April 16, 2025

Via Email

Illinois Supreme Court Rules Committee
222 North LaSalle Street, 13th Floor
Chicago, Illinois 60601
RulesCommittee@illinoiscourts.gov

Re: Appellate Lawyers Association's Comments Regarding Proposals 25–01, 25–02, 25–03, and 25–04

Dear Honorable Members of the Rules Committee:

On behalf of the Appellate Lawyers Association, I write to express support for Proposals 25–02 and 25–03 as drafted and Proposals 25–01 and 25–04 as revised based on the discussion below.

Proposal 25-01

Proposal 25–01 amends Illinois Supreme Court Rules 13 and 606. The part of the proposal amending Rule 13 addresses the duration of representation in a civil or criminal case in relation to the time for filing a notice of appeal. The ALA supports this proposal subject to the recommendation that, for clarity, the proposal should specify that it applies to representation "in the trial court."

The ALA believes this clarifying language will help avoid confusion about trial counsel's obligation to file a docketing statement in situations where trial counsel files a notice of appeal at the request of a client, but does not intend to represent the client on appeal, and, based on the date the notice of appeal is filed, the docketing statement is due within the 30-day time frame for filing a notice of appeal. *See* Ill. S. Ct. Rs. 303(a), 312(a), 606(d), & 606(g). The ALA's proposed revisions to the part of proposal 25–01 amending Rule 13 are attached to this letter as **Exhibit A**.

The part of the proposal amending Rule 606 changes the procedure for having the clerk of court file a notice of appeal in criminal cases by removing that option for represented parties. The ALA supports this proposal. However, the ALA notes that, if the proposal is adopted, it may be appropriate to simultaneously amend Illinois Supreme Court Rule 605(a)(1).

Rule 605(a)(1) currently states:

> [T]he trial court shall, at the time of imposing sentence or modifying the conditions of the sentence, ***advise the defendant*** of the right to appeal, ***of the right to request the clerk to prepare and file a notice of appeal***, and the right, if indigent to be furnished . . . .

Ill. S. Ct. R. 605(a)(1) (emphasis added).

This admonishment, as drafted, could be confusing if the clerk is no longer able to "prepare . . . and file a notice of appeal" for defendants represented by counsel. Although this issue is collateral to Proposal 25–01 itself, which addresses Rule 606, the ALA raises it for the Committee's consideration.

Proposal 25–02

Proposal 25–02 amends Illinois Supreme Court Rule 23(e) by eliminating the requirement that a party citing a Rule 23 order must provide a copy of the order to the court. This amendment is in keeping with the public availability of Rule 23 orders on the Illinois Supreme Court's website. The ALA supports this proposal.

Proposal 25–03

Proposal 25–03 amends Illinois Supreme Court Rule 9(f) by specifying that no court shall create rules, or enter orders, that provide reasons for rejecting e-filed documents beyond the reasons listed in the Electronic Filing Rejection Standards. Rejected e-filings remain a challenge for practitioners. Further limiting the grounds for rejection will create greater transparency in the e-filing process. The ALA supports this proposal.

Proposal 25–04

Proposal 25–04 modifies Illinois Supreme Court Rule 9 to clarify the procedures associated with exemptions from e-filing. The ALA supports this proposal subject to the recommendation that, for clarity, the prohibition against filing original wills in civil cases should be categorized as an "exception" to e-filing, rather than as an "exemption," so that comment d to Rule 9 cannot be read to suggest that an original will may be electronically filed by a party exempt from e-filing if that is the exempt party's preference. *Compare* Proposal 25–04 cmt. d *with* 755 ILCS 5/6–7 (stating that "[a]ll original wills which are admitted to probate shall remain in the custody of the clerk, unless otherwise ordered by the court"). The ALA's proposed revisions to Proposal 25–04 are attached to this letter as **Exhibit B**.

The ALA also suggests clarifying comment c to address the meaning of the language "a written message." That language does not appear elsewhere in the rule or its comments. It could benefit from further explanation or from including a form of the "written message." The "written message" seems to be comparable to attaching a protective order when filing materials covered by it, but the ALA cannot tell from the language of comment c.

On behalf of the ALA, I thank the Rules Committee for considering the ALA's comments. Please let me know if any additional information would assist the Committee.

