

# **Illinois Supreme Court**

**Orders, Notices, & Guidances  
pertaining to COVID-19  
(March 17, 2020 - May 22, 2020)**

IN THE  
SUPREME COURT OF ILLINOIS

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In re:	)	
	)	
Illinois Courts Response to	)	
COVID-19 Emergency	)	M.R. 30370
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Order

On March 9, 2020, Governor Pritzker declared a State of Emergency in response to the novel coronavirus (COVID-19). On March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency. Pursuant to the general administrative and supervisory authority vested in the Supreme Court under Article VI, Section 16 of the Illinois Constitution, Illinois appellate and circuit court procedures and orders entered in response to this ongoing threat of COVID-19 shall be consistent with the following guidelines in order to protect the health and safety of court patrons, staff, judges and the general public:

- A. All Illinois courts shall continue to establish and periodically update, as necessary, temporary procedures to minimize the impact of COVID-19 on the court system, while continuing to provide access to justice. These procedures shall be consistent with each appellate and circuit court Emergency Preparedness Continuity of Operations Plan (EP-COOP) and its operational plan for essential court functions. Each court shall immediately provide its orders and other communications on temporary procedures to the Supreme Court through its Administrative Office of the Illinois Courts. The Supreme Court Communications Office will post information on the Court's website.
- B. Essential court matters and proceedings shall continue to be heard by the Illinois courts. If feasible and subject to constitutional limitations, essential matters and proceedings shall be heard remotely via telephone or video or other electronic means.
- C. All non-essential court matters and proceedings should be continued or, where possible, conducted remotely via telephone or video or other electronic means.
- D. Subject to constitutional limitations, all courts, in any civil or criminal case, may:
  - 1. Modify or suspend any deadlines and procedures, whether prescribed by local rule or order, for a stated period ending no later than 30 days after the Governor's state of emergency declaration has been lifted.

2. Consider as evidence sworn statements made out of court or sworn testimony given remotely, out of court, by teleconference, videoconference, or other means.
  3. Require every participant in a proceeding to alert the court if the participant has or knows of another participant who has been diagnosed with COVID-19.
  4. Take any other reasonable action to avoid exposing court proceedings to the threat of COVID-19.
- E. Until further order, the Supreme Court temporarily suspends the operation of any Supreme Court Rules to the extent they are contrary to any provisions of this order.
- F. Individuals, including judges, court staff, parties, attorneys, jurors and witnesses, should not enter any courthouse if they:
1. Have traveled, within the last 21 days, to any country designated by the United States Centers for Disease Control (CDC) as high-risk locations for transmission of COVID-19;
  2. Reside or have close contact with anyone who has traveled to any country designated by the CDC as high-risk locations for transmission of COVID-19;
  3. Have been directed to quarantine, isolate or self-monitor at home by any medical provider;
  4. Have been diagnosed with, or have had close contact with anyone diagnosed with, COVID-19; or
  5. Have flu-like symptoms including fever, cough or shortness of breath.
- G. All courts should implement temporary reductions in courthouse staffing while maintaining core functions and essential court operations. Temporary suspension or relaxation of leave policies may be necessary. To the extent feasible, court staff able to conduct work remotely should do so.

Order entered by the Court.



IN WITNESS WHEREOF, I have hereunto  
subscribed my name and affixed the seal  
of said Court, this 17th day of March,  
2020.

*Carolyn Taft Gosbell* Clerk,  
Supreme Court of the State of Illinois

IN THE  
SUPREME COURT OF ILLINOIS

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In re:

Illinois Courts Response to  
COVID-19 Emergency

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M.R. 30370

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Order

In light of the ongoing public health concerns relating to COVID-19, the deadlines to file the following documents in the Supreme Court are temporarily extended as follows:

1. The deadline to file any petition for leave to appeal due on or after the date of this order is extended from 35 days to 70 days from the date of the appellate court judgment, order denying a petition for rehearing, entry of judgment on rehearing, opinion filed upon granting a motion to publish or entry of an order denying a motion to publish (hereinafter “appellate court judgment”).
2. Unless otherwise ordered, the appellate court is directed to hold its mandates for 70 days from the appellate court judgment. To make clear, this directive applies to cases where the appellate court judgment was entered 35 days before the date of this order.
3. Except in cases where the Court previously granted an extension that was marked “final”, the deadline to file appellant and appellee briefs due on or after the date of this order is extended by 35 days, for a total of 70 days.
4. The deadline for filing a petition for rehearing due on or after the date of this order is extended by 21 days, for a total of 42 days.
5. The Court’s notification on March 18, 2020, relaxing the requirement in the Court’s Electronic Filing Procedures and User Manual to give parties 14 days instead of

the usual five days to provide the Court paper copies of specified e-filed documents is extended for documents e-filed through April 7, 2020.

These modifications will remain in effect until further order of the Court.

Order entered by the Court.



IN WITNESS WHEREOF, I have hereunto  
subscribed my name and affixed the  
seal of said Court, this 24th day of  
March, 2020.

*Carolyn Taft Gusboell* Clerk,  
Supreme Court of the State of Illinois

IN THE  
SUPREME COURT OF ILLINOIS

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In re:

Illinois Courts Response to  
COVID-19 Emergency

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Order

In light of the ongoing public health concerns relating to COVID-19 and the Governor of Illinois' extension of prior Executive Orders entered in response to COVID-19, including Executive Order 2020-10 ordering all individuals currently living in the State of Illinois to stay at home or at their place of residence through April 30, 2020, it is ORDERED that;

The Court's order of March 24, 2020 extending the relaxation of the requirement in the Court's Electronic Filing Procedures and User Manual to give parties 14 days instead of the usual five days to provide the Court paper copies of specified documents e-filed through April 7, 2020, is amended to further suspend the paper copy requirement until further order of the Court.

Order Entered by the Court.



IN WITNESS WHEREOF, I have hereunto  
subscribed my name and affixed the  
seal of said Court, this 2nd day of April,  
2020.

*Carolyn Taft Gosbell* Clerk,  
Supreme Court of the State of Illinois

IN THE  
SUPREME COURT OF ILLINOIS

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In re:

Illinois Courts Response to  
COVID-19 Emergency/  
Impact on Trials

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M.R. 30370

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Order

In the exercise of the general administrative and supervisory authority over the courts of Illinois conferred on this Court pursuant to Article VI, Section 16 of the Illinois Constitution of 1970 (Ill.Const.1970, art. VI, sect. 16), and in view of the state of emergency that has been declared by the Governor of the State of Illinois in order to prevent the spread of the coronavirus, IT IS HEREBY ORDERED that the Court's order of March 20, 2020 is amended to read:

The Chief Judges of each circuit may continue trials until further order of this Court. In the case of criminal proceedings, any delay resulting from this emergency continuance order shall not be attributable to either the State or the defendant for purposes of section 103-5 of the Code of Criminal Procedure of 1963 (725 ILCS 5/103-5 (West 2018)). In the case of juvenile delinquency proceedings, any delay resulting from this emergency continuance order shall not be attributable to either the State or the juvenile for purposes of section 5-601 of the Illinois Juvenile Court Act (705 ILCS 405/5-601 (West 2018)).

Order entered by the Court.



IN WITNESS WHEREOF, I have hereunto  
subscribed my name and affixed the seal  
of said Court, this 3rd day of April, 2020.

*Carolyn Taft Gusbell* Clerk,  
Supreme Court of the State of Illinois

IN THE  
SUPREME COURT OF ILLINOIS

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In re:	)	
	)	
Illinois Courts Response to	)	
COVID-19 Emergency/	)	M.R.30370
Impact on Trials	)	
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Order

In the exercise of the general administrative and supervisory authority over the courts of Illinois conferred on this Court pursuant to Article VI, Section 16 of the Illinois Constitution of 1970 (Ill. Const. 1970, art. VI, sec. 16); in view of the state of emergency that has been declared by the Governor of the State of Illinois in order to prevent the spread of the novel coronavirus; and in the interests of the health and safety of all court users, staff, and judicial officers during these extraordinary circumstances, and to clarify this Court's orders of March 20, 2020 and April 3, 2020, IT IS HEREBY ORDERED that the Court's orders of March 20, 2020 and April 3, 2020 are amended as follows:

The Chief Judges of each circuit may continue trials until further order of this Court. The continuances occasioned by this Order serve the ends of justice and outweigh the best interests of the public and defendants in a speedy trial. Therefore, such continuances shall be excluded from speedy trial computations contained in section 103-5 of the Code of Criminal Procedure of 1963 (725 ILCS 5/103-5 (West 2018)) and section 5-601 of the Illinois Juvenile Court Act (705 ILCS 405/5-601 (West 2018)). Statutory time restrictions in section 103-5 of the Code of Criminal Procedure of 1963 and section 5-601 of the Juvenile Court Act shall be tolled until further order of this Court.

Order entered by the Court.



IN WITNESS WHEREOF, I have hereunto  
subscribed my name and affixed the seal  
of said Court, this 7th day of April, 2020.

*Carolyn Taft Gosbell*

Clerk,  
Supreme Court of the State of Illinois



IN THE  
SUPREME COURT OF ILLINOIS

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In re:

Illinois Courts Response to  
COVID-19 Emergency/  
Impact on Post-Judgment  
Proceedings

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M.R.30370

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Order

In the exercise of the general administrative and supervisory authority over the courts of Illinois conferred on this Court pursuant to Article VI, Section 16 of the Illinois Constitution of 1970 (Ill. Const. 1970, art. VI, sec. 16); and in view of (a) the actions that have been taken by the Governor of the State of Illinois in response to the outbreak of the novel coronavirus (COVID-19), including (i) declaring all counties in the State of Illinois a disaster area, (ii) ordering all individuals currently living in the State to stay at home or their place of residence, and (iii) issuing Executive Order 2020-25 suspending the service of garnishment summonses, wage deduction summonses, and citations to discover assets (“supplemental proceedings”) on consumer debtors or consumer garnishees, and (b) the continuance or curtailment of non-essential court matters, including supplemental proceedings, throughout the State in accordance with the order issued by this Court on March 17, 2020,

IT IS HEREBY ORDERED:

1. For the purposes of this Order:
  - a. “Covered Supplemental Proceedings” refers to garnishment proceedings under 735 ILCS 5/12-701 *et seq.*, and citation proceedings under 735 ILCS 5/2-1402, arising out of a judgment that is exclusively against natural persons.
  - b. “Garnishee” refers to a depository financial institution that has been served with a garnishment summons under 735 ILCS 5/12-705 in a Covered Supplemental Proceeding.
  - c. “Citation Respondent” refers to a depository financial institution that has been served with a citation under 735 ILCS 5/2-1402 in a Covered Supplemental Proceeding.

