

Ninth Circuit Electronic Filing Rules

I GENERAL

A. AUTHORITY

On January 22, 2016, the Supreme Court amended M.R. 18368, mandating electronic filing in civil case types effective January 1, 2018, through the utilization of a centralized electronic filing manager (EFM) authorized by the Supreme Court. Until the Order becomes effective, the Ninth Judicial Circuit will permissively accept the electronic filing of documents in civil cases effective immediately through the use of the Supreme Court's EFM.

B. EFFECTIVE DATE

- (a) These rules shall become effective on October 1, 2017, and remain in effect until further order of this Court, or until the effective date of Illinois Supreme Court Order M.R. 18368 filed January 22, 2016.
- (b) Effective July 1, 2018, all filings will be filed with the E-fileIL system and shall make available remote access through SearchI in accordance with Supreme Court Order.

C. DESIGNATION OF ELECTRONIC FILING

- (a) This Court hereby authorizes electronic filing in all civil case types as authorized by the Supreme Court. The Circuit Court Clerk, with the concurrence of the Chief Circuit Judge, shall direct the phasing in of case types during implementation of permissive electronic filing through the EFM.
- (b) Wills or other testamentary documents shall not be accepted for filing electronically. Any unapproved case or document type filed electronically by a filer may be rejected by the Clerk of the Court.
- (c) Incarcerated self-represented litigants are exempt from mandatory e-filing requirements but may do so if available to them at their facility.

D. DEFINITIONS

The following terms in these rules are defined as follows:

1. Conventional Filing - The filing of paper documents or information with the Clerk of the Circuit Court.
2. Electronic Document (E-document) - An electronic file containing informational text.
3. Electronic Filing (E-filing) - An electronic transmission of information or documents between EFSP and the Clerk of the Circuit Court for the purposes of case processing.
4. Electronic Filing Manager (EFM) - The service approved by the Supreme Court and used by circuit courts to manage the flow of documents and data among registered filers, court clerks & personnel, and the judiciary. (<http://efile.illinoiscourts.gov>)

5. Electronic Filing Service Provider (EFSP) - Web portals operated by independent companies that collect filings from filers and transmit them to the EFM.
6. Electronic Image (E-image) - an electronic representation of a document or information that has been transformed to a graphical or image format.
7. Electronic Service (E-service) - An electronic transmission of documents to a party, attorney or representative in a case. However, E-service is not capable of conferring jurisdiction under circumstances where personal service is required as a matter of law.
8. Electronic Signature (E-signature) - Symbols or other data form attached to an electronically transmitted document as authentication of the sender's intent to sign the document.
9. Filer - An individual who has registered a username and password with the Electronic Filing Manager.
10. Portable Document Format (PDF) - A file format that preserves all fonts, formatting, colors, and graphics of any source document regardless of the application platform used.
11. Rejection - The court clerk may reject any electronic filing for any procedural or technical nonconformance and shall identify the deficiency to be corrected to the filer. No rejection shall take place until the court approves the rejection and suggested change.

II AUTHORIZED USERS

- (a) All filers shall register with the EFM through an authorized EFSP, prior to filing any document electronically.
- (b) To facilitate electronic filing, the Clerk of the Circuit Court shall provide a computer workstation for use for any filer to register and file electronic documents.

III METHOD OF FILING

- (a) The Circuit Court hereby encourages electronic filing, although conventional filings in these case types will continue to be accepted until September 30, 2017.
- (b) The method of filing shall not affect the right of access to court documents. The Clerk shall maintain public access viewing terminals to allow electronic records and electronic documents to be displayed to the public. Electronic access and dissemination of court records shall be in accordance with the Electronic Access Policy for Circuit Court Records of the Illinois Courts.

IV FILING OF EXHIBITS

Physical items for which a photograph may be substituted may be electronically imaged and E-filed. Items not conducive to electronic filing, such as physical exhibits for which an image will not suffice shall be filed in their physical form at the Clerk's office or in the courtroom, as directed by order of court and in conformity with the Supreme Court's Order M.R. 18368 filed

January 22, 2016. The Motion and Notice of Motion for permission to file any of these physical items may be done electronically.

V MAINTENANCE OF ORIGINAL DOCUMENTS

- (a) Anyone filing an electronic document that requires an original signature certifies by so filing, that the original signed document exists in the filing person's possession. Unless otherwise ordered by the Court, the filing party shall maintain and preserve all documents containing original signatures that are filed electronically. The filing party shall make those signed originals available for inspection by the Court, the Clerk of the Court or by other counsel in the case, upon 14 day notice. At any time, the Clerk of the Court may request from the filing party a hard copy of an electronically filed document, which shall be provided within 3 days upon reasonable notice.
- (b) All documents that are required to be maintained and preserved must be kept for one year after the appellate process period has been completed.

