

**IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT
KENDALL COUNTY**

ADMINISTRATIVE ORDER 20 - 09

*In re the Protocol for Conducting
Remote Proceedings*

FILED
APR 24 2020
ROBYN INGEMUNSON
CIRCUIT CLERK KENDALL CO.

WHEREAS, on March 17, 2020 the Illinois Supreme Court issued an Order in M.R. 30370 concerning the ongoing threat of COVID-19 in response to the State of Emergency declared by the Governor of the State of Illinois and the Declaration of a National Emergency by the President of the United States; and

WHEREAS, the Order issued by the Illinois Supreme Court authorizes the Illinois courts to establish and periodically update temporary procedures to minimize the impact of COVID-19 on the court system; and

WHEREAS; the Order issued by the Illinois Supreme Court authorizes courts to hear both essential and non-essential court matters and proceedings remotely; and

WHEREAS, the Chief Judge of the Twenty-Third Judicial Circuit previously issued General Order 20-03 activating the Emergency Preparedness Plan for the courts in DeKalb and Kendall County which limits daily court proceedings to those Category 1 and 2 Essential Court Functions as set forth in the General Order, which was extended pursuant to General Orders 20-09 and 20-12; and

WHEREAS, while court proceedings are presently limited to certain essential proceedings as identified in the Emergency Preparedness Plan of the Kendall County Courts, judges recognize that the resolution of many pending matters are essential to the individuals involved in those proceedings, and the Courts in Kendall County have the ability to begin hearing both essential and non-essential matters remotely, although initially on a limited basis in primarily civil cases. Furthermore, in an effort to resolve some of the matters which remain pending during the COVID-19 Pandemic, the courts are prepared to undertake remote hearings to assist parties with a possible resolution of some or all of the issues in their cases.

NOW, THEREFORE, pursuant to the authority granted in Illinois Supreme Court Rule 21(b) and the court's inherent authority IT IS ORDERED:

1. At the discretion of the assigned judge, pretrial conferences, settlement conferences, and arguments on contested matters in civil proceedings may be conducted by way of a remote hearing utilizing the Zoom® platform (www.zoom.us). The use of the term "remote hearings" in this protocol includes certain proceedings which are conducted "off the record", *e.g.*, pretrial and settlement conferences), as well as those traditionally conducted "on the record" in open court.
2. Initially, eligibility for a remote hearing is limited to those matters in which all parties are represented by attorneys. (This standard will be frequently reviewed and modified in an ongoing effort to expand access to justice.)
3. All proceedings conducted pursuant to this Administrative Order shall be conducted in accordance with the same standards as hearings traditionally conducted in a courtroom, and in accordance with the Illinois Code of Civil Procedure, Illinois Supreme Court Rules,

including specifically, Supreme Court Rule 46, and the Local Rules of the 23rd Judicial Circuit.

4. The manner in which a remote hearing will be conducted remains within the discretion of the judge assigned to the individual case, within the bounds of the applicable law, rules and practice procedures.
5. Conducting and participating in a remote hearing requires proper preparation and planning.
6. Attorneys seeking a remote proceeding or hearing for a pretrial conference, settlement conference, or argument on a contested motion shall initiate the scheduling of the remote proceeding or hearing by sending an email to the judge assigned to the case. Those email addresses are as follows:

Judge Robert Pilmer	rpilmer@co.kendall.il.us
Judge Melissa Barnhart	mbarnhart@co.kendall.il.us
Judge Stephen Krentz	skrentz@co.kendall.il.us
Judge Jody Gleason	jgleason@co.kendall.il.us
Judge John McAdams	jmcadams@co.kendall.il.us
Judge Joseph Voiland	jvoiland@co.kendall.il.us

7. The email shall also be sent to all counsel of record, and the subject line shall contain “Request for Remote Hearing” and the case number. The body of the email shall indicate: (1) that before sending the email to the judge, counsel has conferred and all parties agree to engage in a remote hearing with the court, and (2) suggested dates and times when counsel is available. If the judge agrees to conduct a remote hearing, he or she will enter an order setting the date and time of the remote hearing, and have a copy of the order forwarded to all

counsel. All emails with the judge shall also be sent to all attorneys of record and be limited to the scheduling of the remote hearing in order to avoid the appearance of impropriety or an *ex parte* conversation. For the purposes of the remote hearing, the court will be the host of the Zoom meeting.

8. Three days before the remote hearing counsel shall provide to the court their respective client's or the client's representative email address (only for remote hearings for which an electronic record will be made). All persons must use their real names (not aliases) while online to ensure that they will be allowed to enter the hearing. Counsel must also provide to the court a telephone number where they can be contacted by the court during the hearing should a problem arise.
9. At least one day before the remote hearing, the assigned judge will email to the attorneys of record an invitation with access instructions for the remote hearing. If the remote hearing is a settlement or pretrial conference, counsel shall not provide a copy of the invitation and access instructions to any other person. If it is a hearing for which a record will be made, then counsel may provide their clients with a copy of the invitation and access instructions so that the clients may listen to the proceedings.
10. For all civil proceedings, the official record is the electronic recording system in use in the Kendall County Courthouse and approved by the Supreme Court of Illinois. Should counsel wish to utilize the services of a private court reporter, then they shall provide the name and email address of the court reporter to the judge at least three days before the remote hearing, and the judge will provide an invitation with access instructions to the court reporter simultaneously with the invitation to counsel. The court reporter is the only person

authorized to record the remote hearing by electronic means, stenography, or another method.

Any recording by an attorney, a party, or other person of a remote hearing is strictly prohibited.

11. Court proceedings are generally open to the public, and it remains highly desirable that court proceedings remain as transparent as possible. Within this context, it is imperative that the public and the media continue to have access to all court proceedings to which access is traditionally permitted. Court proceedings which are conducted in open court on the record will continue to be conducted with the judge at the bench in the courtroom, and with the courtroom open to the public and media. This practice will be reviewed frequently and may be modified to allow remote access to the public and the media in the future consistent with the policy of providing access to court proceedings.
12. It is the responsibility of counsel and parties participating in, or attending, remote hearings to ensure that they have a good connection to the internet with sufficient bandwidth for video and audio. Similarly, individuals appearing remotely should comport themselves in the same manner they would when they appear in an actual courtroom. This includes wearing appropriate attire and being in a location where they will not be interrupted or distracted by extraneous matters. Additionally, individuals appearing remotely should be aware of their surroundings and should consider the use of a virtual background which is appropriate for court proceedings.
13. At the outset of the hearing, the court shall review with all persons the rules governing the conduct of the remote hearing before proceeding with the hearing. If all persons do not agree

with such rules, then the remote hearing will not proceed further, and the court will set a future date for status or such other purpose as may be appropriate.

14. This will be an ongoing process which will undoubtedly will revised and modified as everyone becomes more familiarized with the process. Be prepared for some difficulties. This is a big shift in how court is done and everyone has a learning curve. Be patient and understanding when things go wrong and try again.
15. This Administrative Order shall be effective upon entry.

Enter: April 24, 2020.



Hon. Robert P. Pilmer
CHIEF JUDGE