

IN THE  
SUPREME COURT OF ILLINOIS

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In re: Electronic Transfer of the Record on	)	
Appeal Originating in Ogle	)	
and DuPage Counties to the	)	M.R. 18368
Appellate Court, Second District	)	

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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 electronic transfer of the record on appeal originating in the Circuit Courts of Ogle and DuPage Counties to the Appellate Court, Second District. Therefore, IT IS ORDERED:

The electronic transfer of the record on appeal originating in the Circuit Courts of Ogle and DuPage Counties to the Appellate Court, Second District, shall begin on a pilot basis pursuant to the "Policy for Implementation of the Electronic Transfer of the Record on Appeal Originating in the Circuit Courts of Ogle and DuPage Counties to the Appellate Court, Second District," attached and approved by the Court on this date. In the event this order creates a conflict with any statute or Supreme Court Rule, this order shall control.

The "Policy for Implementation of the Electronic Transfer of the Record on Appeal Originating in the Circuit Courts of Ogle and DuPage Counties to the Appellate Court, Second District," is effective immediately.

Order entered by the Court.

**FILED**

AUG 3 - 2011

SUPREME COURT  
CLERK

**POLICY FOR IMPLEMENTATION OF THE ELECTRONIC TRANSFER OF THE  
RECORD ON APPEAL ORIGINATING IN THE CIRCUIT COURTS OF OGLE AND  
DuPAGE 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 Ogle and DuPage Counties 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 the "Joint Proposal by the Circuit Clerk of Ogle County and the Circuit Clerk of DuPage County for a Pilot Program to Implement Electronic Transfer of the Record on Appeal for Appeals Originating in Ogle and DuPage Counties," as approved by the Supreme Court on May 9, 2011.

The Circuit Clerks of Ogle and DuPage Counties, as secure subscribers, shall electronically transfer the record on appeal to the Second District Clerk via the approved electronic method. No change shall be made to the current manual record on appeal transfer process. The Circuit Clerks of Ogle and DuPage Counties shall continue to transport the paper copy record on appeal to the Second District Clerk in compliance with all current Supreme Court Rules. 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 current paper copy of the record and the additional electronic record.

When the appellant or the appellee requests the record on appeal from the Second District Clerk, they may request to take possession of the paper copy record or to receive access to the electronic record, or both. When access to the electronic record is requested, the Second District Clerk shall issue a unique, secure, expiring password to the requesting party or attorney of record for a party. Each party or attorney for a party requesting access shall receive his or her own unique password. The Second District Clerk shall retain the ability to revoke any and all passwords and deny 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 password 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.

The electronic reports of proceedings shall 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 and exhibits shall be transported to the respective circuit court clerks. The Second District Clerk shall revoke passwords previously issued to the users of that record, and terminate access to the electronic record.

Prior to full implementation, exercises shall be conducted to test the approved transfer method of the electronic record between the Circuit Clerks of Ogle and DuPage Counties and the Second District Clerk. Test exercises shall include at a minimum, but not be limited to:

- a. creating the electronic record by the Circuit Clerks of Ogle and DuPage Counties;
- 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 of Ogle and DuPage Counties to the Second District Clerk via the approved electronic method;
- d. receipt of the electronic record by the Second District Clerk;
- e. the Second District Clerk's creation, delivery and security of passwords;
- f. retrieval of the electronic record by password;
- g. post-appeal storage of the electronic record by the Second District Clerk to ensure the retention of an unmodified electronic record on appeal;
- h. revocation of passwords by the Second District Clerk.