

10-8 Remote Appearances (Amended 4/14/23)

(a) Authorization: To the full extent authorized by Supreme Court Rule 45 remote appearances shall be permitted as set forth herein or by separate order. Except as otherwise set forth in this Rule, a person's opportunity to participate remotely in civil, juvenile, and criminal matters shall be as set forth in S. Ct. R. 45, 725 ILCS 5/106D-1, and 725 ILCS 5/109-1(f). Unless the Court has waived a person's appearance for a specific hearing or proceeding, a person not permitted by S. Ct. R. 45, 725 ILCS 5/106D-1, or 725 ILCS 5/109-1(f) to appear remotely must appear in person for the hearing or proceeding.

(b) Vendor: All remote appearances shall be initiated through the designated remote appearance vendor of the Fourth Circuit. The current designated remote appearance vendor is Zoom or as otherwise designated by the Chief Judge from time to time by Administrative Order. Status hearings and other proceedings may be conducted by telephone only, without use of the designated vendor, on such terms as designated by the presiding judge. Appearances by county jail inmates may be made using other platforms or products adopted by each county of this Circuit for use between the courtroom and jail.

(c) Scheduling: Unless already required or allowed by the presiding judge or the judge specifically assigned to the case, a person seeking permission to appear remotely pursuant to S. Ct. R. 45(c) or (d) under circumstances that require approval of the judge presiding over the matter under S. Ct. R. 45, must seek that permission through a written motion filed, scheduled, and served as required by Local Rule 5.1.

(d) Initiation of Remote Appearance: Except for status hearings conducted by phone only, and except as otherwise designated by the Court, the Court or Circuit Clerk shall serve as host of the remote appearance and control entry into the hearing.

(e) Responsibilities: For any remote hearing, it shall be the responsibility of each party, and any attorney for a party, to ensure access to the necessary technology for a remote appearance and to timely appear for the remote hearing through the noticed platform or product. It shall also be the responsibility of each party to ensure that any witness for that party also has access to the necessary technology and will timely appear for the remote hearing through the noticed platform or product.

(f) Rules and Procedures: The following rules and procedures shall apply to all remote hearings:

(1) Except as otherwise provided in this Rule, all proceedings conducted by way of remote hearing shall be conducted to the same standards as hearings in a physical courtroom and in accordance with the Illinois Rules of Civil Procedure or

the Illinois Rules of Criminal Procedure, as applicable, Illinois Supreme Court Rules, the Illinois Rules of Evidence, local Rules of Practice of the Circuit Court for the Fourth Judicial Circuit, and all other applicable rules or laws.

(2) Attorneys, parties and witnesses shall sign in to the remote hearing using both their first and their last names, with attorneys adding “Attorney” in front of their first name (e.g., an attorney named John Doe would use “Attorney John” for a first name and “Doe” for a last name).

(3) The precise method in which a remote hearing is conducted remains within the discretion of the presiding judge or the judge specially assigned to the case, within the bounds of applicable rules, laws and practice procedures.

(4) Remote hearings require proper planning and preparation. All proposed exhibits, proposed orders, fully signed agreed orders, agreements or stipulations, and all other documents that any party intends to present to the court for review or consideration shall be submitted at least 48 hours prior to the scheduled remote hearing through the county e-filing system or to a designated Dropbox account, as designated by the Court or the Circuit Clerk, as follows:

(i) All submissions shall be submitted in PDF format;

(ii) The subject line for a submission email shall include the case number and the last name of at least one party;

(iii) Each proposed exhibit shall be submitted as a separate file with a file name that reflects the party offering it and the exhibit number (e.g., PlaintiffExhibit1, PetitionerExhibit2, DefendantExhibit3, RespondentExhibit4, etc.);

(iv) Each proposed order, fully signed agreed order, agreement, stipulation or other document shall be submitted as a separate file with a file name that reflects the party offering it and the nature of the document (e.g., Plaintiff proposed order, Petitioner agreed order, Defendant stipulation, Respondent cases in support, etc.);

(v) An index of exhibits, if any, shall be included that states the number of pages for each exhibit; and

(vi) For any exhibit or other document greater than four pages long, page numbers must be inserted electronically or legibly within the PDF (not handwritten).

(5) Notwithstanding the provisions of this rule, the presiding judge or the judge specifically assigned to a case may, in that judge's discretion, waive the requirements for submitting any document in advance.