2. With respect to all Covered Supplemental Proceedings in which a summons or citation directed to a depository financial institution was served after March 8, 2020, or had an original return date between March 8, 2020, and the date of termination of the Gubernatorial Disaster Proclamations:
  - a. If the Garnishee or Citation Respondent holds personal property of a judgment debtor who is a natural person, other than in a business account, and the value of that property exceeded \$4,000 (the amount of the personal property exemption contained in 735 ILCS 5/12-705 and 735 ILCS 5/2-1402(b)(1)) when a garnishment summons was served, or any time after a citation was served, the lien imposed by 735 ILCS 5/12-707 or 735 5/2-1402(m), respectively, shall not apply to \$4,000 of the judgment debtor's property held by the Garnishee or Citation Respondent, and the Garnishee or Citation Respondent shall release to the judgment debtor property valued at \$4,000 that the Garnishee or Citation Respondent may have frozen, withheld, or seized.
  - b. If the Garnishee or Citation Respondent holds personal property of a judgment debtor who is a natural person, other than in a business account, and subparagraph (a) is inapplicable, the Garnishee or Citation Respondent shall release to the judgment debtor any property of the judgment debtor that the Garnishee or Citation Respondent may have frozen, withheld, or seized.
  - c. Nothing in subparagraphs (a) or (b) either affects the validity of any orders entered in Covered Supplemental Proceedings after March 8, 2020, or prevents the subsequent modification of vacatur of any such orders.
3. Regardless of the date of service or return date associated with a garnishment summons or citation in a Covered Supplemental Proceeding, a Garnishee or Citation Respondent shall release funds that the Garnishee or Citation Respondent has frozen, withheld, or seized, without the need for a court order, in accordance with direction from counsel for the judgment creditor sent by e-mail, United States mail, third-party commercial carrier, or personal delivery.
4. Paragraph 2 does not affect the obligation of Garnishees or Citation Respondents to file answers to garnishment summons or citations to discover assets. Such answers shall, among other things, disclose the amount of any funds that the Garnishee or Citation Respondent released to the judgment debtor pursuant to Paragraph 2. Garnishees or Citation Respondents that released funds to judgment debtors pursuant to Paragraph 2 after having filed an answer shall file an amended answer disclosing that information.

5. Nothing in Paragraph 2 shall prevent a judgment debtor from establishing that additional exemptions apply to property of the judgment debtor in the possession of a Garnishee or Citation Respondent.
6. In accordance with this Court's March 17, 2020 order providing that essential court matters and proceedings shall continue to be heard by the Illinois Courts, the Chief Judge of each circuit is encouraged to ensure that a means exists for the prompt hearing and disposition of emergency motions in Covered Supplemental Proceedings.
7. This Order does not:
  - a. Relieve a judgment debtor of any liability;
  - b. Apply to wage deduction proceedings under 735 ILCS 5/12-801 *et seq.*, or to citation proceedings directed at wages pursuant to 735 ILCS 5/2-1402;
  - c. Apply to supplemental proceedings arising out of domestic support obligations, including child support and spousal maintenance obligations;
  - d. Prevent entry of agreed orders between the parties related to any Covered Supplemental Proceedings; or
  - e. Affect the validity of any agreed orders entered prior to the effective date of this Order.
8. This Order shall remain in effect until the suspension of service of summonses and citations in supplemental proceedings, pursuant to Executive Order 2020-25, is no longer in effect.

Order entered by the Court.



IN WITNESS WHEREOF, I have hereunto  
subscribed my name and affixed the seal  
of said Court, this 24th day of April, 2020.

*Carolyn Taft Gosbell* Clerk,  
Supreme Court of the State of Illinois

In re:

M.R.30370

(5) Time spent at a remote electronic means deposition in addressing necessary

technology issues shall not count against the time limit for the deposition set by Rule 206(d), by stipulation, or by court order.

(6) No recording of a remote electronic means deposition shall be made other than the recording disclosed in the notice of deposition.

Amended September 8, 1975, effective October 1, 1975; amended January 5, 1981, effective February 1, 1981; amended July 1, 1985, effective August 1, 1985; amended June 26, 1987, effective August 1, 1987; amended June 1, 1995, effective January 1, 1996; amended October 22, 1999, effective December 1, 1999; amended February 16, 2011, effective immediately; amended Dec. 29, 2017, eff. Jan. 1, 2018; amended Sept. 26, 2019, eff. Oct. 1, 2019; temporarily amended Apr. 29, 2020, eff. immediately.

Committee Comments  
(April 29, 2020)

Paragraph (h)

Where a deponent testifies from a remote location and no neutral representative or representative of an adverse party is present in the room with the testifying deponent, care must be taken to ensure the integrity of the examination. The testifying deponent may be examined regarding the identity of all persons in the room during the testimony. Where possible, all persons in the room during the testimony should separately participate in the videoconference. In furtherance of their obligations under Illinois Rules of Professional Conduct 3.3 (Candor Toward the Tribunal), 3.4 (Fairness to Opposing Party and Counsel), and 8.4(d) (Misconduct), counsel representing a deponent should instruct the deponent that (a) he or she may not communicate with anyone during the examination other than the examining attorney or the court reporter and (b) he or she may not consult any written, printed, or electronic information during the examination other than information provided by the examining attorney. Unrepresented deponents may be similarly instructed by counsel for any party.

Order entered by the Court.



IN WITNESS WHEREOF, I have hereunto  
subscribed my name and affixed the seal of  
said Court, this 29th day of April, 2020.

*Carolyn Taft Gosbell* Clerk,  
Supreme Court of the State of Illinois



## Supreme Court of Illinois

April 21, 2020

### **ILLINOIS SUPREME COURT TO HOLD MAY ORAL ARGUMENTS VIA ZOOM**

The Illinois Supreme Court, for the first time in its history, will hold oral arguments via the Zoom videoconference platform when it hears cases in May. The Court is doing this to practice social distancing while still conducting court proceedings during the COVID-19 pandemic.

“These are extraordinary times, but what we have found is that we can keep our traditions the same. Holding oral arguments via Zoom would have sounded beyond our abilities a few months ago, but now feels almost normal,” Chief Justice Anne M. Burke said. “The Court has found that a lot of our regular work – including oral arguments – can be done remotely while still keeping people safe from COVID-19.”

The court is scheduled to hear four cases on May 12, four cases on May 13 and three cases on May 14. Oral arguments will begin at 9 a.m. each day. The Call of the Docket for the May 2020 Term is available on the Court’s website by [clicking here](#).

Court personnel will schedule training sessions with counsel so they can learn what to expect and answer any questions counsel might have related to the virtual proceedings.

The public is invited to attend oral arguments via livestream on the Court’s YouTube page by [clicking here](#).

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**(FOR MORE INFORMATION, CONTACT: Chris Bonjean, Communications Director to the Illinois Supreme Court at 312.793.2323 or [cbonjean@illinoiscourts.gov](mailto:cbonjean@illinoiscourts.gov).)**

## **Supreme Court of Illinois Zoom Oral Argument Best Practices**



This guide will help you with your upcoming Zoom remote oral argument before the Supreme Court of Illinois. Please note that this guide is in addition to the Court's regular oral argument protocols and rules, which are included as attachment A. We recognize that you may not be able to follow all of these tips, but if you use as many as you can, the argument will be smoother. A quick Zoom checklist is included as attachment B.

### **Prior to the Zoom Oral Argument**

The Court uses Zoom for remote oral argument sessions. If you have never used Zoom before, the Zoom App can be downloaded to your computer free from the following URL.

Zoom App: [https://zoom.us/download#client\\_4meeting%20](https://zoom.us/download#client_4meeting%20)

If downloading to a mobile device, go to your Mobile Device App Store and download "Zoom Cloud Meetings".

Become familiar with Zoom videoconferencing software. There are many resources available for training, including Zoom's own [quick start guide](#) for new users. It explains how to sign up for a Zoom account and how to join a test meeting to check your audio and video. YouTube is also an excellent resource for video tutorials covering every aspect of Zoom.

Join the Oral Arguments using the Zoom Meeting ID that will be provided by the Clerk's office. We recommend that, if possible, you download the Zoom application onto a smart phone or other device that connects to a data plan

as a backup. This is because, if there are internet interruptions, a smart device might be a better solution for you.

It is important to test the computer, audio, video, and internet connection technology you will use during the oral argument. A hardwired internet connection using a cable is preferable to relying on a wireless connection for the oral argument. For the best audio and video quality use a desktop or laptop computer with a built-in or external USB webcam with microphone, rather than a tablet or mobile phone. Some users prefer the audio quality achieved using headphones, headsets, or earbuds with built-in microphones, but also consider how that will affect the visual presentation. Whatever computer, audio, or video equipment you use, test the equipment in the same location and under the same conditions that you will encounter during oral argument.

Zoom has a virtual background feature (see [guide to using virtual backgrounds](#)) that enables you to use a photograph as your background. Although there are only a few (and mostly inappropriate) default backgrounds on Zoom, you can Google “Zoom backgrounds” and almost any subject matter and discover a broad array of possibilities that you can select and download. The virtual background feature may not work on older computers if you do not have a green screen behind you. If you want to use a virtual background feature, test it using the same lighting, background, and clothing that you will use on the day of oral argument. And to be safe, check with the court personnel to make sure your selected virtual background is acceptable.

Zoom displays your name in the lower left-hand corner of the video frame. You can change your name by either editing your Zoom profile or by clicking on “Participants” in a Zoom meeting, choosing your name from the list, and then renaming yourself.

To maintain a strong connection, please close out of all other applications on your computer, such as browsers and your email/calendar. This will also



prevent any applications from inadvertently making sounds during the argument (such as email chimes). Please silence all other electronic devices.

## **Test Session**

Court personnel will contact you a few days before your scheduled oral argument to set up a test meeting. During this test meeting, court personnel will go over the details of the Zoom oral argument. These details may include:

- who will host the Zoom oral argument session (i.e. who will send the link to and run the Zoom session);
- how oral arguments will be conducted over Zoom, including:
  - how time will be kept and displayed to the participants;
  - how audio and video should be treated during the argument, particularly for the advocate who is not speaking;
  - whether the arguments will be streamed live;
- when you will need to appear for arguments and how the waiting room will be handled;
- who will have responsibility for any concerns or problems that arise:
  - attorneys should provide an email address and mobile phone number to court personnel;
- who the contact person will be in the event of a technical problem, and the process for different technical issues.

Discuss with court personnel what to do if there are technical difficulties before or during oral argument. Make sure you know who to call or email if you need help. During the test session with court personnel, practice leaving the meeting and reconnecting to simulate what to do if there is an interruption in internet service or other technical issues. The Zoom oral argument invitation should also contain instructions for joining the meeting using a cell phone so that the argument can continue as a voice conference if necessary.

Conduct a Zoom moot court with your colleagues. Nothing will prepare you better for a Zoom oral argument than using Zoom during a moot court. If you encounter difficulties during your moot court, contact court personnel as soon as possible to discuss how you can resolve those issues prior to oral argument.

There are numerous tips on the internet to help you be effective during a video oral argument. Try this one, for example: [How to Look Better on Video Calls](#)

## **Lighting**

### ***Sit Facing a Light Source***

Sitting with your back to a window or bright light source reduces the video's quality by creating a harsh silhouette effect. Whenever possible, sit facing a window, a desk lamp, or another light source so that your face is well illuminated and clearly visible.

### ***Create a Three-Point Lighting Setup if You're in an Interior Room***

Think of a clock: if you're facing noon, try to position light sources at 11 and 2. Adding an overhead light rounds out a great three-point lighting setup — the go-to lighting kit for portrait photographers and videographers.

### ***Optimize Natural Light Sources if in a Room with Windows***

Natural daylight renders more accurate colors. If possible, setting up your conferencing system in a room with a lot of window light, unless it is behind you, helps to create a well-lit, professional setting.

