M.R. 3140

IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS

Order entered August 14, 2020.

(Deleted material is struck through, and new material is underscored.)

Effective immediately, Illinois Supreme Court Rule 9 is amended, as follows.

Amended Rule 9

Rule 9. Electronic Filing of Documents

(a) Electronic Filing Required. Unless exempt as provided in paragraph (c), 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 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 filer shall adhere to the procedures outlined in Rules 15, 138, and 364.

(c) Exemptions. The following types of documents in civil cases are exempt from electronic filing:

(1) Documents filed by a self-represented litigant incarcerated in a local jail or correctional facility at the time of the filing;

(2) Wills;

(3) Documents filed under the Juvenile Court Act of 1987;

(4) Documents filed by a person with a disability, as defined by the Americans with Disabilities Act of 1990, whose disability prevents e-filing; and

(5) Documents in a specific case upon good cause shown by certification. Good cause exists where a self-represented litigant is not able to e-file documents for the following reasons:

(i) no computer or Internet access in the home and travel represents a hardship; ~~or~~

(ii) a language barrier or low literacy (difficulty reading, writing, or speaking in English); ~~. Good cause also exists if~~

(iii) the pleading is of a sensitive nature, such as a petition for an order of protection or civil no contact/stalking order; or ~~.~~

(iv) a self-represented litigant tries to e-file documents but is unable to complete the process and the necessary equipment and technical support for e-filing assistance is not available to the self-represented litigant.

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SUPREME COURT
CLERK

A Certification for Exemption From 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 or by mail. The Certification for Exemption From E-filing and documents may also be filed by others means, such as e-mail, if permitted by the local court.~~—and include a certification under section 1-109 of the Code of Civil Procedure.~~ The court shall provide, and parties shall be required to use, a standardized form expressly titled "Certification for Exemption From E-filing" adopted by the Illinois Supreme Court Commission on Access to Justice. Judges retain discretion to determine whether good cause is shown. If the court 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.

Judges retain discretion to determine whether, under particular circumstances, good cause exists without the filing of a certificate, and the court shall enter an order to that effect.

(d) 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.

(1) 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.

(2) 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.

(e) 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.

(f) 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.

Adopted June 22, 2017, eff. July 1, 2017; amended Dec. 13, 2017, eff. immediately; amended Dec. 12, 2018, eff. immediately; amended Dec. 19, 2019, eff. Jan. 1, 2020; amended August 14, 2020, eff. immediately.

Committee Comments

(December 13, 2017)

(Revised August 14, 2020)

a. The implementation of electronic filing in Illinois courts should not impede a person's access to justice. 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. 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 through 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. ~~unless ordered otherwise by the court.~~