



GENERAL ADMINISTRATIVE ORDER NO. 2013-02 - ELECTRONIC FILING (eFILING) OF COURT DOCUMENTS

IT IS HEREBY ORDERED:

Effective April 1, 2013, pursuant to the Electronic Filing Standards and Principles of the Illinois Supreme Court, Ill. S. Ct., M.R. 18368 (eff. Jan. 1, 2013), the Clerk of the Circuit Court of Cook County ("Clerk" or "Clerk's Office") shall accept the electronic filing of certain court documents as set forth below. Nothing in this order is intended to alter the right of a person to file or serve process or other paper documents in the conventional manner pursuant to law and rules. The Clerk's Office shall make this order available through the Clerk's Website.

1. **Definitions.** For the purposes of this order, the following words and terms shall have the following definitions:

- a. *attorney*: a person licensed to practice law in Illinois.
- b. *bulk filing*: a filing consisting of the initial filings in more than one case of the same type, (e.g., multiple complaints for purposes of filing the same number of new mortgage foreclosure actions) in the same division, filed in one online transaction.
- c. *document*: any pleading, motion, or other court filing.
- d. *electronic filing*: transmission of document(s) to the Clerk's Office via electronic means for the purpose of filing the document(s) in the court's record of a case or proceeding.
- e. *electronic filing manager ("EFM")*: system used by the Clerk's Office to process the receipt, acceptance, recording, and service of documents filed electronically on the Clerk's Website.
- f. *electronic filing website ("Website")*: official Internet website of the Clerk, the current address of which is <http://www.cookcountyclerkofcourt.org>.
- g. *electronic format*: electronic file format(s) specified by this order.
- h. *electronic service*: electronic transmission, via the EFM, of electronically filed documents to parties who have consented to such service.
- i. *file*: an electronic computer file in an authorized computer file format.
- j. *filer*: any person, including an attorney or pro se party, who is registered with the Clerk's Office and authorized by the Clerk's Office to file documents with the court electronically.
- k. *vendor*: an entity with whom the Clerk's Office contracts, in accordance with applicable Cook County practices, to provide the electronic filing Website.

2. **Scope of Electronic Filing**

- a. Case types permitted. Except as provided in subsections (b) and (c) of this Section and subject to the provisions of Rule 15 (eff. Apr. 26, 2012) and Rule 138 (eff. July 1, 2013) of the Illinois Supreme Court, documents may be electronically filed only in cases or proceedings to be heard in the Law Division.
- b. As soon as is reasonably practicable, the Clerk's Office shall make electronic filing available in the following divisions of the court:
 - i. Chancery;
 - ii. Civil;
 - iii. Domestic Relations/Child Support;
 - iv. County; and
 - v. Probate.

Authorization to accept electronic filing in these areas shall be pursuant to further order of this court.

- c. Documents excluded. The following documents, including exhibits, may not be electronically filed, and shall only be filed

conventionally.

- i. documents containing confidential information, as specified in Ill. S. Ct. R. 15 (eff. April 26, 2012)
- ii. documents containing personal identity information, as specified in Ill. S. Ct. R. 138 (eff. July 1, 2013)
- iii. documents containing the identity of individuals contained in reports made pursuant to the Communicable Disease Report Act, 745 ILCS 45/1
- iv. reports relating to an individual's disability pursuant to the Illinois Income Tax Act, 35 ILCS 5/917(a)(ii)
- v. confession of judgment
- vi. documents required by law, rule, or order to be filed and maintained in their original form
- vii. exhibits that do not conform with the size requirements herein
- viii. petition for marriage license by an underage petitioner
- ix. petition for an order of protection, no contact order, or stalking no contact order
- x. registration of Illinois court judgment
- xi. registration of administrative judgment
- xii. any document when the individual document or the entire case is impounded or sealed by law, rule, or order

d. *Case types excluded.*

- i. adoption
- ii. emancipation of a minor
- iii. eminent domain (condemnation)
- iv. fictitious vital records, filed pursuant to the Vital Records Act, 410 ILCS 535/15.1
- v. juvenile court (all)
- vi. mental health (all)
- vii. ordinance violations
- viii. proceedings pursuant to the Illinois Sexually Transmissible Disease Control Act, 410 ILCS 325/1, et seq.
- ix. petition for judicial waiver of notice under the Parental Notice of Abortion Act of 1995, 750 ILCS 70/1, et seq.
- x. any other type of case required to be impounded or sealed by law, rule, or order

e. *Filing site.* Electronic filing is permitted only by electronic line transfers by means of the Clerk's Website. Documents in electronic file format shall not be accepted by the Clerk's Office or the trial judge for filing by any other method. Documents transmitted by facsimile transmission device (fax) shall not be accepted for filing, electronic or otherwise.

f. *Courtesy copies.* Courtesy copies may not be electronically filed with or otherwise delivered to the Clerk's Office. Nothing in this order shall be interpreted to limit the manner in which a judge may accept delivery of courtesy copies.