### ***Use Soft Directional Light***

Avoid using bare bulbs in your video conference room lighting. A lampshade or a diffuser will reduce harsh shadows and soften the lighting in the room. Contrary to popular belief, the closer a light source is to a subject, the softer

the shadows will play on that subject: if a lamp is too harsh, bring it closer to you. This may help make your face clearer in the video.

### ***Use the Right Amount of Light***

It is important that there is plenty of light in the room to get maximum clarity. However, it is possible to have too much light. If your window is too bright, lower the blinds or move away from the window to avoid overexposure. If a light source, such as a lamp, is too bright, move it away from you or dim it with a shade. If possible, use multiple light sources pointed at your face to fill in shadows and to make the overall room lighting as even as possible.

### **Camera**

Locate your device's camera and make sure that it is it's uncovered for the oral argument. In other words, please, remove stickers, Post-Its, or sliders from covering the lens during the entire argument. Position the camera as close to eye level as possible rather than tilting your screen. Consider propping your device on books to elevate it. Make sure that your head and shoulders are visible on camera. Remember the Rule of Thirds. Position yourself to ensure your hairline and forehead are the top 1/3 of the display. Closer is better.



## During the Zoom Oral Arguments

### Zoom Waiting Room

When you join the oral arguments, you will be automatically placed in the waiting room. You will not see other participants. The Clerk will bring you into the conference from the waiting room to verify your attendance, then place you back in the waiting room. Once the Justices are ready to go, the Clerk will bring counsel into the oral argument conference — the opposite of our in-person oral arguments.

### Zoom v. Livestream Link

**Only attorneys presenting oral arguments will be moved from the waiting room to the oral argument conference.** Do not forward the Zoom link to others — co-counsel, represented parties, interested parties, etc., **should log into the live stream and watch from that link** (a link will be provided shortly before the argument). We are live-streaming and archiving these arguments just like we archive oral arguments held in the Supreme Court Building. All participants in the Zoom conference will be visible throughout the oral argument conference, and the fewer participants we have, the clearer both the audio and visual will be.

### **First steps when you are moved from the Waiting Room to the oral argument conference**

When you are moved from the waiting room to the conference, we recommend that you change your view from Speaker to Gallery. If you are using a smart phone, turn the phone horizontally to see more participants in the view.

Using the gallery view instead of the speaker view in Zoom will help you see all the Justices at once. This will more closely approximate standing in front of the bench as you would during an oral argument presented in the courtroom. When someone speaks, a yellow box surrounds that person's square. This will help you identify who is speaking to avoid having multiple

people speak at once. Keep in mind that even though the square of someone who is speaking illuminates in a yellow border, that feature may activate because of a sigh or shuffling papers. So just because a square illuminates in yellow does not necessarily mean that a Justice is asking a question and you need to stop. Wait until you hear the sound of a voice.

You will see the host as a timer. You will also see the seven Supreme Court Justices and all other attorneys who will be arguing.

The Marshal of the Supreme Court will gavel in the proceedings per usual.

### **Oral argument expectations:**

This oral argument is as real and as formal as if counsel were arguing in the Courtroom in the Supreme Court Building in Springfield. **Counsel should therefore dress professionally.**

During the argument, there may be a slight audio delay. If you do not stop talking immediately when you hear a justice speaking you will be talking over each other for a brief time.

### **Stay Calm**

We plan for the unexpected — and that is why we will do a test run with all counsel a week before the argument. If you suddenly lose connection or if you have issues with your audio, we may ask you to log out and to log back in. Don't panic, court personnel will walk you through the issues. The timer will be paused if any audio or visual problems arise. If your bandwidth gets stretched, the first thing Zoom will do is to limit your video. If you turn off your video, you often will regain sight of the rest of the conference participants. The audio portion is the most critical.

During oral arguments, if you have an issue, you may text or email Carolyn Taft Grosboll, Clerk of Court to ask for help:

217-741-7747 [cgrosboll@illinoiscourts.gov](mailto:cgrosboll@illinoiscourts.gov)

## Attachment A

The Supreme Court of Illinois will conduct its May 2020 Term oral arguments via an on-line platform known as Zoom.

On the day of your oral argument when your case is ready to be argued, the clerk will bring you out of the waiting room and the Chief Justice will “call” your case and then counsel may begin by stating your name and the party you represent.

Appellant’s Opening argument is 20 Minutes (amber light illuminates at 17 minutes; red light when time has expired).

Appellee’s opening argument is 20 Minutes (amber light illuminates at 17 minutes; red light when time has expired).

Appellant’s rebuttal is 10 minutes (amber light illuminates at 7 minutes; red light when time has expired).

If at any time during the oral argument counsel is answering a question from a justice, and the red light is illuminating continue responding to the question unless the Chief Justice interrupts and advises you that your time is expired.

While personal computers and other electronic devices may be used, counsel should take steps to ensure that those devices do not create any visual or audio disturbance.

Counsel should dress professionally.

## Attachment B

### Quick Zoom Checklist

1. Create a Zoom account;
2. Download the Zoom client or app;
3. Conduct a test meeting on Zoom to test your microphone and speakers;
4. Start a Zoom meeting as the host and invite friends to join your meeting;
5. Discuss your lighting, background, audio, and video in your test meeting;
6. Familiarize yourself with Zoom in your test meeting;
7. Watch Zoom tutorials on Zoom's website or YouTube if necessary;
8. Provide your contact information (email, cell phone number) to court personnel;
9. Participate in a test meeting with court personnel;
10. Create a group email and text group for your oral argument in case of technical difficulties;
11. Discuss with court personnel what to do if there are technical difficulties during the oral argument;
12. Practice disconnecting from and rejoining the Zoom meeting with court personnel;
13. Make sure you know who the host of the Zoom oral argument will be and when to expect the invitation for the Zoom session to be emailed to you;
14. Write down or print out the contact information for court personnel;
15. Participate in a moot court using Zoom;
16. Join the Zoom oral argument session at the appointed time.

IN THE  
SUPREME COURT OF ILLINOIS

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In re:

Illinois Courts Response to  
COVID-19 Emergency

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M.R. 30370

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Order

Article VI of the Illinois Constitution of 1970 vests the judicial power of our State in the Supreme Court, an Appellate Court, and the Circuit Courts. That constitutional grant of power creates a corresponding duty of service to the People of Illinois. To fulfill that duty, the judiciary's mission is to protect the rights and liberties of all by providing equal access to justice, resolving disputes, and upholding the rule of law. Those principles have always remained fundamental, even in times of crisis.

Article VI also gives general administrative and supervisory authority over the judicial branch to the Supreme Court. In the exercise of that authority, this Court has issued a series of orders governing court functions during the COVID-19 pandemic. The March 17, 2020 order directed Illinois courts to hear “essential court matters and proceedings.” The order further authorized courts to conduct both essential and nonessential matters and proceedings remotely, subject to constitutional and practical limitations.

Our concerns about the health and safety of all court users, staff, and judicial officers during these extraordinary circumstances are ongoing, and our duty to the People of Illinois is ever present. That duty requires courts to resume operations as quickly and fully as possible. Various approaches for doing so based on local public health data have emerged at the national and state levels. We have considered those approaches in charting a path forward.

Pursuant to the exercise of its general administrative and supervisory authority over all Illinois courts as conferred on this Court pursuant to Article VI, Section 16 of the Illinois Constitution of 1970 (Ill. Const. 1970, art. VI, sec. 16), IT IS HEREBY ORDERED:

Effective June 1, 2020, the Court's order of March 17, 2020, is modified so that each circuit may return to hearing court matters, whether in person or remotely, according to a schedule to be adopted for each county by the chief judge in each circuit. The circuit courts shall continue, to the extent possible, to allow for appropriate social distancing and attempt to reduce the number of persons appearing personally for court appearances.

The factors which may be considered by the chief judge in determining whether matters may be safely heard include, but are not limited to, the following: deadlines which apply to a case or class of cases; the length of time any applicable deadline has been suspended by order of the Supreme Court or the Circuit Court; applicable information from public health authorities; limitations in court facilities or staffing; and anticipated prejudice to any class of cases as a result of continued delay. Chief judges should also take into consideration the *Supreme Court Guidelines for Resuming Illinois Judicial Branch Operations During the COVID*



19 pandemic. Chief circuit judges should understand that local conditions may change, and their plans should contain contingencies in that event.

Local plans should continue to promote the use of remote hearings where appropriate. To the extent that the Court's order of March 17, 2020 prohibits in-person proceedings on non-essential matters, this provision is relaxed according to the plan adopted by the chief circuit judge in each circuit.

Additionally, the April 7, 2020, order regarding Illinois Courts Response to COVID-19 Emergency/Impact on Trials is modified to read as follows:

In the exercise of the general administrative and supervisory authority over the courts of Illinois conferred on this Court pursuant to Article VI, Section 16 of the Illinois Constitution of 1970 (Ill. Const. 1970, art. VI, sec. 16); in view of the state of emergency that has been declared by the Governor of the State of Illinois in order to prevent the spread of the novel coronavirus; and in the interests of the health and safety of all court users, staff, and judicial officers during these extraordinary circumstances, and to clarify this Court's orders of March 20, 2020 and April 3, 2020, IT IS HEREBY ORDERED that the Court's orders of March 20, 2020 and April 3, 2020 are amended as follows:

The Chief Judges of each circuit may continue trials until further order of this Court. The continuances occasioned by this Order serve the ends of justice and outweigh the best interests of the public and defendants in a speedy trial. Therefore, such continuances shall be excluded from speedy trial computations contained in section 103-5 of the Code of Criminal Procedure of 1963 (725 ILCS 5/103-5 (West 2018)) and section 5-601 of the Illinois Juvenile Court Act (705 ILCS 405/5-601 (West 2018)). Statutory time restrictions in section 103-5 of the Code of Criminal Procedure of 1963 and section 5-601 of the Juvenile Court Act shall be tolled until further order of this Court. This provision also applies when a trial is delayed when the court determines proper distancing and facilities limitations prevent the trial from proceeding safely. The judge in the case must find that such limitations necessitated the delay and shall make a record thereof.

Order entered by the Court.



IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Court, this 20th day of May, 2020.

*Carolyn Taft Gosbell*

Clerk,  
Supreme Court of the State of Illinois



## **SUPREME COURT GUIDELINES FOR RESUMING ILLINOIS JUDICIAL BRANCH OPERATIONS DURING THE COVID-19 PANDEMIC**

### **Introduction**

In response to the Supreme Court's March 17, 2020 order, Illinois Judicial Branch operations in courthouses and court facilities have been largely confined to emergency and essential matters. As directed by this order, courts across the state have adeptly responded to the COVID-19 pandemic and worked to balance public health and safety with access and openness.

As Illinois moves through the phases of this pandemic, our courts must plan for increased in-person access to the judicial system as restrictions are eased. The following guidance, referenced in the Supreme Court's M.R. Order 30370 entered May 20, 2020, is intended to provide courts with important considerations as they chart a path forward. The content also will help to standardize, to the extent possible, the information and communication provided by courts to lawyers, litigants, the media, and the public. While most of the provisions are applicable to trial courts, reviewing courts may find the content useful, as well.

