document, or case. In these instances, good cause exists without the filing of a certificate, and the court shall enter an order exempting the filer, document, or case from the electronic filing requirement.

(e) Filing. A document excepted or exempt from electronic filing may be filed in person, by mail, by third-party commercial carrier, or through other means as permitted by the local court.

(f) Timely Filing. Unless a statute, rule, or court order requires that a document be filed by a certain time of day, a document is considered timely if submitted before midnight (in the court's time zone) on or before the date on which the document is due. A document submitted on a day when the clerk's office is not open for business will, unless rejected, be file stamped as filed on the next day the clerk's office is open for business. The filed document shall be endorsed with the clerk's electronic file mark setting forth, at a minimum, the identification of the court, the clerk, the date, and the time of filing. If a corrected version of the rejected document is filed but would be deemed untimely as a result of the earlier rejection, the filing party may file a motion for original submission date as follows:

(1) Rejection.

(A) If a document is rejected for any reason, the filing party may, within 5 court days of the notice of rejection, file a motion requesting that the later-filed document be deemed to have been filed on the original submission date. The motion shall set forth the following:

- (i) The date of the original submission,
- (ii) The date of the rejection,
- (iii) The reason for the rejection, and
- (iv) The document to be deemed filed on the date of the failed submission, attached as an exhibit. The document shall contain no changes from the original except to correct the error identified by the clerk as the reason for the rejection, if applicable.

(B) The court shall grant a timely motion for original submission date that satisfies the foregoing requirements and enter an order establishing that the effective date of filing of the corrected document shall be the date of the original submission. If the filer establishes that the original filing was rejected for reasons not in

conformity with those permitted under Rule 9(f), the corrected document need not vary from the original submission.

(2) Technical failure.

(A) If a document is untimely due to a technical failure of a court-approved electronic filing system, the filing party may request that the later-filed document be deemed filed as of the date of the technical failure by filing a motion within 5 court days of the date of the technical failure that includes:

- (i) The date of the technical failure,
- (ii) The circumstances of the technical failure, and
- (iii) The document to be deemed filed on the date of the technical failure, attached as an exhibit.

(B) Upon a showing that the technical failure prevented the timely filing of the document, the court shall grant a timely motion for original submission date and enter an order establishing that the effective date of filing of the corrected document shall be the date of the failed submission attempt.

(3) The court shall have jurisdiction to rule on any timely motion for original submission date.

(g) Filer Responsible for Electronic Submissions. The filer is responsible for the accuracy of data entered in an approved electronic filing system and the accuracy of the content of any document submitted for electronic filing. The court and the clerk of court are not required to ensure the accuracy of such data and content. Where a document is electronically filed by an attorney or a self-represented litigant using their own electronic filing credentials, the filing itself satisfies the signature requirement of Supreme Court Rule 137 and constitutes the same certification established in subsection (a) of that rule.

(h) Rejections. Documents filed electronically may be rejected by the clerk only as authorized by the Electronic Filing Rejection Standards for circuit courts and courts of review, as published on the illinoiscourts.gov website. Absent Supreme Court approval, no court shall enter rules or general orders that provide for rejection reasons additional to or different from those listed in the Electronic Filing Rejection Standards.

(i) Effective Date. This rule is effective July 1, 2017, for proceedings in the Supreme Court and the Appellate Court. For proceedings in the circuit court, this rule is effective January 1, 2018.

Committee Comments

(December 13, 2017)

(Revised June 10, 2025)

a. Electronic filing in Illinois courts should not impede a person's access to justice. Courts and clerks shall liberally inform filers about electronic filing as well as the exemptions from electronic filing, including on websites and in communications to the public, and make available the Certification for Exemption From E-Filing and other resources.

- b. If courts are unable to meet their obligation due to an emergency situation under M.R. 18368 to provide “designated space, necessary equipment, and technical support for self-represented litigants seeking to e-file documents during regular court hours,” that party is exempted from e-filing under Rule 9(d)(2) and permitted to file in person, by mail, by third-party commercial carrier, or through other means as permitted by the local court.
- c. To aid filers who may qualify for an automatic exemption under paragraph (d)(1), a written message to the clerk may be available for filers to include with exempt documents. However, no court may require the use of a written message to the clerk or any similar form from users who qualify for an automatic exemption.
- d. Although a document meets the criteria for an exemption under paragraph (d) (for example, for good cause shown or automatically), any exempt document may be electronically filed if that is the filer’s preferred method of filing the court documents.
- e. The May 21, 2025, amendment to Rule 9(f) replaces the “good cause” standard for seeking relief from the effects of rejection of an electronic filing on the timeliness of the document. The rule now provides that the trial court “shall” grant a motion seeking to establish an earlier effective filing date if the relevant requirements are met.