Respectfully submitted

/s/ Catherine Basque Weiler

Catherine Basque Weiler
President
Appellate Lawyers Association

cc: Katherine Murphy, Secretary, Illinois Supreme Court Rules Committee
Seth A. Horvath, Vice President, Appellate Lawyers Association
Kimberly Glasford, Secretary, Appellate Lawyers Association
Amanda J. Hamilton, Treasurer, Appellate Lawyers Association
Ronald D. Menna Jr., Co-Chair, Appellate Lawyers Association Rules Committee

EXHIBIT A

Proposal 25-01

Offered by the Appellate Court Administrative Committee of the Supreme Court

Illinois Supreme Court Rule 13. Appearances—Time to Plead—Withdrawal

(a) Written Appearances. If a written appearance is filed, copies of the appearance shall be served in the manner required for the service of copies of pleadings.

(b) Time to Plead. A party who appears without having been served with summons is required to plead within the same time as if served with summons on the day he appears.

(c)Appearance and Withdrawal of Attorneys.

(1) Addressing the Court. An attorney shall file a written appearance or other pleading before addressing the court unless the attorney is presenting a motion for leave to appear by intervention or otherwise.

(2) Notice of Withdrawal. Except as provided under paragraph (c)(7), an attorney may not withdraw his or her appearance for a party without leave of court and notice to all parties of record. Unless another attorney is substituted, the attorney must give reasonable notice of the time and place of the presentation of the motion for leave to withdraw, by personal service, certified mail, or a third-party carrier, directed to the party represented at the party's last known business or residence address. Alternatively, the attorney may give such notice electronically, if receipt is acknowledged by the party. Such notice shall advise said party that to insure notice of any action in said cause, the party should retain other counsel therein or file with the clerk of the court, within 21 days after entry of the order of withdrawal, a supplementary appearance stating therein an address to which service of notices or other documents may be made.

(3) Motion to Withdraw. The motion for leave to withdraw shall be in writing and, unless another attorney is substituted, shall state the last known address(es) of the party represented. The motion may be denied by the court if granting the motion would delay the trial of the case, or would otherwise be inequitable.

(4) Copy to be Served on Party. If the party does not appear at the time the motion for withdrawal is granted, either in person or by substitute counsel, then, within three days of the entry of the order of withdrawal, the withdrawing attorney shall serve the order upon the party in the manner provided in paragraph (c)(2) of this rule and file proof of service of the order.

(5) Supplemental Appearance. Unless another attorney is, at the time of such withdrawal, substituted for the one withdrawing, the party shall file in the case within 21 days after entry of the order of withdrawal a supplementary appearance, stating therein an address at which the service of notices or other documents may be had upon him or her. A self-represented litigant may supply an e-mail address for service, pursuant to Rule 11(b). In the case of the party's failure to file such supplementary appearance, subsequent notices and filings shall be directed to the party at the last known business or residence address.

(6) Limited Scope Appearance. An attorney may make a limited scope appearance on behalf of a party in a civil proceeding pursuant to Rule of Professional Conduct 1.2(c) when the attorney has entered into a written agreement with that party to provide limited scope representation. The attorney shall file a Notice of Limited Scope Appearance, using an approved statewide form, identifying each aspect of the proceeding to which the limited scope appearance pertains. An attorney may file a Notice of Limited Scope Appearance more than once in a case. An attorney must file a new Notice of Limited Scope Appearance before any additional aspect of the proceeding in which the attorney intends to appear. A party shall not be required to pay more than one appearance fee in a case.

(7) Withdrawal Following Completion of Limited Scope Representation. Upon completion of the representation specified in the Notice of Limited Scope Appearance filed pursuant to paragraph (6), the attorney shall withdraw from the Limited Scope Appearance through one of the methods provided in parts (i)-(ii) of this paragraph, each of which requires filing a Notice of Completion of Limited Scope Appearance, using an approved statewide form. A withdrawal for any reason other than completion of the limited scope representation shall be requested by motion under paragraphs (c)(2) and (c)(3).

(i) Method 1—In Open Court. If the attorney completes the representation at or before a court hearing attended by the party the attorney represents, the attorney may present the Notice of Completion of Limited Scope Appearance without prior notice to the party the attorney represents or to other parties. Upon presentment of the Notice of Completion of Limited Scope Appearance, the attorney's appearance is withdrawn without the necessity of leave of court. The court may require the attorney to give written notice of the completion of the limited scope representation to parties who were neither present nor represented at the hearing. If the party objects that the attorney has not completed the limited scope representation, the court must hold an evidentiary hearing on the objection, either immediately or on a specified later date. After hearing the evidence, the court must enter an order allowing the attorney to withdraw from the case unless the court expressly finds by clear and convincing evidence that the attorney has not completed the representation specified in the Notice of Limited Scope Appearance.