These guidelines recognize that each jurisdiction is uniquely positioned to address COVID-19 challenges based on local conditions. The considerations highlighted here are offered as best practices to aid in the administration of justice while maintaining practices to mitigate risk of COVID-19 resurgence and protecting court personnel and the public.

It is also important to recognize that these considerations are fluid and courts will continuously need to identify and evaluate important novel issues that require further research, analysis, planning, and implementation. As such, this document will be reviewed and updated as necessary to inform on additional matters as the courts learn from their experiences and as conditions evolve throughout the remainder of the pandemic.

Whatever the new "normal" brings, a silver lining for the judicial branch is the culture shift in the effective use of video conference technology and remote work capacity. For those jurisdictions without resources to take advantage of these efficiencies, the Administrative Office of the Illinois Courts is exploring various options for enhanced statewide support of video conferencing and other remote technology.

## **I. Supreme Court's May 20, 2020 Order**

As noted in the Supreme Court's May 20, 2020 order, chief circuit judges are authorized to develop plans for resumption of court operations in their circuits. Plans for each circuit, which may even differ from county to county, should be based on the factors specified in the order and with due consideration to the guidelines in this document.

The local plans should continue to promote the use of remote hearings where appropriate. To the extent that the March 17, 2020, order prohibits in-person proceedings on non-essential matters, that provision is relaxed in accordance with a chief judge's local plan. This directive acknowledges both the successful use of remote hearings during the stay-at-home order and the reality that jurisdictions will need to take the appropriate amount of time to gradually resume holding matters in the courthouse. In most jurisdictions, this will be a slow process and the pace will be dependent on local conditions which may change rapidly.

The May 20, 2020, order also modifies the April 7, 2020, order which provides that chief judges may continue trials until further order of the Court. Such continuances remain excluded from speedy trial computations and statutory time restrictions are tolled until further order of the Court. The May 20 modification states that this provision also applies when a trial is delayed when the court determines proper distancing and facilities limitations prevent the trial from proceeding safely. The judge in the case must find that such limitations necessitated the delay and shall make a record thereof. This May 20 modification acknowledges the significant challenges most courts will immediately face in resuming trials at the courthouse, and jury trials in particular, in a manner that assures the safety of all participants.

## **II. Plan to Triage and Prioritize Cases**

During the remainder of the Governor's stay-at-home order and prior to termination of local administrative orders restricting access to the courthouses, judges and court staff should continue to plan and prioritize cases. If possible and where appropriate, judges should hold informational meetings with local bar associations (via Zoom or other video conference service) or hold smaller meetings with attorneys and litigants about their cases.

The May 20, 2020, order includes factors which may be considered by the chief judge in determining whether matters may be safely heard. These include: deadlines which apply to a case or class of cases; the length of time any applicable deadline has been suspended by order of the Supreme Court or the Circuit Court; applicable information from public health authorities; limitations in court facilities or staffing; and anticipated prejudice to any class of cases as a result of continued delay.

Courts should carefully consider data for each case type to determine capacity to manage the urgent matters and the extent of the backlog resultant from the pandemic, and plan accordingly. While this iterative process will vary greatly from jurisdiction to jurisdiction, some proceedings will be obvious priorities. As indicated in the May 20 order, chief circuit judges should understand that local conditions may change, and their plans should contain contingencies if restrictions on in-person court operations need to be resumed for the health and safety of personnel and court users.

### **III. Health and Safety of Court Personnel, Litigants and the Public**

Most individuals do not come to court by choice. As such, courts have a particularly compelling responsibility to make certain that courthouses are safe. Procedures that involve large numbers of individuals, such as summoning for jury duty, need to be implemented in a manner that not only assures safety but also makes individuals *feel* safe before and after they arrive at the courthouse. Public health authorities must inform these decisions, and local public health departments may have guidance specific to convening jurors and jury trials.

Courts will need to limit access to courtrooms and impose social distancing practices consistent with Centers for Disease Control (CDC) guidelines and local public health authorities. This will require an ongoing working relationship with local health departments to keep pace with COVID-19 case activity and the requirements for current conditions. Local health authorities will provide direction on the screening criteria that is appropriate for pandemic conditions in the court community.

All practical measures should be taken within the courthouse and courtrooms to ensure a clean environment and prevent the spread of the virus, including:

1. Within the courthouse, provide hand sanitizer at multiple locations within the courtroom, circuit clerk's offices, and public spaces.
2. Notify all entering the courthouse that wearing a mask/face covering is required (consistent with current public health requirements). If possible, have extra masks/face coverings on hand if someone arrives at the courthouse without one. Notices to come to court should advise recipients: (1) to bring a mask/face covering, (2) those without a mask/face covering will only be provided one IF they are available, and (3) if you have no mask/face covering and none are available at the courthouse, you may be refused entry.
3. Purchase plexiglass germ shields and install them in key locations, such as the circuit clerk's office, courtrooms, law library, etc. These can be secured with C-clamps for easy removal without causing permanent damage to counters, benches, desks, etc.
4. Establish routine protocols for disinfecting and cleaning any keyboards, desks, counters, written self-help materials, etc.
5. Enhance and increase regular courthouse cleaning schedules.

All possible measures should be taken within the courthouse and courtrooms to maintain social distancing consistent with current public health requirements:

1. Ask the local public health department to do an assessment of each courthouse and give recommendations about establishing traffic patterns for people entering the building and maintaining the required distance.
2. Evaluate where lawyers, bailiffs, parties, court reporters, and interpreters are situated within the courtroom and rearrange as necessary to maintain social distancing. If all necessary people cannot be in the courtroom at the same time while observing social distancing guidelines, consider having one or more parties join remotely from another location.
3. Use tape to mark required spacing for social distancing.
4. Subject to constitutional limitations, entry into the courthouse should be limited to lawyers and named parties. Self-represented litigants should be allowed to bring one friend or family member with them into the courthouse.

5. To ensure public access and health and safety, monitor the number of people entering and exiting the courthouse and provide entry to only a certain number of people at a time.
6. If represented by counsel, only require the litigant to appear when necessary.
7. Employ a system to facilitate social distancing and avoid crowding. Options include lawyers and litigants leaving a cellphone number and asked to wait in a place where social distancing can be observed. Another option is purchasing pager-type devices, similar to those used in restaurants, that can be distributed when litigants check-in.

#### **IV. Rethinking Court Appearances**

The restrictions associated with the pandemic, compounded by significant levels of backlogged cases, will challenge most courts for the foreseeable future. Particularly in larger jurisdictions, courts will need to continue to limit in-person matters until a plan can be implemented consistent with social distancing restrictions. The following are important options that courts should consider:

1. Hearing most cases and proceedings remotely, if possible, with limited exceptions, such as jury trials.
2. Requiring meaningful action at every court appearance, not just an opportunity for parties to exchange documents or schedule matters.
3. Holding matters such as status hearings, briefing schedules, uncontested matters, case management conferences, pre-trial conferences, motions, and bond calls remotely unless otherwise ordered.
4. Allowing all involved in a case to appear remotely, including the judge, circuit clerk, lawyers, parties, interpreters, and court reporters. Carefully consider who needs to come to court and for what reason.
5. Using interpreters remotely when possible. If interpreters must be used in-person, provide simultaneous interpreting equipment to allow interpreters to maintain the appropriate distance.
6. Providing clear instructions to parties about remote proceedings and determine how to ensure proceedings typically open to the public remain open.
7. Determining the number of staff required to be present within the courthouse and consider if their role can be done remotely.
8. Developing online parenting classes in English and Spanish.

Consider altering traditional work processes, for example:

1. Provide a process for how to electronically exchange what was traditionally provided in a paper/hard copy in advance of or during in-person court appearances, including sensitive documents such as social history, notice of probation violation, pre-sentence investigation, GAL report, etc. Consider the role secure and encrypted email can play in such exchanges.
2. Allow for e-signature on documents if consistent with Supreme Court Rules and orders.
3. Implement automatic briefing schedules.
4. Consider ruling on fully briefed matters without oral argument. If oral argument is necessary, hold it remotely where possible.

All possible measures should be taken to avoid large “cattle calls” or move them to a facility that allows for appropriate social distancing. Some suggested practices include:

1. Limiting the number of cases on each call and stagger the times (i.e. five cases at 9:00, 10:00, 11:00, 1:30, 2:30, 3:30, etc.).
2. Holding court outside of normal business hours upon the agreement of all participants.
3. Changing current schedules for more efficient assignment of cases, i.e. assigning certain types of cases to be heard on certain days/certain hours of the day or assigning certain types of matters to particular courtrooms.

All possible measures should be taken to ensure social distancing for juries. Some suggested practices include:

1. Limiting the number of jurors coming to the courthouse by better identifying the number likely needed for trials.
2. Identifying the largest courtrooms within your courthouse and holding jury trials there.
3. Considering allowing the jury to deliberate within the courtroom if jury deliberation rooms are not large enough.
4. Investigating the use of other, larger non-court facilities.

## **V. Maintaining a High Level of Assistance and an Open Court**

All possible measures should be taken so that court patrons have access to service during the pandemic. Suggested practices include:

1. Exploring ways that courts can:
  - a. Improve training and information sharing for front-line staff, like building security and those staffing the circuit clerk's office front desk, to ensure they can provide effective information and referrals to resources at that first point of contact.
  - b. Make resources and information for self-represented litigants available in the lobby or in one location so that the court patrons do not traverse the courthouse before finding the information they need.
  - c. Consider developing and utilizing a chatbot to provide the public with court assistance.
2. Investigating new models of service delivery such as:
  - a. Remote operation of courthouse help desks, self-help centers, and law libraries where practicable.
  - b. Providing e-filing help remotely, enabling remote "friend of the court" assistance, and filing by mail for litigants who qualify for an e-filing exemption.
  - c. Providing a mechanism for case participants experiencing difficulties connecting to their remote hearings to contact designated court staff, such as a phone number or online chat.
  - d. Utilizing a centralized hotline model for disseminating legal information.
  - e. Expanding or creating a new legal aid advice hotline
  - f. Exploring use of remote mediation, arbitration, and facilitation, as consistent with court rules, to potentially resolve cases.

## **Next Steps**

The pandemic will no doubt continue to present novel issues and challenges to the administration of justice for the foreseeable future. Court leadership teams should be certain to regularly meet with other local court stakeholders (prosecutors, public defenders, local bar associations, etc.) to evaluate and receive feedback on pandemic response in the court system. Identifying responses that worked well, in addition to opportunities for improvement, will facilitate local response plan improvements and incorporation of “lessons learned” into existing EP-COOP and separate pandemic-specific response plans.

In re:	)	
	)	
Illinois Courts Response to	)	
COVID-19 Emergency	)	M.R. 30370
	)	
	)	

On March 9, 2020, Governor Pritzker declared a State of Emergency in response to the novel coronavirus (COVID-19). On March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency. On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (P.L. 116-136) was passed by Congress and signed into law by the President of the United States. The CARES Act, section 4024(b), prohibits landlords of certain “covered dwellings” from initiating eviction proceedings against their tenants. These “covered dwellings” include rental properties with federal assistance or federally related financing. These protections extend for 120 days from the enactment of the CARES Act or through July 25, 2020.

