

Adopting of **Local Rule, Chapter 1 Administration of the Courts, Part 1.00, Organization, Rule 1-1.22 Court Appearances and Procedures**, of the Uniform Rules of Practice, Circuit Court of Illinois, Nineteenth Judicial Circuit.

1-1.22 COURT APPEARANCES AND PROCEDURES

PURPOSE. Justice, and the judiciary responsible for ensuring it, is quintessentially a people-based undertaking. Courts must guard against the dehumanization of the judicial process. While considerations of convenience and economic efficiencies have their place, they alone cannot drive the administration of justice. Accordingly, meeting the Court's mission of "providing a fair and efficient system of justice, committed to excellence, fostering public trust, understanding and confidence" requires the Court to determine whether a remote appearance is appropriate without impairing the Court's ability to deliver justice in every case and proceeding. The court's determination to allow a remote appearance depends upon the nature of the case and the purpose of the proceeding. The more substantive the proceeding, the more it is necessary for the case participants to be present in-person; conversely, the less transformative the proceeding, the less necessary in-person participation may be needed.

In certain case types, the resources are most readily available to those participants who appear in-person, including but not limited to the following: Public Defender, resources from Prairie State Legal Services, mediators, Guardians *ad Litem*, and self-help resources.

When permitted, remote appearances shall comply with the definitions and provisions of Illinois Supreme Court Rule 45 as further provided below.

1. GENERAL RULES.

- a. Judicial proceedings open to the public shall be conducted by the court in the courtroom as assigned by the Chief Judge. When appropriate, pursuant to this Rule, the individual trial court judge may permit participation remotely.
- b. Remote Participation.
 - 1) Requests to appear remotely may be made by written motion or verbally. If the request is made by written motion, it must be in the proper form, filed with the Clerk of the Circuit Court, and noticed to all parties of record.

- 2) Prior to permitting a case participant to participate remotely, the participant shall certify to the court that appropriate safeguards are available and operational to ensure accurate identification of the case participant and to protect against inappropriate influences during the case proceedings. See the Certification Order below.
- 3) A Zoom link for each morning and/or afternoon court session posted by courtroom, date and time may be found at the following web location:
<https://19thcircuitcourt.state.il.us/2163/Remote-Court-Hearings>.

A Nineteenth Judicial Circuit Zoom Instruction and Protocol Sheet can be found at the following link:

<https://19thcircuitcourt.state.il.us/DocumentCengroter/View/2812/Zoom-Instruction-and-Protocol-Sheet-51820>.

All parties are directed to read and follow the protocol during Zoom proceedings.

- c. **Summonses, Notices, and Court Orders.** All Summonses, Notices, and Court Orders setting court dates where case participants have the option to appear remotely shall include the following:

“Parties wishing to attend may appear in-person in the courtroom or may attend remotely on Zoom video or telephone conferencing. A Zoom meeting ID, password and link for this court call will be listed by courtroom, date, and time at:

<https://19thcircuitcourt.state.il.us/2163/Remote-Court-Hearings>.”

- d. **Recording/Photographs/Reproduction.** Any video recording, audio recording, photographing, taking screenshots, and/or reproducing of the proceeding is strictly prohibited. The recording, publishing, broadcasting or other copying or transmission of courtroom proceedings by video, audio, still photography or any other means is strictly prohibited by Illinois Supreme Court Rule 68(A)(8) and is subject to the penalties for contempt of court. Observers must keep their video off and sound muted.
- e. **Standing Orders.** In addition to the rules set forth below, refer to individual judges’ Standing Orders for additional specific courtroom procedures.

2. PROCEEDINGS BY CASE CATEGORY/EVENTS.

- a. **All Divisions.** Case Participants may appear in-person for any court event unless otherwise ordered by the court for good cause shown.
- b. **Civil Division.** Case Participants must appear in-person for the following court events:

- 1) Evidentiary Hearings, except for *ex parte* evidentiary hearings where only one side of the case is presenting evidence (for example, emergency orders of protection and hearings on applications for waiver of court fees);
- 2) Arbitration hearings;
- 3) Probate and Guardianship;
- 4) Hearings on contested dispositive motions;
- 5) Jury or Bench trials; and
- 6) Contempt of court proceedings; and
- 7) As ordered by the court to appear in-person.

