

IN THE
SUPREME COURT OF ILLINOIS

In re: Electronic Transfer of the Record on)
 Appeal Originating in Boone, Carroll,)
 DeKalb, DuPage, Jo Daviess,)
 Kendall, Lake, Lee, McHenry,)
 Ogle, Stephenson and Winnebago)
 Counties to the Appellate Court,)
 Second District)

M.R. 18368

ORDER

Until further order of the Court and pursuant to the Court's general administrative and supervisory authority over all courts, the Supreme Court of Illinois deems it appropriate to authorize the continued electronic transfer of the record on appeal originating in the Circuit Courts of Boone, Carroll, DeKalb, DuPage, Jo Daviess, Kendall, Lake, Lee, McHenry, Ogle, Stephenson, and Winnebago Counties and the Appellate Court, Second District. Therefore, IT IS ORDERED:

The electronic transfer of the record on appeal originating in the Circuit Courts of Boone, Carroll, DeKalb, DuPage, Jo Daviess, Kendall, Lake, Lee, McHenry, Ogle, Stephenson, and Winnebago Counties to the Appellate Court, Second District, shall continue on a pilot basis pursuant to the amended and re-titled "Policy for Implementation of the Electronic Transfer of the Record on Appeal Originating in the Circuit Courts of Boone, Carroll, DeKalb, DuPage, Jo Daviess, Kendall, Lake, Lee, McHenry, Ogle, Stephenson, and Winnebago Counties to the Appellate Court, Second District," attached and approved by the Court April 25, 2014. In the event this order creates a conflict with any statute or Supreme Court Rule, this order shall control.

The attached amended and re-titled "Policy for Implementation of the Electronic Transfer of the Record on Appeal Originating in the Circuit Courts of Boone, Carroll, DeKalb, DuPage, Jo Daviess, Kendall, Lake, Lee, McHenry, Ogle, Stephenson, and Winnebago Counties to the Appellate Court, Second District" is effective immediately.

Order entered by the Court.

FILED

APR 25 2014

**SUPREME COURT
CLERK**

POLICY FOR IMPLEMENTATION OF THE ELECTRONIC TRANSFER OF THE RECORD ON APPEAL ORIGINATING IN THE CIRCUIT COURTS OF BOONE, CARROLL, DEKALB, DuPAGE, JO DAVIESS, KENDALL, LAKE, LEE, MCHENRY, OGLE, STEPHENSON AND WINNEBAGO COUNTIES TO THE APPELLATE COURT, SECOND DISTRICT.

The record on appeal generally contains the common law record, reports of proceedings and exhibits. Because of the unique characteristics of original documents or physical items which are admitted as exhibits, exhibits are exempt from this policy and shall continue to be transferred in the current manual method.

The Circuit Clerks of Boone, Carroll, DeKalb, DuPage, Jo Daviess, Kendall, Lake, Lee, McHenry, Ogle, Stephenson, and Winnebago Counties ("Circuit Clerks") and the Appellate Court, Second District, ("Second District") are authorized to establish a pilot program for the electronic transfer of the record on appeal to the Second District pursuant to terms of this policy as approved by the Supreme Court on April 25, 2014.

The Circuit Clerks as secure subscribers, shall electronically transfer the record on appeal to the Second District Clerk via the approved electronic method. Upon request by the Second District Clerk, the Circuit Clerks shall create and transport the paper copy of the record on appeal to the Second District Clerk. With the exception of exhibits that are not part of the common law record, the same contents that currently make up the paper copy record on appeal shall be compiled and transferred electronically to the Second District Clerk. The Second District Clerk shall retain both the paper copy of the record, if transported to the Second District Clerk, and the electronic record. If a paper copy record is not requested, the Circuit Clerks will not create a paper record on appeal, but shall retain the original common law record, report of proceedings and exhibits in accordance with all Supreme Court Rules. When a paper copy is requested, the Circuit Clerk shall prepare the record on appeal in accord with all existing Supreme Court Rules.

When the appellant or the appellee requests the record on appeal from the Second District Clerk, they will receive access to the electronic record. If a party requests the paper record, the party shall submit a written request to the Clerk of the appellate court second district. The clerk of the appellate court shall immediately forward that request to the Circuit Clerk with direction to immediately prepare and transport the paper record to the second district.

The clerk of the appellate court shall have the sole authority to grant secure access to the electronic record and shall maintain the ability to deny or revoke future access to the electronic record.

Each of the Justices of the Second District, approved Second District court personnel and the Second District Clerk shall have approved access to all electronic records. The parties, attorneys for a party, approved court personnel and Justices of the Second District shall have the ability to search, bookmark and make notes on their individual copy of the electronic record. Any markings or notations made by a user on the electronic record shall be secure and shall be unique to that user's copy. When a user deletes their copy, all marking on their respective copy shall be destroyed. No user shall be able to view or access another user's copy of the reports of proceedings as each shall be secure only to that user.

The Second District Clerk shall retain an unmodified copy of the electronic record at all times throughout the duration of the appeal.

The electronic reports of proceedings shall at a minimum, be in a format that supports searchable text, both word and phrase.

Subsequent to the issuance of the mandate in a case on appeal in the Second District; the paper copy of the record on appeal, if created and transported to the Second District Clerk, and exhibits shall be transported back to the respective Circuit Clerks, and the electronic record on appeal may be deleted from the archives of the second district.

Prior to full implementation of this policy, exercises shall be conducted, where deemed necessary, to test the approved transfer method of the electronic record between the Circuit Clerks of those counties and the Second District Clerk. Test exercises shall include at a minimum, but not limited to:

- a. creating the electronic record by the Circuit Clerks;
- b. secure storage of the electronic record at the Circuit Clerk level prior to transfer;
- c. secure electronic transfer of the record by the Circuit Clerks to the Second District Clerk via the approved electronic method;
- d. receipt of the electronic record by the Second District Clerk;
- e. retrieval of the electronic record;
- f. post-appeal storage of the electronic record by the Second District Clerk to ensure the retention of an unmodified electronic record on appeal; and

Amended: April 25, 2014