Pursuant to the general administrative and supervisory authority vested in the Supreme Court under Article VI, Section 16 of the Illinois Constitution, Illinois appellate and circuit court procedures and prior orders of this Court:

- A. For the purpose of this order:
- a. “Covered dwelling” refers to a dwelling that (A) is occupied by a tenant (i) pursuant to a residential lease; or (ii) without a lease or with a lease terminable under State law; and (B) is on or in a covered property.
  - b. “Covered property” refers to any property that (A) participates in (i) a covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 ([34 U.S.C. 12491\(a\)](#))); or (ii) the rural housing voucher program under section 542 of the Housing Act of 1949 ([42 U.S.C. 1490r](#)); or (B) has a (i) Federally backed mortgage loan; or (ii) Federally backed multifamily mortgage loan.
- B. Effective immediately, in any eviction action involving a residential premises brought pursuant to the Eviction Act (735 ILCS 5/9), the plaintiff shall affirmatively state in the complaint or in a supporting affidavit whether the dwelling unit of which



the plaintiff seeks possession is a “covered dwelling” within the meaning of Section 4024(a)(1) of the CARES Act or Section 4024(a) (2) of the CARES Act. The plaintiff shall use the attached certification form in Appendix A or language substantially similar. This requirement shall remain in effect until August 24, 2020 or further order of the Court.

- C. For any eviction action involving a residential premises brought pursuant to the Eviction Act (735 ILCS 5/9) after March 27, 2020 and before this Order took effect, the plaintiff must amend the complaint or supplement it with a supporting affidavit stating whether the dwelling unit of which the plaintiff seeks possession is a “covered dwelling” within the meaning of Section 4024(a)(1) of the CARES Act or Section 4024(a)(2) of the CARES Act. The plaintiff shall use the attached certification form or language substantially similar. This requirement shall remain in effect until August 24, 2020 or further order of the Court.
- D. If the plaintiff fails to comply with paragraph (a), (b) or (c), the plaintiff must provide testimony under oath in open court as to whether the property is a “covered dwelling” as defined above before the case may proceed. This requirement shall remain in effect until August 24, 2020 or further order of the Court.
- E. If an eviction action is improperly brought involving a “covered dwelling” as defined in paragraph (a), and the eviction complaint alleges that the basis for termination is nonpayment of rent, the complaint shall be dismissed and the judge shall order the record sealed.

Order entered by the Court.



IN WITNESS WHEREOF, I have hereunto  
subscribed my name and affixed the  
seal of said Court, this 22nd day of May,  
2020.

*Carolyn Taft Gusbell* Clerk,  
Supreme Court of the State of Illinois

**APPENDIX A**  
IN THE CIRCUIT COURT OF THE \_\_\_\_ JUDICIAL CIRCUIT  
FOR \_\_\_\_\_ COUNTY, ILLINOIS

	)	
Plaintiff(s)	)	
	)	
v.	)	Case. No. _____
	)	
Defendant(s)	)	

**PLAINTIFF'S CARES ACT EVICTION CERTIFICATION**

NOTICE TO PLAINTIFF: Through August 24, 2020, Section 4024 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act prohibits filing certain evictions from "covered dwellings" if those dwellings are in "covered properties." In general, a "covered property" is any property that receives a federal rental subsidy or has a federally-backed / insured mortgage (such as Fannie Mae, Freddie Mac, or the FHA). If unsure, read the actual language of the Act before completing this certification.

I, [name], hereby state as follows:

1. I am ☐ the named plaintiff (or) ☐ an Agent of the named plaintiff.
2. The filing of this eviction case does not violate the CARES Act because:  
(check one)
  - A. ☐ The property is not a "covered property;" or
  - B. ☐ The property is a "covered property," but the eviction is otherwise allowed under the Act.

I certify that everything in this certification is true and correct. I understand that making a false statement is perjury and has penalties provided by law under 735 ILCS 5/1-109.

Sworn:

\_\_\_\_\_  
Plaintiff (or Agent)

\_\_\_\_\_  
Plaintiff's attorney (if any)

M.R. 3140

**IN THE  
SUPREME COURT  
OF  
THE STATE OF ILLINOIS**

Order entered May 22, 2020.

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

Effective immediately, Illinois Supreme Court Rule 185 is repealed and reserved, Rule 45 is adopted, and Rules 46 and 241 are amended, as follows.

**Repealed and Reserved Rule 185**

**Rule 185. ~~Telephone or Video Conferences~~ Reserved**

~~—Except as may be otherwise provided by rule of the circuit court, the court may, at a party's request, direct argument of any motion or discussion of any other matter remotely, including by telephone or video conference. The court may further direct which party shall pay any cost associated with the remote session.~~

~~Adopted April 1, 1992, effective August 1, 1992; amended Dec. 29, 2017, eff. Jan. 1, 2018.~~

**Committee Comments**

~~—This rule was adopted as part of a package of measures to increase the use of electronic and telephonic technology and to simplify and make more efficient motion and conference practices. The availability of this alternative procedure may be modified by local rule, inasmuch as telephone conferencing may not be the most efficient way to handle motions, etc., in some circuits or counties.~~

**New Rule 45**

**Rule 45. Participation in Civil or Criminal Proceedings by Telephone or Video Conferences**

The court may, upon request or on its own order, allow a case participant to participate in a civil or criminal matter remotely, including by telephone or video conference. Use of telephone or video conferences in criminal or juvenile delinquency matters shall be undertaken consistent with constitutional guarantees applicable to such proceedings.

The court may further direct which party shall pay the cost, if any, associated with the telephone or video conference and shall take whatever action is necessary to ensure that the cost of remote participation is not a barrier to accessing the courts.

**FILED**

**MAY 22 2020**

**SUPREME COURT  
CLERK**

Adopted May 22, 2020, eff. immediately.

Committee Comments  
(May 22, 2020)

The use of telephone or video conferences was formerly contained in Article II – Rules on Civil Proceedings in the Trial Court as Supreme Court Rule 185 (Telephone or Video Conferences). New Rule 45 recognizes that telephone and video conferences can be used effectively and appropriately in other types of proceedings beyond civil cases. As indicated in the rule, special attention must be given to the use of telephone or video conferencing in criminal or juvenile delinquency proceedings. Continued study as this technology evolves will be necessary to ensure the constitutional guarantees applicable to such proceedings are consistently provided.

**Application to Civil Proceedings**

Rule 45 covers all nontestimonial court appearances, while Rule 241 addresses civil testimony. New Rule 45 intentionally provides wider latitude for a court to conduct court proceedings remotely by allowing any case participant to request a remote appearance for any reason and by allowing a court to make that decision on its own even if no request has been made by a case participant. While the use of remote participation is ultimately subject to the discretion of the court, appearing remotely under Rule 45 does not require good cause or meeting a particular hardship threshold. The intent of this Rule is that remote appearances should be easy to request and liberally allowed. The Illinois Supreme Court Policy on Remote Appearances in Civil Cases provides additional guidance on the use of this Rule.

This rule adopts the definitions in the Illinois Supreme Court Policy on Remote Appearances in Civil Cases. In particular, a case participant includes any individual involved in a civil case including the judge presiding over the case, parties, lawyers, guardians *ad litem*, minors in the care of the Department of Children and Family Services (DCFS), witnesses, experts, interpreters, treatment providers, law enforcement officers, DCFS caseworkers, and court reporters.

Courts are encouraged to liberally grant requests to appear remotely and to be particularly accommodating of case participants who face an obstacle to appearing personally in court, including but not limited to distance from the court, difficulty with traveling, military service, incarceration, hospitalization or illness, disability, other health or mobility limitations, work or childcare obligations or responsibilities, or limited court operations. Whether telephone versus video technology is appropriate is a determination for the court to make based on each individual case and consideration of any hardship factors. Some case participants may appear by telephone, some by video, and some in person all on the same case.

Courts should first consider obtaining and using free telephone or video conference services before considering fee-based services. Free services are readily available. In this way, a remote

appearance will not impose a cost on a case participant who is not able to pay that cost or would not otherwise incur a comparable cost if appearing in person. Some jurisdictions currently use telephone or video conference services which charge fees. However, to promote access to justice and to remove financial barriers to remote court appearances, courts should consider obtaining and using both paid and free services. Local rules and practices should not prohibit the use of free services for remote court appearances.

Additionally, any fees associated with a remote court appearance should be subject to waiver for case participants who cannot afford them. If a court chooses to use a service that requires the payment of fees, the court should consider whether the costs can be waived by the service, paid by another party, or paid by the court, or if the court should use a free service instead. The focus should be on increasing accessibility to the courts and not on imposing an additional barrier to a remote court appearance in the form of a fee. The court or circuit clerk shall not impose their own fees for case participants to do remote court appearances.

### **Amended Rule 46**

#### **Rule 46. Official Record of Court Proceedings**

**(a) Taking of the Record.** The record of court proceedings may be taken by stenographic means or by an electronic recording system, including video conferencing services, approved by the Supreme Court. All transcripts prepared as the official record of court proceedings shall be prepared pursuant to applicable supreme court rules.

**(b) Security of the Record.** The confidentiality of court proceedings and the retention and safekeeping of notes and electronic recordings shall be maintained consistent with standards established by the Supreme Court through its Administrative Office.

**(c) Court Reporting Personnel.** For purposes of this rule and other supreme court rules regarding the official record, “court reporting personnel” shall include:

- (1) court reporters as defined by the Court Reporters Act (705 ILCS 70/1);
- (2) court personnel who have fulfilled the training and certification standards promulgated by the Supreme Court and consistent with paragraph (d) of this rule; and
- (3) certified shorthand reporters hired through an agency or as an independent contractor by a private party or parties to take a stenographic record in court proceedings.

**(d) Electronic Recording of Court Proceedings.**

(1) The Supreme Court shall provide for and prescribe the types of electronic recording equipment and video conferencing services that may be used in the circuit courts. Those jurisdictions with electronic recording systems installed are required to properly utilize and staff such equipment in order to produce a reliable verbatim record of the proceedings.

(2) Court reporting personnel, including court reporters as defined by the Court Reporters Act (705 ILCS 70/1), must successfully complete training and certification designed to qualify them to operate electronic recording equipment, prepare transcripts from such proceedings, and certify the record on appeal. Such training and certification shall be consistent with standards established by the Supreme Court, through its Administrative Office.

(3) Electronic recordings of proceedings shall remain under the control of the court having custody of them. The chief judges shall provide for the storage and safekeeping of such recordings consistent with the standards referenced in paragraph (b) of this rule.

(4) The Administrative Office shall monitor the operation of electronic recording equipment, the security of the electronic recordings, and the training of court reporting personnel to assure that each county is in compliance with this rule.

Adopted December 13, 2005, effective immediately; amended May 22, 2020, eff. immediately.

### **Amended Rule 241**

#### **Rule 241. Use of Video Conference Technology in Civil Trials and Evidentiary Hearings Cases**

The court may, upon request or on its own order, for good cause shown in compelling circumstances and upon appropriate safeguards, allow a case participant to testify or otherwise participate in a civil trial or evidentiary hearing by video conferencing from a remote location. ~~permit presentation of testimony in open court by contemporaneous transmission from a different location.~~ Where the court or case participant does not have video conference services available, the court may consider the presentation of the testimony by telephone conference in compelling circumstances with good cause shown and upon appropriate safeguards. The court may further direct which party shall pay the cost, if any, associated with the remote conference and shall take whatever action is necessary to ensure that the cost of remote participation is not a barrier to access to the courts.