Case participants may ask the court for permission to appear remotely. The court in its discretion may for good cause shown permit such remote appearance. When the case is before the court for a hearing identified above, the court may permit remote appearance upon assuring appropriate safeguards as provided in the attached Certification.

- c. **Family Division.** Case Participants must appear in-person for the following court events:

- 1) Evidentiary Hearings, except for *ex parte* evidentiary hearings where only one side of the case is presenting evidence (for example, emergency orders of protection and hearings on applications for waiver of court fees);
- 2) Hearings on contested dispositive motions;
- 3) Bench trials;
- 4) Contempt of court proceedings, including case status and status of purge dates; and
- 5) As ordered by the court to appear in-person.

Case participants may ask the court for permission to appear remotely. The court in its discretion may for good cause shown permit such remote appearance. When the case is before the court for a hearing identified above, the court may permit remote appearance upon assuring appropriate safeguards as provided in the attached Certification.

- d. **Criminal Division.** Case Participants must appear in-person for the following court events:

- 1) Bond/First Appearance hearings;
- 2) Arraignment hearings;

- 3) Evidentiary hearings, except for *ex parte* evidentiary hearings where only one side of the case is presenting evidence (for example, emergency orders of protection);
- 4) Non-evidentiary hearings;
- 5) Settlement conferences;
- 6) Guilty plea hearings;
- 7) Bench trials (including stipulated bench trials);
- 8) Jury trials;
- 9) Sentencing hearings;
- 10) Probation revocation hearings;
- 11) Hearings conducted under the Sexually Dangerous Persons Act (725 ILCS 205/0.01 *et seq.*),
- 12) Expungements and Sealings, and
- 13) As ordered by the court to appear in-person.

Case participants may ask the court for permission to appear remotely. The court in its discretion may for good cause shown permit such remote appearance. When the case is before the court for a hearing identified above, the court may permit remote appearance upon assuring appropriate safeguards as provided in the attached Certification.

- e. **Branch Court.** First appearances may be in-person or remotely on Zoom, except when the first appearance is set for trial. All hearings and trials shall be in-person.

Case participants may ask the court for permission to appear remotely. The court in its discretion may for good cause shown permit such remote appearance. When the case is before the court for a hearing identified above, the court may permit remote appearance upon assuring appropriate safeguards as provided in the attached Certification.

f. **Restorative Justice Division**

- 1) **Problem Solving/Specialty Courts.** (Drug Court, Therapeutic Intensive Monitoring (TIM) Court, Veteran's Treatment and Assistance Court (VTAC), Supervised Treatment Opioid Program (STOP), DUI Diversion Program (DDP), and Alternative Prosecution Program (APP). All matters will be heard in-person.
- 2) **Fitness Status Dates, Hearings and Discharge Hearings.** Fitness status dates will be conducted in-person. Defendants who are in the custody of the Sheriff or DHS may appear remotely, as directed by the court. Fitness and Discharge hearings will be conducted in-person, although the court, in its discretion, may allow a witness to testify remotely upon and upon assuring appropriate safeguards as provided in the attached Certification.
- 3) **Mental Health (MH) Proceedings.** Mental health proceedings will be heard in-person, although the court, in its discretion, may allow a witness

to testify remotely upon assuring appropriate safeguards as provided in the attached Certification.

- 4) **Juvenile Abuse, Neglect, and Dependency Matters.** Case Participants shall appear in-person for the following court events:
- a) Any dispositive proceeding;
 - b) Any hearing where evidence will be presented;
 - c) Shelter care hearings;
 - d) Arraignments;
 - e) Admissions;
 - f) Adjudication hearings;
 - g) Disposition hearings;
 - h) Permanency hearings; and
 - i) Termination of parental rights hearings.

Case participants may ask the court for permission to appear remotely. The court in its discretion may for good cause shown permit such remote appearance. When the case is before the court for a hearing identified above, the court may permit remote appearance upon assuring appropriate safeguards as provided in the attached Certification.