VI PRIVACY ISSUES

It is the responsibility of the filing party or counsel to insure that documents or exhibits filed electronically do not disclose previously or statutorily impounded or sealed information or private information as defined in Supreme Court Rule 15 and 138. The Clerk is not responsible for the content of filed documents and has no obligation to review, redact or screen any expunged, sealed or impounded information.

VII FORMAT OF DOCUMENTS

- (a) All electronically filed pleadings shall, to the extent practicable, be formatted in accordance with the requirements set by the EFM.
- (b) If a document exceeds the maximum size allowed, the filer will file multiple documents, each under the maximum file size. In such case, the filer will be responsible for dividing the document into appropriately sized parts. Except as otherwise provided, an e-filed document shall comply with current Supreme Court Rules, including but not limited to page and word limitations, page size, font type, margin width and font size.
- (c) Documents filed by attorneys that do not comply with the format specified by the applicable order, statute, or rule may be rejected. Documents filed by self-represented parties that do not comply with the format specified by the applicable order, statute, or rule shall be reviewed for acceptance by the Clerk's office prior to rejection.

VIII SIGNATURES AND AUTHENTICATION

Any document electronically signed pursuant to any Standards, Rule or Order satisfies Supreme Court Rules and statutes regarding original signatures on court documents. Where there is an original signature on a document to be e-Filed the filer shall so designate by placing a typographical signature on the e-Filed document (e.g. "/s/ Perry R. Mason").

IX TIME OF FILING, ACCEPTANCE BY THE CLERK AND ELECTRONIC FILING STAMP

- (a) Any document filed electronically shall be considered as filed with the Clerk of the

Circuit Court upon review and acceptance, and the transmission has been completed with the Clerk's electronic filing stamp.

- (b) The transmission date and time of transfer shall govern the electronic filing mark. Pleadings received by the Clerk before midnight on a day the Circuit Clerk's office is open shall be deemed filed that day. If filed on a day the Circuit Clerk's office is not open for business, the document will be deemed filed the next business day.
- (c) The EFM shall provide notification of receipt, acceptance, or rejection of electronically filed documents.
- (d) Upon acceptance by the clerk, the EFM shall apply the file stamp to the electronic document to reflect the date it was filed. Filings so endorsed shall have the same force and effect as documents file stamped in the conventional manner.

X ELECTRONIC SERVICE AND FILING PROOF OF SERVICE

- (a) Electronic service is not capable of conferring jurisdiction. Therefore regarding electronically filed cases, documents that require personal service to confer jurisdiction as a matter of law may not be served electronically, but must be served in the conventional manner.
- (b) E-service shall be made in accordance with Supreme Court Rule 12, and shall be deemed complete at the posted date and time of transmission listed by the E-service vendor. The electronic service of a pleading or other document shall be considered as valid and effective service on all parties and shall have the same legal effect as personal service of an original paper document. Service that requires jurisdictional attachment are subject to Rule X (a).
- (c) All filers must immediately notify other parties, the Clerk and the EFM of any change of name, address, phone or fax number, or E-mail address.
- (d) Courtesy copies of documents customarily required to be provided to the Court shall continue to be required in E-file cases and may be delivered to the appropriate Judge at their 9th Judicial e-mail address, delivered personally or by mail, absent a specific court order to the contrary.
- (e) Service of documents on parties not registered as an E-filing or E-service participant shall be made as otherwise provided by order, rule, or statute.

XI COLLECTION OF FEES

- (a) The payment of statutory filing fees to the Clerk of the Court in order to achieve valid filing status, unless otherwise waived, shall be as authorized through the EFM. No court or e-Filing vendor shall charge the filer a transaction or user fee to e-File.
- (b) When the electronic filing includes a request for waiver of court fees pursuant to Supreme Court Rule 298, payment of the requisite fees shall be stayed until the court rules on the petition.

XII SYSTEM OR USER ERRORS

In the case of a filing error, absent extraordinary circumstances, anyone prejudiced by the court's order to accept a subsequent filing effective as of the date filing was first attempted, shall be entitled to an order extending the date for any response, or the period within which any right, duty or other act must be performed.

XIII CRIMINAL CASE FILING

Filing of Criminal cases and Juvenile cases will be permitted to be filed permissively only after the case has been initiated and assigned a case number in accordance with Supreme Court Order. Permissive E-filing through E-fileIL does not include quasi-criminal case types: Traffic, Ordinance Violation, Conservation and Civil Law.