

Proposal 25-04

Offered by the Illinois Supreme Court Commission on Access to Justice

Illinois Supreme Court Rule 9. Electronic Filing of Documents

(a) **Electronic Filing Required.** Unless exempt as provided in paragraph (c), 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) **Exemptions.**

~~(1)~~ The following types of documents in civil cases may not be exempt from electronically filing:

(A) Original wills.

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

~~(1)~~ (A) Documents filed by a self-represented litigant incarcerated in a local jail or correctional facility at the time of the filing;

~~(2)~~ Wills;

~~(3)~~ (B) Documents filed under the Juvenile Court Act of 1987; and

~~(4)~~ (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; and

~~(5)~~ 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 Good cause exists where a self-represented litigant, who is not a currently licensed attorney, who is not able to e-file documents for the following reasons:

(i) Does not have a computer or Internet access in the home or lacks the technological literacy to meaningfully use the same and travel represents a hardship;

(ii) Does not have an email account;

(iii) Does not have a credit or debit card or bank account;

(iv) Has a language barrier or low literacy (difficulty reading, writing, or speaking in English); or

(v) Has tried a self-represented litigant tries 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 them 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. ~~Good cause also exists where any person, including an attorney or self-represented litigant, is filing a pleading of a sensitive nature, such as a petition for an order of protection or a civil no-contact/stalking order.~~

(4) If exempt from electronic filing for good cause, the party seeking the exemption shall file a Certification for Exemption fFrom E-filing, which includes a certification under section 1-109 of the Code of Civil Procedure, and any accompanying documents shall be filed with the court in person, by e-mail or by mail, or by third-party commercial carrier. The court shall liberally provide, and parties shall be required to use, a standardized form expressly titled "Certification for Exemption fFrom E-filing" adopted by the Illinois Supreme Court Commission on Access to Justice. Judges retain discretion to determine whether good cause is shown. 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.

(5) Judges may sua sponte grant an exemption from electronic filing due to retain discretion to determine whether, under particular 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 to that effect.

(6) A document 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.

(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 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.

(e) 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.

(f) Rejections. Documents filed electronically may be rejected by the clerk as authorized by the Electronic Filing Rejection Standards for circuit courts and courts of review, as published on the illinoiscourts.gov website.

(g) 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 February 4, 2022)

(Revised _____)

a. ~~The implementation of e~~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(c)(5) and permitted to file in-person, or by mail, third-party commercial carrier, or. 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. To aid filers who qualify for an automatic exemption under Paragraph (c)(2), 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.

~~e.d.~~ Although a document meets the criteria for an exemption (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.