Adopted October 4, 2011, effective immediately; amended May 22, 2020, eff. immediately.

#### **Committee Comments (October 4, 2011)**

The presentation of live testimony in court remains of utmost importance. As such, showings of good cause and compelling circumstances are likely to arise when a witness is unable to attend trial for unexpected reasons, such as accident or illness, but is able to testify from a remote location. Advance notice should be given to all parties of foreseeable circumstances that may lead the proponent to offer testimony by contemporaneous transmission.

Good cause and compelling circumstances may be established if all parties agree that testimony should be presented by contemporaneous transmission; however, the court is not bound by a stipulation and can insist on live testimony.

Adequate safeguards are necessary to ensure accurate identification of the witness and protect against influences by persons present with the witness. Accurate transmission must also be assured.

#### **Committee Comments (May 22, 2020)**

The principles that prompted Rule 45 apply to the changes to Rule 241. The use of video technology to conduct testimony under oath in civil trials increases accessibility to the courts, aids in the efficient administration of justice, avoids delays in trials, and more efficiently administers testimony for case participants who face an obstacle to appearing personally in court such as illness, disability, or distance from the courthouse.

This rule adopts the definitions found in the Illinois Supreme Court Policy on Remote Appearances in Civil Cases. In particular, a case participant includes any individual involved in a civil case including the judge presiding over the case, parties, lawyers, guardians *ad litem*, minors in the care of the Department of Children and Family Services (DCFS), witnesses, experts, interpreters, treatment providers, law enforcement officers, DCFS caseworkers, and court reporters.

Due to the relative importance of live testimony in court, a showing of good cause is required. Good cause is likely to arise when a witness is unable to attend trial for unexpected reasons, such as accident, illness, or limited court operations, but also in foreseeable circumstances such as residing out of state. Good cause may be established where all parties agree that testimony should be presented by video conference. Adequate safeguards are necessary to ensure accurate identification of the case participant testifying remotely and to avoid improper influences by any individual who may be present with the case participant at the time of the testimony.

A court has broad discretion to determine if video testimony is appropriate for a particular case. A court should take into consideration and balance any due process concerns, the ability to question witnesses, hardships that would prevent the case participant from appearing in person, the type of case, any prejudice to the parties if testimony occurred by video conference, and any other issues of fairness. A court must balance these and other relevant factors in an individual case.

Where a case participant testifies from a remote location and no neutral representative or representative of an adverse party is present in the room with the testifying case participant, care must be taken to ensure the integrity of the examination. The testifying case participant may be examined by the court or counsel for any party regarding the identity of all persons in the room during the testimony. Where possible, all persons in the room during the testimony should separately participate in the videoconference. In furtherance of their obligations under Illinois Rules of Professional Conduct 3.3 (Candor Toward the Tribunal), 3.4 (Fairness to Opposing Party and Counsel), and 8.4(d) (Misconduct), counsel representing a case participant should instruct the case participant that (a) he or she may not communicate with anyone during the examination other than the examining attorney or the court reporter and (b) he or she may not consult any written, printed, or electronic information during the examination other than information provided by the examining attorney. Unrepresented case participants may be similarly instructed by the court.

Where the court or case participant does not have video conference services, the court may consider the presentation of the testimony by telephone or other audio means but only upon a showing of good cause, including a showing of exigent, safety, or security circumstances and with appropriate safeguards. The court must carefully balance the factors described in these comments with the need to provide protection for the case participant.

Courts should first consider obtaining and using free video conference services before considering fee-based services. Free services are readily available. In this way, a remote

appearance will not impose a cost on a case participant who is not able to pay that cost or would not otherwise incur a comparable cost if appearing in person. Some jurisdictions currently use video conference services which charge fees. However, to promote access to justice and to remove financial barriers to remote court appearances, courts should consider obtaining and using both paid and free services. Local rules and practices should not prohibit the use of free services for remote court appearances.

Additionally, any fees associated with a remote court appearance should be subject to waiver for case participants who cannot afford them. If a court chooses to use a service that requires the payment of fees, the court should consider whether the costs can be waived by the service, paid by another party, or paid by the court, or if the court should use a free service instead. The focus should be on increasing accessibility to the courts and not on imposing an additional barrier to a remote court appearance in the form of a fee. The court or circuit clerk shall not impose their own fees for case participants to do remote court appearances.





## Supreme Court of Illinois

May 22, 2020

### **ILLINOIS SUPREME COURT AMENDS RULES TO SUPPORT USE OF REMOTE HEARINGS IN COURT PROCEEDINGS**

Chief Justice Anne M. Burke and the Illinois Supreme Court announced today the repeal of Supreme Court Rule 185, creation of new Rule 45, and amendments to Rule 46 and Rule 241. These rules all relate to the use of remote hearings via telephone or video conferencing in the courts and the official recording of these court proceedings. The rule changes are effective immediately.

“The Illinois Courts were exploring new policies for expanding remote appearances in civil cases before the pandemic hit,” Chief Justice Anne M. Burke said. “COVID-19 accelerated the adoption of those policies for both civil and criminal cases and created an opportunity for our courts to use technology to improve the administration of justice, increase efficiency and reduce costs.”

The Illinois Supreme Court Rules can be found here:

<http://www.illinoiscourts.gov/SupremeCourt/Rules/default.asp>

Repealed Supreme Court Rule 185 involved the use of telephone or video conferences in civil cases and was formerly contained in Article II – Rules on Civil Proceedings in the Trial Court. New Rule 45 recognizes that telephone and video conferences can be used effectively and appropriately in other types of proceedings beyond civil cases.

New Rule 45 states “the court may, upon request or on its own order, allow a case participant to participate in a civil or criminal matter remotely, including by telephone or video conference. Use of telephone or video conferences in criminal or juvenile delinquency matters shall be undertaken consistent with constitutional guarantees applicable to such proceedings.”

This new Rule covers all non-testimonial court appearances and intentionally provides wider latitude for a court to conduct court proceedings remotely by allowing any case participant to request a remote appearance for any reason and by allowing a court to make that decision on its own even if no request has been made by a case participant.

Amended Supreme Court Rule 46 allows for recording of court proceedings by “stenographic means or by an electronic recording system, including video conferencing services, approved by the Supreme Court.” Rule 46 for the first time allows for the recording from video conference hearing to be used by the official court reporter to make the transcript that becomes the official record of the proceeding.

Amended Rule 241 addresses civil testimony and states “The court may, upon request or on its own order, for good cause and upon appropriate safeguards, allow a case participant to testify or otherwise participate in a civil trial or evidentiary hearing by video conferencing from a remote location.”

The use of video technology to conduct testimony under oath in civil trials, as addressed in amended Rule 241, increases accessibility to the courts, aids in the efficient administration of justice, avoids delays in trials, and more efficiently administers testimony for case participants who face an obstacle to appearing personally in court such as illness, disability, or distance from the courthouse. A court has broad discretion to determine if video testimony is appropriate for a particular case.

The Supreme Court has additionally announced the creation of a Remote Court Proceedings Guidance Document, which will provide courts with guidelines and best practices to aid Illinois courts operating virtual courtrooms as a method of serving the public during the COVID-19 pandemic and beyond.

The Remote Court Proceedings Guidance Document can be found [here](#).

The Supreme Court Commission on Access to Justice has created an Illinois Supreme Court Policy on Remote Court Appearances in Civil Proceedings, which is intended to help courts implement, expand, and encourage the use of Remote Court Appearances in civil cases by any or all Case Participants, including judges.

Illinois Supreme Court Policy on Remote Court Appearances in Civil Proceedings can be found [here](#).

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**(FOR MORE INFORMATION, CONTACT: Chris Bonjean, Communications Director to the Illinois Supreme Court at 312.793.2323 or [cbonjean@illinoiscourts.gov](mailto:cbonjean@illinoiscourts.gov).)**

## **Remote Court Proceedings – Guidance Document**

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The Supreme Court’s March 17, 2020, order in response to the COVID-19 pandemic directed Illinois courts to hear “essential court matters and proceedings” and further authorized courts to conduct both essential and nonessential matters and proceedings remotely, subject to constitutional and practical limitations. On May 22, 2020, the Supreme Court entered an order authorizing circuit courts to return to hearing court matters, whether in person or remotely, according to plans adopted by the chief judges. This order instructs that “Local plans should continue to promote the use of remote hearings where appropriate.”

In support of these orders, the following guidelines and best practices are provided to aid Illinois courts operating virtual courtrooms as a method of serving the public during the COVID-19 pandemic and beyond. These guidelines are not intended to apply to the operation of closed-circuit court communication systems.

Much already has been learned by early-adopters in Illinois and some Illinois courts have created excellent resource documents that further detail effective use of remote video hearings. In seeking to provide instruction and guidance, particularly to those courts just starting to use remote hearings, it is readily apparent that this document cannot anticipate every situation that will arise when a court conducts a remote hearing, particularly during a public health crisis. Additional study will continue to inform and allow for improvements and additional best practices not covered herein, and this document will be periodically updated, as needed, to reflect these system improvements.

### **I. Public Access to Court Proceedings**

Courts should make all reasonable efforts to ensure and accommodate public access to non-confidential court proceedings. To that end:

- Any court hearing conducted over Zoom, WebEx, Teams or other video conferencing platform should be capable of livestreaming in a static format, such as YouTube or other similar service. YouTube is preferable, as the user can enable a “Do Not Record” watermark to be placed over the live video. Livestreaming by the courtroom host is permissible under Supreme Court Rules and policies, but video or audio recording by any party, attorney, or any member of the public is strictly prohibited. The court should make this prohibition clear and inform that failure to comply may result in the imposition of sanctions or a finding of contempt.
- Account names displayed on YouTube should identify the Judicial Officer holding the hearing via videoconferencing technology and be formatted in the following way: Judge \_\_\_\_\_, \_\_\_\_\_ Judicial Circuit, \_\_\_\_\_ County.

### **II. General Considerations**

- a. Consider the capabilities of court patrons to participate via video conference or telephone and whether the selected method is accessible for persons with disabilities. Consider that some litigants may have no access to internet or wi-fi.
- b. When using video conferencing services, use meeting specific passwords (sent to participants in an invitation) to aid in preventing unauthorized participants from

joining the remote hearing. This will enable better overall security for the court and all case participants involved.

- If possible, determine if the video conferencing service uses end-to-end encryption for all remote hearings. Information technology personnel should be able to assist with this assessment and help identify additional security features.
  - Use a Waiting Room for hearings that allows the judge or designated staff to preview and admit only those parties necessary to the case at hand. This prevents participants from joining a remote hearing before the host has joined and is ready to begin.
- c. Pre-Hearing Considerations:
- In advance of any remote hearing, test the remote video hearing and include as many participants as possible.
  - Test audio and video recording.
  - Preview the lighting, background, camera location, and screen name for the judge and court officials.
- d. Do not share or post the meeting details publicly.
- e. At the outset, only allow the Host to be a presenter in a remote hearing/meeting.
- f. If recording a hearing, notify all participants that the remote hearing is being recorded and the procedure for accessing it or the official record.
- g. Create a process for informing case participants how they can participate in remote hearings and how the public may observe the remote hearings. Consider drafting plain language instructions about how to participate or observe and have a plan for disseminating that information.