3. Filing Hours, Scheduling, Acceptance, and Related Matters

a. *Electronic filing hours.* The EFM shall allow filing twenty-four (24) hours per day, every day.

b. *Time of filing.* Documents received by the Clerk's Office Monday through Friday, 8:30 a.m. to 11:59 p.m., excluding court holidays, shall be deemed filed that day. Documents filed from midnight to 8:29 a.m., on weekends or court holidays shall be deemed filed at 8:30 a.m. the next court business day.

c. *Acceptance by Clerk.* Any document submitted electronically shall be considered filed with the Clerk's Office if not rejected by the Clerk's Office.

d. *Scheduling motions.* The filing of motions shall be permitted by the Clerk's Office pursuant to 3(a-c) above. Filers may schedule hearings on said motions Monday through Friday, 8:30 a.m. to 11:59 p.m., excluding court holidays. The Clerk's Office shall enable the EFM to allow filers to schedule or reschedule dates for motions previously filed.

e. *Electronic filing stamp.* The transmission shall be endorsed with a file stamp setting forth the identification of the Circuit Court of Cook County, its clerk, and the date and time of filing. This file stamp shall be merged with the electronic document and shall be visible when the document is printed and viewed on line. Electronically filed documents so endorsed shall have the same force and effect as documents file stamped in the conventional manner.

f. *Clerk's Signature.* Where the Clerk is required to sign an electronically filed document, the typed name of the Clerk, affixed by the Clerk, shall be deemed to be the Clerk's signature on the electronic document.

g. *Clerk's receipt.* Upon receiving an electronic document by means of the EFM, the Clerk's Office shall promptly e-mail a

notice of receipt to the filer. The Clerk's Office shall thereafter e-mail the filer a notice of acceptance of the document and the date and time of acceptance. If the document is rejected, the Clerk's Office shall inform the filer of such rejection and the reason(s) for such action.

h. *Filing deadlines.* The electronic filing of a document does not alter any applicable filing deadlines.

4. **Electronic Filing Registration**

a. *Registration required.* Documents may be filed or served electronically only by a person who has registered as an authorized filer.

b. *How to register.* Registration shall be done on the Website on a form prescribed by the Clerk's Office.

c. *Attorney and pro se filers.* Upon registration and validation as set forth in this section, the Clerk's Office shall provide the filer with an account. The Clerk's Office shall provide the filer with a means by which to create a user ID and password.

i. *Illinois attorneys.* Attorneys licensed to practice law in Illinois must register with the Clerk's Office. To register, an attorney must be in good standing with the Illinois Supreme Court and provide his or her Illinois Attorney Registration and Disciplinary Commission registration number.

ii. *Attorneys from other jurisdictions.* Attorneys who are not licensed to practice law in Illinois must file conventionally until further order of this court.

iii. *Court partner agencies.* Filings from court partner agencies using integrated systems within a secure domain shall not require individual registrations. Otherwise, court partner agencies shall be subject to same requirements set forth for attorneys in (i) or (ii) above.

iv. *Litigants who are not attorneys.* Parties who are not attorneys (*pro se* litigants) must register with the Clerk's Office. To register, a *pro se* litigant must provide the following information:

- (1) Name;
- (2) mailing address;
- (3) email address; and
- (4) telephone number.

v. *Current information required.* It is the responsibility of a registered filer to keep all contact information, including the filer's e-mail address, current on the EFM.

d. *Completion of registration.* Upon acceptance of a filer's registration, the Clerk's Office shall confirm the registration with the filer by email. Once a filer's registration is completed, the Clerk's Office shall accept filings submitted electronically by the filer through the Website.

e. *User ID and password confidentiality.* Maintaining user ID and password confidentiality is the sole responsibility of the filer registered with the EFM. The registered filer shall have full responsibility for any document electronically filed by anyone using his or her user ID and password.