(ii) Method 2—Outside of Court. The attorney may also withdraw by filing an approved statewide form Notice of Completion of Limited Scope Appearance outside of open court and serving the Notice and an approved statewide form Objection to Completion of Limited Scope Appearance on the party the attorney represents and other counsel of record and other parties not represented by counsel, unless the court by order excuses service on other counsel and other parties. The attorney must also serve the Notice on the judge then presiding over the case. The attorney must file proof of service in compliance with this paragraph. Upon filing the Notice of Completion of Limited Scope Appearance and Objection to Completion of Limited Scope Appearance, the attorney's appearance is withdrawn without necessity of leave of court.

Within 21 days after the service of the Notice and Objection, the party may file an Objection to Completion of Limited Scope Appearance, prepared by utilizing, or

substantially adopting the appearance and content of, the form provided in the Article I Forms Appendix. The party must serve the Objection on the attorney and must also serve it on other counsel of record and other parties not represented by counsel unless the court by order excuses service on other counsel and other parties. If a timely Objection is filed, however, the attorney must notice a hearing on the Objection. If the ground for the Objection is that the attorney has not completed the representation specified in the Notice of Limited Scope Appearance, the court must hold an evidentiary hearing. After the requisite hearing, the court must enter an order allowing the attorney to withdraw unless the court expressly finds by clear and convincing evidence that the attorney has not completed the representation specified in the Notice of Limited Scope Appearance.

(8) *Period of Representation in the Trial Court.* An attorney's appearance in ~~a civil or criminal case~~ the trial court continues until the time for filing an appeal on behalf of the client has expired or a notice of appeal has been filed ~~expires~~, except as to a limited scope appearance as provided in Supreme Court Rule 13(c)(6) or the attorney withdraws an appearance according to Supreme Court Rule 13(c)(2), (3), (4), and (7).

Committee Comments

(rev. June 14, 2013)

Rule 13 was added in 1982. It was patterned after Proposed Uniform Circuit Court Rule III, which was prepared by a special committee of the Illinois State Bar Association and approved by the ISBA Board of Governors on June 22, 1976. Under paragraph (c) of this rule, an attorney's written appearance on behalf of a client before any court in this State binds the attorney to continue to represent that client in that cause until the court, after notice and motion, grants leave for the attorney to withdraw. See Rule of Professional Conduct 1.16(c).

Committee Comments

(rev. Jan. 1, 2023)

Paragraph (c)(6) addresses the provision of limited scope representation to clients under Rule of Professional Conduct 1.2(c). The paragraph is not intended to regulate or impede appearances made pursuant to other types of limited engagements by attorneys, who may appear and withdraw as otherwise provided by Rule 13.

An attorney making a limited scope appearance in a civil proceeding must first enter into a written agreement with the party disclosing the limited nature of the representation. The limited appearance is then effected by using the approved statewide form Notice of Limited Scope Appearance appended to this Rule. Utilizing this approved statewide form promotes consistency in the filing of limited scope appearances, makes the notices easily recognizable to judges and court personnel, and helps ensure that the scope of the representation is identified with specificity.

A party on whose behalf an attorney has filed a Notice of Limited Scope Appearance remains responsible, either personally or through an attorney who represents the party, for all matters not specifically identified in the Notice of Limited Scope Appearance.

Paragraph (c)(6) does not restrict (1) the number of limited scope appearances an attorney may make in a case, (2) the aspects of the case for which an attorney may file a limited scope appearance such as, for example, specified court proceedings, depositions, or settlement negotiations, or (3) the purposes for which an attorney may file a limited scope appearance. Notwithstanding the absence of numeric or subject matter restrictions on filing limited scope appearances, nothing in the Rule restricts the ability of a court to manage the cases before it, including taking appropriate action in response to client or lawyer abuse of the limited scope representation procedures.

Paragraph (c)(7) provides two alternative ways for an attorney to withdraw when the representation specified in the Notice of Limited Scope Appearance has been completed. The first method—in-court presentment of an approved statewide form Notice of Completion of Limited Scope Appearance—can be used whenever the representation is completed at or before a hearing attended by the party the attorney represents. Prior notice is not required. The attorney should use this method whenever practical, because its use ensures that withdrawal occurs as soon as possible and that the court knows of the withdrawal. The attorney's withdrawal is automatic, and the court should enter an order to that effect.

