

Proposal 22-02
Amends Supreme Court Rule 9 (Electronic Filing of Documents)
Offered by the Illinois Supreme Court e-Business Policy Advisory Board

Rule 9. Electronic Filing of Documents

(d) 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.

(1) If a document is untimely due to any court-approved electronic filing system technical failure, the filing party may seek appropriate relief from the court, upon good cause shown.

(2) If the clerk does not accept the document(s), the clerk shall notify the submitting party via the electronic filing service provider of the reason(s) for not accepting the document(s). Upon such notification, the status of the document(s) will be designated as “pending correction” for the next 48 hours.

(A) If properly resubmitted with all deficiencies corrected by the submitting party within those 48 hours, the document(s) shall be accepted by the clerk and the file mark shall be the date and time of the original submission. In order for the filing to relate back to the original submission date, the filing party may only make changes to cure the reason(s) for the rejection. The originally submitted document(s) shall be available to the other parties in the case upon order of court;

(B) If the corrected document(s) is not properly submitted within said time or if all deficiencies are not cured, the document(s) may be rejected by the clerk.

~~(3) (2)~~ If a document is rejected by the clerk and is therefore untimely, the filing party may seek appropriate relief from the court, upon good cause shown.

Committee Comments

(December 13, 2017)

(Revised February 4, 2022)

a. The implementation of electronic filing in Illinois courts should not impede a person’s access to justice. 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(c)(5) and permitted to file in

person or by mail. An exempted party may also file through other means, such as e-mail, as permitted by the local court.

b. Where a party has filed a Certification for Exemption From E-filing or the court has granted a good-cause exemption *sua sponte*, that party may file documents in person or by mail. That party may also file through other means, such as e-mail, as permitted by the local court. Each court should consider establishing a process allowing exempt self-represented litigants to file documents remotely by e-mail to reduce the number of self-represented litigants traveling to the courthouse for the sole purpose of filing documents.

c. Although a document meets the criteria for an exemption (for example, for good cause shown), any document may be electronically filed if that is the filer's preferred method of filing the court documents.

d. This Rule allows the relation back of documents after specified technical defects are cured and does not allow relation back if substantive changes are made. Documents rejected and later accepted for filing will be marked to reflect this.