### **III. Conducting the Hearing**

- a. All efforts should be made to keep the same measure of decorum in your remote hearings as in your courtroom proceedings.
- b. The court or clerk should provide an email to counsel/parties of record for submitting documents and exhibits prior to or during the hearing. In this way, if the judge wishes to share a screen with counsel/parties of record, it is in the judge's control.
- c. Begin with a simple admonishment about the following:
- i. Counsel and all case participants should behave as if they were present in the courtroom;
  - ii. Recording the proceeding is not allowed by anyone except the Official Court Reporter or the court through the approved recording system;
  - iii. A violation of either of these rules constitutes contempt of court.
  - iv. Additional admonishments to ensure a quality record are attached below.
- d. Remind all participants that they are beginning the hearing in Mute status and that they may unmute themselves to respond to questions, etc.
- e. Ask the case participants if they can hear what is being said and to indicate immediately if they cannot. Inform how to adjust volume or address other audio issues.

- f. Add a staff member as a Co-Host, if possible, in order to have someone to admit people from the waiting room (if using Zoom), monitor screen activity, send offensive participants into the waiting room, mute and unmute individuals, etc.
- g. Be certain to allow time for responses to questions and clarify discussion that may have been subject to overlapping speakers due to bandwidth or a delay in transmission. This will help to ensure a clean recording.
- h. Provide a method to enable confidential communication between a party and the party's counsel. A defendant in a criminal case must have the ability to confer privately with counsel during a remote hearing. As an example, an attorney can meet confidentially with his or her client in a Zoom "breakout room" then the host can move the parties back to rejoin the hearing when they are finished meeting. Defendants in custody should be able to participate in a setting that allows for private conversations with counsel without others present.
- i. When using a video remote interpreter, the hearing should be conducted in the consecutive mode with pauses in between each statement. The simultaneous mode of interpretation can be used if the court is using a videoconferencing platform with that feature (such as Zoom business or enterprise), but consecutive interpretation is preferable and makes a better record.

#### **IV. The Electronic Record**

Supreme Court Rule 46 (Official Record of Court Proceedings) allows for recording of court proceedings by "stenographic means or by an electronic recording system, including video conferencing services, approved by the Supreme Court." The following describes approved use of recordings made by video conferencing services under Rule 46.

- At all times during the making of the record, the court shall be in total control of the means of recording, regardless of platform, and may not delegate that control to any attorney, party or witness to the proceeding.
- If Court Reporting Personnel as defined under SCR 46(c) are available to take the record of a remote hearing via stenographic means or by means of an electronic recording system approved by the Supreme Court, they shall do so under the direction of the judge.
- Only if the record is not taken by stenographic means or hard-wired digital recording system:
  - The judge may use an approved video conferencing service selected from a list compiled and maintained by the AOIC.
  - The service used for video conferencing must be capable of making a recording that produces a reliable verbatim record of the proceeding.
  - The electronic recording produced by the court should be saved and secured locally, on a computer or server that provides a secure storage platform. The recording should not be archived and left on the video conferencing service's cloud. Security should be used to prevent access to the electronic recordings, thereby allowing access to only the judge and court reporting personnel.
  - Consistent with Supreme Court Rule 46, the electronic recording from an approved video conferencing service may be used in the preparation of the transcript that serves as the official record of court proceedings.

- Judges and Court Reporting Personnel should work together to determine the best configuration of technology at the courthouse or other locations that will produce the most clear and reliable verbatim record of the proceedings.

## **SUGGESTED SAMPLE ADMONISHMENTS TO PARTICIPANTS FOR VIDEOCONFERENCES AND CONFERENCE CALL HEARINGS (FOR HEARINGS WITH COURT REPORTER PRESENT)**

\*Ask all participants to identify themselves before going on the record. Ask each individual if they can hear the other participants.\*

**THE COURT:** This hearing is being conducted via [VIDEOCONFERENCE/TELECONFERENCE], and there are some things to go over to ensure a good record. A court reporter is in attendance, and the transcript of this proceeding is the official record. The record will only be as good as you make it, so here are the things you should keep in mind:

- We have multiple participants on this line. If you are not speaking, mute yourself so we don't pick up background noise or unwanted audio feedback. Take a moment to locate your mute button now.
- (For hearings with an interpreter) We have multiple participants on this line, including an interpreter for the litigant(s) (pause). To allow the interpreter to do their job in the consecutive mode, all speakers must pause after each statement (pause). Be prepared to be interrupted by the court interpreter or what you say will not be accurately communicated to the litigant (pause). If you are not speaking, mute yourself so we don't pick up background noise or unwanted audio feedback. Take a moment to locate your mute button now.
- When you want to speak, unmute yourself and identify yourself by stating your last name. Identify yourself each time we change who is speaking, otherwise, the court reporter may have a difficult time determining who you are. If you have an objection, you may want to state "Objection by [Name or other identifying title/party/etc]."
- Be prepared to be interrupted by the court reporter for clarification or you will appear in the transcript as "unidentified speaker."
- When you do speak, stay close to and face your microphone. If you cannot be heard, you are going to have a poor record.
- If the court reporter must consistently interrupt to ask to repeat something, you will not have a good flow of this hearing.
- Verbal responses are essential. Do not nod your head to respond.
- Speak slowly and pause before and after responses.
- Be careful about talking over another speaker. Even in-person, it's much harder for the court reporter to take down what's being said if people speak at the same time or interrupt one another. In this case, competing audio may cause a complete loss of what is being said. Please be very mindful of that.
- Lastly, this is a formal proceeding. Treat it as if you are present in the courtroom.



# **Illinois Supreme Court Policy on Remote Court Appearances in Civil Proceedings**

**Effective May 2020**

## I. PREAMBLE

The Illinois Supreme Court recognizes that meaningful access to the courts is essential to ensuring the integrity and fairness of the judicial process and to preserving trust in our legal system. Courts can use technology to improve the administration of justice, increase efficiency, and reduce costs. The Court recently approved a branch-wide [Strategic Agenda](#)<sup>1</sup> prepared by the Illinois Judicial Conference, and the first strategic goal is "Accessible Justice & Equal Protection Under the Law." One strategy for ensuring accessible justice is to promote and expand remote access in civil cases, allowing court patrons to have easier access to court services, court and case information, and court appearances.

The widespread popularity of mobile telephones, particularly smartphones and other personal devices, means that more people than ever before have the ability to participate in court proceedings electronically from a location outside of court. Moreover, large numbers of self-represented litigants navigate the civil justice system in Illinois every year. The costs and challenges of travel, childcare, and time off from work can deter them from going to court. For lawyers, the opportunity to appear remotely may allow them to appear efficiently in multiple courthouses and to represent more clients. While improving efficiencies, Remote Court Appearances offer significant cost savings for litigants, lawyers, and witnesses and reduce safety and public health concerns by minimizing the number of people entering the courthouse.

New Illinois Supreme Court Rule 45 and Supreme Court Rule 241 grant courts broad discretion to allow Remote Court Appearances. To improve access to the courts, increase efficiency, and reduce costs, courts should permit Remote Court Appearances to the extent reasonable, feasible, and appropriate. Rule 45 does not require a Case Participant to demonstrate hardship or good cause to appear remotely. Therefore, Remote Court Appearances under Rule 45 should be easy to request and liberally allowed, and courts should ensure that they have removed unnecessary financial and other barriers for Case Participants to appear remotely. The use of Video Conferences for testimony in civil trials and evidentiary hearings may be allowed for good cause and upon appropriate safeguards under Rule 241 (and Telephone Conferences may be allowed in compelling circumstances for testimony). Courts have wide discretion under both rules to allow Remote Court Appearances.

This Policy is intended to help courts implement, expand, and encourage the use of Remote Court Appearances in civil cases by any or all Case Participants, including judges. The Policy outlines several topics for courts to consider when developing remote appearance procedures and encourages courts to review their existing rules and orders to ensure none of them have the effect of creating financial or other barriers to Remote Court Appearances. Courts should also ensure that the technology available for Remote Appearances complies with the Americans with

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<sup>1</sup> The full Strategic Agenda is available at [https://courts.illinois.gov/SupremeCourt/Jud\\_Conf/IJC\\_Strategic\\_Agenda.pdf](https://courts.illinois.gov/SupremeCourt/Jud_Conf/IJC_Strategic_Agenda.pdf). For more information on the Illinois Judicial Conference, see [http://illinoiscourts.gov/SupremeCourt/Jud\\_Conf/default.asp](http://illinoiscourts.gov/SupremeCourt/Jud_Conf/default.asp).



Disabilities Act (ADA). This Policy should help courts to understand when Remote Court Appearances are appropriate and reasonable to promote meaningful access to the courts.

The need for Remote Court Appearances and innovative methods for allowing access to our courts became acute during the COVID-19 crisis. It is hoped that this Policy and Rules 45 and 241 will assist our courts in establishing local rules, orders, and procedures for Remote Court Appearances which will be in place to address not only the ordinary but also extraordinary necessity for Remote Court Appearances and assure the accessibility of our judicial system.

## **II. DEFINITIONS**

1. "Case Participant" – Any individual involved in a civil case including the judge presiding over the case, parties, lawyers, guardians *ad litem*, minors in the care of the Department of Children and Family Services (DCFS), witnesses, experts, interpreters, treatment providers, law enforcement officers, DCFS caseworkers, and court reporters.<sup>2</sup> This term does not include jurors, the public, or members of the media that are not parties or witnesses in a case. Members of the media or their lawyers may be considered Case Participants if they have filed a motion or pleading in a pending case.
2. "Remote Court Appearance" or "Remote Appearance" – Participation by at least one Case Participant in a court proceeding via Telephone or Video Conference.
3. "Telephone Conference," "Telephonic Court Appearance," or "Telephone Appearance" – Simultaneous two-way audio (sound only) communication with Case Participants in two or more different locations on a telephone or other electronic device. This may be done by a simple person-to-person phone call or by use of a conferencing line service that allows multiple people to participate simultaneously from multiple locations.
4. "Video Conference," "Video Court Appearance," or "Video Appearance" – Simultaneous two-way audio (sound) and/or visual communication with Case Participants in two or more different locations via electronic means.

## **III. BENEFITS OF REMOTE COURT APPEARANCES**

Remote Court Appearances in civil proceedings under Rules 45 and 241 provide many benefits to Case Participants, including judges and court personnel, while creating easier access to our courts. For example, Remote Court Appearances:

1. Decrease the time and expense of coming to court. As a result, represented parties will pay less for their lawyers' time and travel and self-represented parties or other Case Participants, will miss less work, pay less for childcare, and pay less for transportation.
2. Increase accessibility to the courts for Case Participants who are:
  - a. Living with disabilities and/or debilitating illnesses.
  - b. Elderly.

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<sup>2</sup> Court reporters must comply with all requirements of the Court Reporter Act 705 ILCS 70.