The second method—filing an approved statewide form Notice of Completion of Limited Scope Appearance with the clerk of the court—enables the attorney to withdraw easily in other situations, without having to make a court appearance. The Notice and an approved statewide form Objection to Completion of Limited Scope Appearance must be served on the party represented and on other counsel of record and other parties not represented by counsel unless the court excuses service on other counsel of record and other parties not represented by counsel. The Notice must also be served on the judge then presiding over the case to ensure that the judge is made aware that the limited scope representation has been completed, subject to the client's right to object. The attorney's withdrawal is automatic, and the court should enter an order to that effect.

A client may contest an attorney's Completion of Limited Scope Appearance by filing an Objection to Completion of Limited Scope Representation within 21 days of service of a Notice of Completion of Limited Scope Appearance.

If the client files a timely Objection to Completion of Limited Scope Appearance pursuant to paragraph (c)(7)(ii), the court must allow the attorney to withdraw unless the court expressly finds by clear and convincing evidence that the attorney has not completed the representation specified in the Notice of Limited Scope Appearance. An evidentiary hearing is required if the client objects to the attorney's withdrawal based on the attorney's failure to complete the representation. A nonevidentiary hearing is required if the client objects on a ground other than the attorney's failure to complete the representation, although the primary function of such a hearing is to explain to the client that such an objection is not well founded. A court's refusal to recognize a properly presented or filed Notice of Completion of Limited Scope Appearance, or even its encouragement of the attorney to extend the representation, would disserve the interests of justice by discouraging attorneys from undertaking limited scope representations out of concern that agreements with clients for such representations would not be enforced.

A limited scope appearance under the rule is unrelated to "special and limited" appearances formerly used to object to the lack of personal jurisdiction. The use of such appearances ended with

the adoption of Public Act 91-145, which amended section 2-301 of the Code of Civil Procedure (735 ILCS 5/2-301) effective January 1, 2000.

Committee Comments

(rev. , 20)

The addition of subsection (c)(8) clarifies that an attorney's appearance in the trial court usually does not end until the time for filing an appeal expires. See, *e.g.*, *Roe v. Flores-Ortega*, 528 U.S. 470, 480 (2000) (counsel has a constitutionally imposed duty to consult with a defendant about an appeal when there is reason to think either (1) that a rational defendant would want to appeal, because there are nonfrivolous grounds for appeal or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing).

Illinois Supreme Court Rule 606. Perfection of Appeal.

(a) How Perfected. ~~Appeals shall be perfected by filing a~~ A notice of appeal must be filed with the trial court clerk ~~of the trial court~~ to perfect the appeal. The This notice may be signed by the appellant or his their attorney. ~~Except as provided in Rule 604(h),~~ If the defendant does not have an attorney and when advised of the right to appeal, the defendant requests in open court ~~at the time he or she is advised of the right to appeal~~ or later in writing that the defendant wishes to appeal, the clerk of the trial court ~~shall~~ must forthwith prepare, sign, and file ~~forthwith~~ a notice of appeal for the defendant, except as provided in Rule 604(h). Other than filing the notice of appeal, No no other steps ~~in the perfection of the appeal other than the filing of the notice of appeal is jurisdictional~~ to finalize the appeal are required for jurisdiction.

(b) Time. Except as provided in Rule 604(d) and 604(h), the notice of appeal must be filed with the clerk of the circuit court within 30 days after the entry of the final judgment appealed from or if a motion directed against the judgment is timely filed, within 30 days after the entry of the order disposing of the motion. A notice of appeal filed after the court announces a decision, but before the entry of the judgment or order, is treated as filed on the date of and after the entry of the judgment order. When a timely posttrial or postsentencing motion directed against the judgment has been filed by counsel or by defendant, if not represented by counsel, any notice of appeal filed before the entry of the order disposing of all pending postjudgment motions shall have no effect and shall be stricken by the trial court. Upon striking the notice of appeal, the trial court shall forward to the appellate court within 5 days a copy of the order striking the notice of appeal, showing by whom it was filed and the date on which it was filed. This rule applies whether the timely postjudgment motion was filed before or after the date on which the notice of appeal was filed. A new notice of appeal must be filed within 30 days following the entry of the order disposing of all timely postjudgment motions. Within 5 days of its being so filed a copy of the notice of appeal or an amendment of the notice of appeal shall be transmitted by the clerk of the circuit court to the clerk of the court to which the appeal is taken. Except as provided in paragraph (c) below, and in Rule 604(d), no appeal may be taken from a trial court to a reviewing court after the expiration of 30 days from the entry of the order or judgment from which the appeal is taken. The clerk of the appellate court shall notify any party whose appeal has been dismissed under this rule.