5. **Procedure for Documents Filed Electronically**

a. *Required Information*

- i. circuit court case number;
- ii. type of case;
- iii. name of the filer;
- iv. name of the party on whose behalf the document is being filed; and
- v. type of document being filed.

b. *Maximum File Size.* No file or document may contain more than 5 MB (megabytes) of data, as determined by the EFM. To comply with this requirement, an electronically filed document may be divided into parts and submitted as multiple files.

c. *Bulk Filing and Multiple Documents*

- i. Documents in bulk filings may include more than one 5 MB file. Files from different cases shall be uploaded separately and shall not be combined in the same PDF file.
- ii. Multiple documents with the same case number may be filed in the same transaction and shall not be combined in the same PDF file.

iii. Multiple documents for different cases shall be filed in separate transactions, except for initial filings included in a bulk filing.

d. *Exhibits*

i. Filing parties shall scan paper exhibits for electronic filing in accordance with the size and scanning limitations set forth herein or as required by the applicable statute, local rule or order

(1) Exhibits not readily available in electronic form (e.g. blueprints, large maps) may be filed conventionally.

ii. A party electronically filing exhibits must attach an index listing each item and identifying the related paper.

e. *Document font, size, and margins.* Unless otherwise required by statute or rule, documents created by word processing programs must be formatted as follows:

i. the size of the type in the body of the text must be no less than 12 point font, and in footnotes no less than 10 point font;

ii. the size of the pages must be 8 1/2" by 11";

iii. the margins on each side of the page must each be a minimum of 1"; and

iv. the top right 2" x 2" corner of the first page of each document shall be left blank for the Clerk's stamp.

f. *Rejection.* The Clerk's Office may reject documents not complying with the format specified by applicable statutes or rules or the above requirements for bulk filings and multiple documents.

g. *Document file formats.* Documents filed in the EFM must be in Portable Document Format (PDF). It is the filer's responsibility, to the extent feasible, to file documents in text searchable PDF. The Clerk's Office shall provide on the Website a means by which a filer may convert documents to PDF at no fee to the filer and a means by which a filer may convert documents to text searchable PDF, for which any applicable fees shall be the exclusive property of the vendor providing said conversion service.

i. Documents shall be submitted in PDF or text searchable PDF format as follows:

(1) Documents created in electronic format shall be converted to PDF; or, to the extent feasible, text searchable PDF directly from the program used to create the document, rather than from the scanned image of the paper document;

(2) Documents only in paper format may be scanned and converted to PDF; or to the extent feasible text searchable PDF;

(3) If a proposed order is filed in the case, it must be created in a word processing program and converted to PDF or, to the extent feasible, text searchable PDF by the program used to create it.

h. *Links and Attachments.* Electronic documents containing links to material either within the filed document or external to the filed document are for convenience purposes only. The external material behind the link is not considered part of the filing or the basic court record.

6. **System or Filer Errors**

a. The Circuit Court of Cook County and the Clerk shall not be liable for malfunction or errors occurring in the electronic transmission or receipt of electronically filed and/or served documents.

b. Filers should attempt, in good faith, to resolve filing and service errors based on technical failures, such as:

i. an error in the transmission of the document from the electronic filing website to the Clerk's Office;

ii. rejection by the Clerk's Office; or,

iii. an erroneous exclusion of a party from the service list.

If the filers are unable to resolve the problem, the aggrieved filer may seek relief from the court. The court, in its discretion, may enter an order *nunc pro tunc* to resolve the filing discrepancy.

7. **Procedure for Documents Containing Confidential or Sensitive Information**

a. Documents containing confidential or sensitive information must be submitted conventionally, pursuant to law, rule, or court order, with either a Notice of Confidential Information Within Court Filing or a Notice of Personal Identity Information Within Court Filing, pursuant to Ill. S. Ct. Rs. 15 (eff. April 26, 2012) and 138 (eff. July 1, 2013).

- i. The filing party is responsible to ensure that court documents filed electronically do not disclose previously statutorily impounded or sealed information or private information defined in Ill. S. Ct. Rs. 15(eff. April 26, 2012) and 138 (eff. July 1, 2013).
- ii. The Clerk's Office is not responsible for the content of filed documents and has no obligation to review, redact, or screen any expunged, sealed, or impounded information.

b. A party wishing to file a document under seal without prior court authorization to do so may electronically file a motion for leave to file under seal. The document in question shall not be filed with the motion as an attachment, exhibit, or otherwise.

8. Certification of Electronic Documents. The Clerk shall only certify electronically filed documents conventionally at the Clerk's Office, Monday through Friday, from 8:30 a.m. until 4:30 p.m., excluding court holidays. The cost of certification is governed by the Clerks of Courts Act, 705 ILCS 105/27.2, 27.2a.