- 5) **Juvenile Delinquency Matters.** Case Participants, including Minors alleged to be delinquent, and Parents or Guardians of the Minor must appear in-person for the following court appearances:
- a) Detention/First Appearance hearings;
 - b) Arraignment hearings;
 - c) Evidentiary hearings, except for *ex parte* evidentiary hearings where only one side of the case is presenting evidence (for example, emergency orders of protection);
 - d) Non-evidentiary hearings;
 - e) Guilty plea hearings;
 - f) Trials (including stipulated bench trials);
 - g) Sentencing hearings;
 - h) Probation revocation hearings;
 - i) Fitness hearings; and
 - j) As ordered by the court to appear in-person.

Case participants may ask the court for permission to appear remotely. The court in its discretion may for good cause shown permit such remote appearance. When the case is before the court for a hearing identified above, the court may permit remote appearance upon assuring appropriate safeguards as provided in the attached Certification.

3. **CONDUCT OF REMOTE PROCEEDINGS.** Unless otherwise ordered by the court, remote proceedings shall be conducted as follows:

- a. The court, or the Circuit Clerk at the Court's direction, will host the proceeding and control entry into the proceeding;
- b. If requested by a party and if technologically feasible, the court may allow breakout meetings, private chats, or other private communication between attorneys and clients during the proceeding; provided, however, that a witness may not communicate with any other person;
- c. Any witness permitted to testify remotely must appear by both video and audio;
- d. When not speaking, participants shall mute their microphone;
- e. All participants must be in an environment free of video and audio distractions;
- f. No person shall operate a motor vehicle while remotely appearing in court;
- g. No exhibit may be used during a remote proceeding unless a copy of the pre-marked exhibit was provided to all other parties and the court at least one full business day before the hearing;
- h. The court may terminate or suspend the remote proceeding for technological or any other reason at any time;
- i. Remote proceedings shall be conducted with the same standards as in-person proceedings and in accordance with the Illinois Rules of Civil Procedure, Illinois Rules of Evidence, Illinois Supreme Court Rules, and the Local Rules;
- j. The precise method by which a remote proceeding will be conducted remains within the discretion of the court;
- k. All persons must use and display their real names (not aliases, "user," or "iPhone") on the Zoom platform to gain entrance to and participate in the proceeding;
- l. If a party or a party's witness requires the use of an interpreter, that party shall be responsible for coordinating with the court in advance of the hearing that an interpreter will be needed for the proceeding;
- m. Participants shall ensure any background used is appropriate; and
- n. Participants shall not sit directly in front of or behind a window or otherwise use lighting that interferes with the quality of the video.
- o. The court may order a case participant to appear in-person for reasons specific to the case, including failure to act in accordance with the above rules during a remote proceeding.

4. **DECORUM.** Participants shall engage in appropriate behavior at all times and be appropriately dressed (i.e. business attire) when appearing either in-person or remotely.
5. **VIOLATIONS.** A violation of this Rule may result in sanctions, referral to the Illinois Attorney Registration and Disciplinary Commission, denial of the option to appear by remotely at future proceedings, criminal prosecution, contempt of court, and any other sanctions deemed necessary by the court.
6. **COMMUNICATION OF RULE 1-1.22.** To ensure persons desiring to appear remotely are informed regarding this Rule, a link shall be created on the website identified in Rule 1-1.22(2) and copies of Rule 1-1.22 shall be posted in the Circuit Clerk's office.

Adopted by the Circuit Judges
of the Nineteenth Judicial Circuit
this 24th day of July, 2023
and effective immediately.

**IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS**

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vs.)	Case No. _____
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CERTIFICATION
(PURSUANT TO ILLINOIS SUPREME COURT RULE 45 and LOCAL RULE 1-1.22)

This matter coming before the court on a request to participate remotely in a trial, evidentiary hearing, or dispositive hearing,

I, _____ (attorney or self-represented litigant), certify that pursuant to Supreme Court Rule 45 and Local Rule 1-1.22 appropriate safeguards are available and operational to ensure accurate identification of the case participant and to protect against inappropriate influences including, but not limited to: persons communicating with the case participant without the court's knowledge and the case participant's inappropriate access to materials or information (such as documents or the Internet) during the case proceedings based on the following:

Date

Signature

Prepared by:

Name: _____ SRL ☐

Address: _____

City: _____ State: _____

Phone: _____ Zip Code: _____

ARDC #: _____

E-mail address: _____