(6) Once an exhibit is admitted into evidence during the hearing, the Circuit Clerk shall upload the exhibit into the official court record through the designated case management program for the Fourth Circuit, currently PCJIMS. The Circuit Clerk shall also upload into the official court record through the designated case management program for the Fourth Circuit any orders, agreements or stipulations or other document as directed by the presiding judge or the judge specifically assigned to the case during the remote hearing. Upon conclusion of the hearing, the Circuit Clerk shall not be obligated to maintain any proposed exhibits, proposed orders, fully signed agreed orders, agreements or stipulations or other documents submitted by a party to the designated email address that were not offered or made a part of the official court record and may delete them at the Circuit Clerk's convenience.

(7) Witnesses called to testify at a remote hearing shall be sworn or affirmed by the judge prior to the commencement of their testimony. Each witness shall, during that witnesses sworn testimony, be alone in a secure room with doors closed. The judge should make a record as to these conditions. Unless otherwise permitted by the presiding judge or the judge specifically assigned to a case, any person permitted to testify remotely must appear by both video and audio.

(8) All persons attending a remote hearing, including attorneys, parties, witnesses, members of the general public, and media, shall wear appropriate attire and present themselves in compliance with court rules as they would if appearing in a physical courtroom.

(9) All attorneys, parties, witnesses and other direct participants in a remote hearing shall ensure that there will be no interruptions or distractions for the duration of their appearance at the remote hearing. No person attending a remote hearing shall do so while operating a motor vehicle.

(10) The court reporter is the only person authorized to record the remote hearing by electronic means, stenography or other means. Any recording of the remote hearing by an attorney, party, witness, member of the general public, media or any other person without the permission of the court is strictly prohibited.

(11) Attorneys shall be permitted to communicate directly with their client using any private chat feature available through the designated remote appearance vendor. Any other use of the chat feature, private or group, during a remote hearing is strictly prohibited. During the testimony of any witness, the person testifying shall not communicate by private chat with any other person, including that person's attorney. Requests for a private conversation through the use of breakout room or similar

feature may be granted in the discretion of the presiding judge or the judge specifically assigned to hear a case.

(12) All attorneys, parties and witnesses attending a remote hearing should ensure that they have a good connection sufficient to avoid a breakdown in the connection during the remote hearing. Each participant must be in an environment free of both audio and video distractions, with a background that is appropriate and lighting that does not interfere with the quality of the video. A poor video connection for an attorney or party alone is not grounds to continue a remote hearing.

(13) When a participant is not speaking, the participant shall mute her or his microphone.

(14) If a party or a party's witness requires the use of an interpreter, that party shall be responsible for coordinating with the Court how the interpreter will be obtained and involved in the hearing.

(15) The presiding judge or the judge specifically assigned to a case shall retain the right at all times to remove any person from the remote hearing for the same reasons that a person would be removed from a physical courtroom.

(16) The presiding judge or the judge specifically assigned to a case shall retain the right at all times to continue a remote hearing to a different time or place, including a physical courtroom, for good cause, including but not limited to an unmanageable number of participants in the hearing, poor connections or other conditions that interfere with the ability of the court to conduct the remote hearing, or any other condition that unduly interferes with the rights of a party to a fair hearing.

(17) American courts are generally open to the public and it remains highly desirable that the operations of the courts are as transparent as possible. Within this context, the courts and the parties must consider how the media and the general public can have access to the remote hearing. The daily court schedule shall reflect that the hearing is remote. Members of the media or the general public who desire to observe a remote hearing should contact the Circuit Clerk for directions on how to attend. Observers are prohibited from speaking to witnesses or potential witnesses concerning any testimony or evidence until after the evidence has closed.

(g) Remote Access Information: Persons permitted to appear remotely should be aware of the following:

(1) Zoom links for each courtroom may be found on the Fourth Circuit's website, www.fourthcircuitil.com, or on each county's website.

(2) Other information and assistance regarding remote appearances can be obtained from the websites identified above, from the Circuit Clerk of

each county and from www.fourthcircuitil.com.

(3) To help ensure persons desiring to appear remotely are informed regarding this Rule 10-8, a copy of Rule 10-8 or a link to Rule 10-8 shall be created on each website identified in Rule 10-8(g)(1) and copies of Rule 10-8 shall be posted in each Circuit Clerk's office and available in each courtroom.