9. Fees and Charges

- a. *Filing fees.* The Clerk's Office shall collect all applicable statutory filing fees for documents filed by means of the EFM. The EFM shall also allow the filing of documents for which a filing fee is not required.
- b. *Payment of Fees.* Whenever documents are filed electronically that require the payment of a filing fee, the person who files the documents shall provide at that time, for payment of the fee:
 - i. such credit or debit card information as shall be required at the Website to permit a card to be charged by the Clerk's Office; or
 - ii. such information as shall be required at the Website to permit an automated clearing house (ACH) debit to be made; or
 - iii. any other form of payment authorized by the Clerk.
- c. *Vendor as Clerk's agent.* The Clerk may permit the vendor to act as a limited agent for the Clerk for the purpose of collecting required filing fees from the filer through direct billing of the filer, unless the payment of the fee has been waived by court order or law. Any mandated filing fees collected by the vendor shall be transmitted to the Clerk's Office at the end of each business day.
- d. *Vendor service fees.* Fees charged to filers by the vendor for vendor services are solely the property of the vendor and are in addition to any statutory fees associated with statutory filing fees.

10. Electronic Signatures

- a. Any document electronically signed pursuant to this section shall comply with all applicable laws and rules regarding original signatures on court documents and shall be subject to applicable sanctions.
 - i. Each electronically filed document shall bear a facsimile or typographical signature of the attorney or pro se party authorizing such filing.
 - ii. Documents containing signatures of third parties may be filed electronically and shall bear a facsimile or typographical signature.
- b. If a document requires the signature(s) of one or more persons not a party to the case or not registered for electronic filing (*e.g.*, settlement agreement with a *pro se* party, or a witness' affidavit), the filing party or attorney must confirm that all such persons required to sign the document approve it:
 - i. Original signatures of all non-electronic filers must be obtained before filing the document;
 - ii. The document must indicate the identity of each non-registered signatory; and
 - iii. The filing party must retain the original document until one year after the date that the judgment has become final by the conclusion of direct review or the expiration of the time for seeking such review.
- c. In the absence of facsimile or typographical signature, any document electronically filed with a user ID and password issued by the Clerk's Office shall be deemed to have been signed by the registered filer to whom the user ID and password are registered.
- d. All actions of judges and hearing officers shall be authenticated.

11. Electronic Service, Proof of Service, Effective Date of Service

- a. *Consent required.* Documents may be served by means of the EFM to the e-mail address of a registered filer who has consented to electronic service. If a registered filer has not consented to electronic service, service shall be made on that filer as otherwise provided by rule or statute. The electronic service of a pleading or other document on a consenting filer shall be

considered as valid and effective service and shall have the same legal effect as conventional service.

b. *Date of Service.* The effective date of electronic service shall be determined pursuant to Ill. S. Ct. R. 12(f) (eff. Jan. 4, 2013).

c. *Proof of service.* When a document is served electronically, proof of service shall be filed with the Clerk's Office and served on all parties. Proof of electronic service must comply with all applicable rules, orders, and laws, and shall be filed with the document in question when that document is electronically filed. The certificate of service for electronically served documents shall include the following:

- i. an e-mail address for the filer and the recipients;
- ii. the number of pages in the transmission;
- iii. a statement that the document was electronically served; and
- iv. the date and time of electronic service transmission.

12. **Clerk's Recordkeeping.** Electronically filed documents shall be maintained in accordance with the Clerk's policy on the retention and maintenance of court records.

13. **Access to Electronically Filed Documents**

a. The Clerk's Office shall make available for inspection and copying printed copies of any electronically filed document as maintained in the official court record. Copies of electronically filed documents shall be made available to the public at the same cost as charged for copies of documents filed in the conventional manner.

b. Consistent with the Illinois Supreme Court's "Electronic Access Policy for Circuit Court Records of the Illinois Courts," the Clerk may permit public access to the electronic forms or images of electronically filed documents only through public access computer terminals located in the Clerk's office locations. These public access terminals do not permit the data, documents, images or information to be downloaded or exported in electronic form.

c. Unofficial versions of electronically filed documents can be accessed via the electronic filing website, subject to the following restrictions:

- i. only a registered and authorized filer shall be allowed remote, electronic access to electronically filed documents; and
- ii. the registered and authorized filer shall be permitted to remotely access electronically filed documents only in cases where the filer is a party representing himself or herself or is an attorney that has entered an appearance on behalf of a party.

14. **Construction.** This order shall be liberally construed so as to facilitate electronic filing.

This order supersedes General Administrative Order 2012-10, dated December 28, 2012.

Dated this 29th day of March, 2013, and effective April 1, 2013. This order shall be spread upon the records of this court and published.

Enter:

Timothy C. Evans
Chief Judge
Circuit Court of Cook County



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