

IN THE
SUPREME COURT OF ILLINOIS

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CLERK OF THE
18TH JUDICIAL CIRCUIT
DU PAGE COUNTY, ILLINOIS

In re: Electronic Filing Pilot Project)
18th Judicial Circuit) M.R. 18368
DuPage County)
)

ORDER

In furtherance of its general administrative and supervisory authority to oversee the orderly development of practices and procedures in relation to the implementation of the Electronic Filing Pilot Project in the 18th Judicial Circuit, until further order of the Court, Administrative Order M.R. 18368 is hereby amended as follows:

1. Signatures

(a) Each electronically filed document, including every pleading, motion, and other paper, shall bear a facsimile or typographical signature of the attorney, or pro se party, authorizing such filing, and shall be deemed to have been signed by the individual identified. In the absence of a facsimile or typographical signature, any document electronically filed with a user identification and password issued by an authorized vendor, shall be deemed to have been signed by the holder of the user identification and password.

(b) Documents containing signatures of third parties may be filed electronically. They shall bear a facsimile or typographical signature.

(c) Signatures as defined in subparagraphs (a) and (b) above, satisfy Supreme Court Rules and statutes regarding signatures, and give rise to the application of available sanctions when appropriate.

(d) Electronic filing does not remove the need for signed original documents. The original signed documents that have been electronically filed pursuant to subparagraphs (a) and (b) above, shall be maintained and preserved by the filing party until at least one year following the completion of the appellate process, and shall be made available pursuant to order of Court.

(e) Where a Clerk is required to endorse a document, the typed name of the Clerk, affixed by the Clerk, shall be deemed to be the Clerk's signature on the electronic document.

(f) Anyone filing an electronic document that requires an original signature certifies by so filing, that the original signed document is in his/her possession and bears his/her original signature.

2. Time of Filing

(a) Regarding electronically filed cases, any document filed electronically with a vendor shall be considered filed with the Clerk of the Circuit Court upon review and acceptance and, the transmission is endorsed with the Clerk's electronic file stamp setting forth both date and time. Any document filed with a vendor on a day or at a time when the Clerk is not open for business, unless rejected by the Clerk, shall be file stamped at the beginning time of the Clerk's next business day. 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 time stamped in the conventional manner.

3. Service on other Parties and Counsel of Record

(a) Electronic service is not capable of conferring jurisdiction. Therefore, regarding electronically filed cases, only documents that do not require personal service as a matter of law may be served electronically through an e-file vendor. Parties and counsel of record that are vendor subscribers are deemed to have received service of all such documents by the properly addressed posting of the documents on the vendor's Internet system. If the party to be served is not a subscriber of an authorized vendor, service may be made by facsimile transmission. Conventional service shall be used if neither Internet nor facsimile service is available.

(b) E-service and facsimile service shall be deemed complete at the posted date and time listed by the e-file vendor, and shall have the same legal effect as personal service. However, for the purpose of computing time for any other party to respond, any document served on a day or time when the Clerk is not open for business shall be considered served on the Clerk's next business day.

All other terms and conditions of Administrative Order M.R. 18368, entered October 22, 2003, and amended September 29, 2004, shall remain in full force and effect.

Order entered by the Court.

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OCT 28 2004

SUPREME COURT
CLERK