(c) Extension of Time in Certain Circumstances. Except as provided in Rule 604(h), on motion supported by a showing of reasonable excuse for failing to file a notice of appeal on time filed in the reviewing court within 30 days of the expiration of the time for filing the notice of appeal, or on motion supported by a showing by affidavit that there is merit to the appeal and that the failure to file a notice of appeal on time was not due to appellant's culpable negligence, filed in the reviewing court within six months of the expiration of the time for filing the notice of appeal, in either case accompanied by the proposed notice of appeal, the reviewing court may grant leave to appeal and order the clerk to transmit the notice of appeal to the trial court for filing. However, when the appellant is filing the motion pro se from a correctional institution, the appellant may submit, in lieu of the affidavit referred to herein, a certification as provided in section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109).

(d) Forms of Notice of Appeal. ~~The notices of appeal under article 110 of the Code of Criminal Procedure of 1963 when the defendant is the appellant or the State is the appellant shall be prepared by using, or substantially adopting the appearance and content of, the forms provided in the Article VI Forms Appendix. In all other cases, the notice of appeal shall be prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article VI Forms Appendix. Except as provided in Rule 604(h), the notice of appeal may be amended as provided in Rule 303(b)(5).~~ A notice of appeal must be prepared by using, or closely following, the format and content of the appropriate form in the Article VI Forms Appendix. A notice of appeal may be amended as provided in Rule 303(b)(5), except as stated in Rule 604(h).

(e) Notice of Appeal to be Sent by Clerk.

(1) When Defendant Is Appellant and Action Is Prosecuted by the State. When the defendant is the appellant and the action was prosecuted by the State, the clerk shall send the notice of appeal to the State's Attorney of the county in which the judgment was entered.

(2) When Defendant Is Appellant and the Action Is Prosecuted by a Governmental Entity Other Than the State. If the defendant is the appellant and the action was prosecuted by a governmental entity other than the State for the violation of an ordinance, the notice of appeal shall be sent to the chief legal officer of the entity (e.g., corporation counsel, city attorney), or if his name and address do not appear of record, then to the chief administrative officer of the entity at his official address.

(3) When the Prosecuting Entity Is the Appellant. When the State or other prosecuting entity is the appellant, the notice of appeal shall be sent to the defendant and to his counsel.

(f) Docketing. Upon receipt of the notice of appeal transmitted to the reviewing court pursuant to paragraph (a) of this rule, or the entry of an order granting a motion for leave to appeal under paragraph (c) of this rule, the clerk of the reviewing court shall enter the appeal upon the docket.

(g) Docketing Statement; Filing Fee. Within 14 days after the filing of the notice of appeal and pursuant to notice to the appellee's attorney, except as provided in Rule 604(h), the party filing the notice of appeal shall file with the clerk of the reviewing court a docketing statement, together with proof of service thereof, and the filing fee as required by Rule 313. The docketing statement shall be

prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article VI Forms Appendix.

Committee Comments

(rev. , 2025)

When counsel represents a defendant, they are responsible for preparing and filing a notice of appeal, and there is no need for the clerk to do so.

EXHIBIT B

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 excepted or exempt as provided in paragraphs (c) and (d), respectively, 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) Exception. The following documents in civil cases may not be electronically filed:

(A) Original wills.

~~(c)~~**(d) Exemptions.**

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

~~(A) Original wills.~~

(1) 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~~.

(~~53~~52) 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~~no~~ 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;

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

(~~iii~~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.~~

(3) If exempt from electronic filing for good cause, the party seeking the exemption shall file a~~A~~ Certification for Exemption f~~F~~rom 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 f~~F~~rom 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.

(4) 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~~.

(e) Filing. A document excepted or 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.

(f)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.

(2) 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.

(3) 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.

(g) 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.

(h) 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)~~ **(i) 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 though 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)~~(d)(1), 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.

~~c.~~d. Although a document meets the criteria for an exemption under Paragraph (d) (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.