- c. Serving in the military and particularly in deployed status.
  - d. Confined in a prison or jail.
  - e. Hospitalized or otherwise suffering from medical conditions.
  - f. In inpatient treatment for physical health, mental health, or substance abuse reasons.
  - g. Residing in nursing homes or long-term care facilities.
  - h. In a different state or country.
  - i. Residing a far distance from the courthouse or having other difficulties with traveling to the courthouse.
  - j. Serving other public needs such as medical providers, DCFS caseworkers, therapists, and law enforcement officers.
  - k. Part of emergency situations requiring courts to limit their operations.
3. Assist lawyers, including legal aid and *pro bono* lawyers who often serve large geographic areas, by providing a more efficient and convenient method for appearing in court. The resulting time savings and reduced travel may allow lawyers to take on more clients and expand their practices into more jurisdictions within Illinois.
  4. Reduce the numbers of persons in courthouses which reduces the burden on security, lessens risks to public health and safety, and allows court staff to manage their time more efficiently.
  5. Provide the Case Participants with more scheduling flexibility. This could be particularly valuable in critical cases such as emergency orders of protection.
  6. Allow judges in rural jurisdictions to hear cases from outlying courthouses in one location minimizing the time they spend traveling to outlying courthouses.
  7. Benefit law enforcement, correctional institutions, hospitals, and mental health facilities involved in civil cases by allowing Case Participants to appear from their premises rather than at courthouses and reduce the costs of transportation and security.
  8. Allow Case Participants such as witnesses, experts, caseworkers, and treatment providers a more efficient and convenient way to provide testimony and reduce costs relating to witness and expert testimony. Provide caseworkers and treatment providers with time saving measures which allow them to better manage their other duties and cases.
  9. Increase public perception of the court system as in step with the myriad of private and public sector institutions which conduct business remotely and as responsive to the needs of the community.

## **IV. CIRCUMSTANCES FOR REMOTE COURT APPEARANCES**

Remote Court Appearances under Rule 45 are appropriate in many types of civil proceedings. Ideally, Remote Court Appearances should be an available option regardless of the type of case, nature of the hearing, or circumstances of the Case Participant. Some Case Participants may appear by telephone, some by video, and some in person all on the same case. Courts have the discretion to determine how many Case Participants may appear remotely and in what way based on the courts' capabilities.

Non-evidentiary civil court proceedings may be more conducive to Remote Court Appearances, but full trials and evidentiary hearings may also be appropriate for Remote Court Appearances depending on the specific circumstances under Rule 241. When considering a request from a Case Participant to appear remotely for testimony, the Court should take into consideration any hardships such as those outlined in Section III (2) above.

Courts should make all efforts to maintain the transparency and public nature of court proceedings involving Remote Court Appearances. The court also maintains its responsibility in remote proceedings to make an authorized record pursuant to Supreme Court Rule 46 when necessary.<sup>3</sup>

## **V. TECHNOLOGY SPECIFICATIONS**

Successful Remote Court Appearances need proper technology. Courts should assess the current status of their technology, procure new technology as necessary, and identify reliable and affordable solutions (preferably free services) for Remote Court Appearances. Courts should ensure that technology is ADA-compliant and make accommodations as necessary to allow Remote Court Appearances by court patrons with disabilities. Courts should continue to follow the guidance of the Supreme Court regarding the taking of the official court record. The following are minimum technological recommendations for successful Remote Court Appearances.

### **A. TELEPHONIC COURT APPEARANCES**

For Telephonic Court Appearances, at a minimum, a court should have:

1. A telephone or other electronic device that can convey the voices of in-person and remote Case Participants in an audible and understandable manner through internal or external speakers.
2. A call bridge or conference line which is a service that allows multiple Case Participants calling from different devices to participate in the same telephone conversation or proceeding. Free conference services may be available for use.
3. Plain language instructions for Case Participants to dial-in for their appearances and to mute their calls to prevent disruptive background noise.

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<sup>3</sup> For example, the proceeding involving Remote Appearances may be recorded through the court's electronic recording system or by a court reporter. The court reporter may appear remotely via Telephone or Video Conference or be in the courtroom while others are appearing remotely.

4. Trained staff to assist in operating equipment and troubleshooting technical issues as needed.

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For Telephonic Court Appearances, at a minimum, all other Case Participants appearing remotely should have:

1. A telephone or other electronic device that allows audio (sound) transmission, preferably with a mute function.
2. If the telephone is a cellular phone, it should have reliable service from the location where the Case Participant will be during the call.
3. Case Participants should be instructed that they are not allowed to record the proceeding in any way.

## **B. VIDEO COURT APPEARANCES**

For Video Court Appearances, at a minimum, a court should have:

1. A high-speed internet connection.
2. A wireless router or hard wire connection enabling devices in the courtroom to access the internet.
3. A computer with a webcam or embedded video camera.
4. A screen or screens visible to the judge, the court reporter, the jury (if applicable), the other Case Participants in the courtroom, and the public who are observing court proceedings. The screens do not need to be permanently available and can be moved to the courtroom as needed. The courtroom must be able to accommodate the screens.
5. An online Video Conference service, preferably with the ability to share documents between Case Participants and the ability to allow private conversations between Case Participants in a breakout room. Free conference services may be available for use.
6. Plain language instructions for Case Participants to appear for their Video Appearances and to mute their videos to prevent disruptive background noise.
7. Trained staff to assist in operating equipment and troubleshooting technical issues as needed.

For Video Appearances, Case Participants appearing remotely, at a minimum will need:

1. A computer, telephone, or mobile device with a webcam or embedded video camera, an internal or external microphone, and internal or external speakers.
2. A high-speed internet connection and access to the same Video Conference service used by the court. (Most Video Conference services allow for Case Participants to test their connectivity before the scheduled a Video Conference).

3. Case Participants should be instructed that they are not allowed to record the proceeding in any way.

## **VI. RULES, ORDERS, AND REQUESTS FOR REMOTE COURT APPEARANCES IN CIVIL PROCEEDINGS**

Courts should post signs with information about Remote Appearances prominently in the courthouse, including in the clerk's office. Signs should be written in plain language and should include information about the availability of Remote Court Appearances and the process for requesting them. This information should also be publicized on the court's and clerk's websites and in other publicly available places. Courts should issue and publish a court order, standing order, or local rule detailing information about the process for requesting and participating in a Remote Court Appearance. Courts should also consider procedures to ensure court patrons with disabilities can participate in Remote Court Appearances.

This order or rule should, in plain language, include:

4. The available Remote Court Appearance options based on the court's technological capabilities (Telephone, Video, or both).
5. The technical requirements for Remote Court Appearances.
6. The procedures for requesting a Remote Court Appearance and for seeking relief as a result of missing a Remote Court Appearance.
7. Instructions for how to log in or call into the relevant technology to appear remotely.
8. The process for drafting orders and distributing signed orders to all Case Participants when there is a Remote Appearance.

A request to appear remotely may be made orally in person at any time when parties or their lawyers are present in court or may be made in writing. Additionally, under Rules 45 and 241, courts have the discretion to allow a Remote Court Appearance on its own order.

When ruling on a request to appear remotely where there is an objection, a court may consider:

1. Access to the courts.
2. The court's available technology.
3. Whether any undue prejudice would result.
4. The degree of inconvenience or hardship.
5. Whether there are security or safety concerns for allowing the Remote Court Appearance.
6. Whether the Case Participants have waived personal appearances or agreed to Remote Appearances.
7. The purpose of the court date.
8. Previous abuse of Remote Court Appearances by the requesting Case Participant or objections by the objecting Case Participant.

9. Any other factors or fairness considerations that the court may determine to be relevant. If the court denies the request, it should state the reasons for the denial.

Case Participants should not be penalized for technical failures or difficulties with a Remote Court Appearance. If there is a technical failure or difficulty caused either by the court's technology devices or those of the Case Participants, the remote Case Participants should be allowed to continue the hearing to another date or to seek other appropriate relief from the court, upon good cause shown.

## **VII. COSTS OF REMOTE COURT APPEARANCES**

Courts should first consider obtaining and using free Telephone or Video Conference services before considering fee-based services. Free services are readily available. In this way, a Remote Appearance will not impose a cost on a Case Participant who is not able to pay that cost or would not otherwise incur a comparable cost if appearing in person.

For example, some courts' telephone lines may already allow for conference calls with speaker phones by making calls directly or obtaining conference call numbers for more than one remote Case Participant. The Access to Justice Division of the Administrative Office of the Illinois Courts (ATJ-AOIC) can assist courts in determining whether there are possible upgrades to their telephone services which would allow for enhanced Telephone Conferences.

Some jurisdictions currently use Telephone or Video Conference services which charge fees. However, to promote access to justice and to remove financial barriers to Remote Court Appearances, courts should consider obtaining and using both paid and free services. Local rules and practices should not prohibit the use of free services for Remote Court Appearances.

Additionally, any fees associated with a Remote Court Appearance should be subject to waiver for Case Participants who cannot afford them. ATJ-AOIC can assist courts in finding Telephone or Video Conference services which are free, charge licensing fees that courts could absorb, or will honor fee waivers. If a court chooses to use a service which requires the payment of fees, the court should consider whether the costs can be waived by the service, paid by another party, paid by the court, or if the court should use a free service instead. The focus should be on increasing accessibility to the courts and not on imposing an additional barrier to a Remote Court Appearance in the form of a fee. The court or circuit clerk shall not impose their own fees for Case Participants to do Remote Court Appearances.

## **VII. ASSISTANCE OF THE ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS**

ATJ-AOIC will assist courts in developing Remote Court Appearance programs including investigating technology, drafting instructions, procedures, or rules, or other assistance necessary to facilitate Remote Court Appearances. Courts should cooperate with ATJ-AOIC in evaluating the ongoing success of Remote Court Appearances including by tracking its usage. Courts shall provide a copy of their Remote Court Appearance procedures to ATJ-AOIC and provide certain tracked information upon request.

Although this Policy discusses only Telephone and Video Appearances, the Illinois Supreme Court Commission on Access to Justice and ATJ-AOIC will study other possible methods for accessing the courts and suggest updates to the Remote Court Appearance Policy based on their studies and

on advancements in technology. Courts should include in their reporting to ATJ-AOIC all ways in which they are enhancing access to court services, court information, and court appearances to help in determining the feasibility of other methods of remote access.<sup>4</sup>

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<sup>4</sup> For example, during the COVID-19 crisis, some jurisdictions implemented methods of email correspondence with courts to resolve matters rather than requiring Telephone or Video Appearances for any Case Participant.

# **Illinois Appellate Court First District**

**Notices pertaining to COVID-19**





## ILLINOIS APPELLATE COURT FIRST DISTRICT

For Immediate Release:  
March 18, 2020

### FIRST DISTRICT APPELLATE COURT TO REMAIN OPEN

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The Honorable Maureen E. Connors, Chair of the Executive Committee of the First District Appellate Court, announced that, until further notice, the court will remain open.

In all civil cases, and criminal cases where the defendant/petitioner is represented by private counsel or is self-represented, the court will allow a brief due date extension of 30 days. This extension applies to all appellant and appellee briefs due on or before April 17, 2020.

Further, the requirement of First District Appellate Court Rule 39, that six duplicate copies of briefs shall be filed with the Court is waived through April 17, 2020.

The March oral argument settings have been revised and all cases previously scheduled for oral argument will now be rescheduled or taken as non-oral cases.

The clerk's office will remain open for business during regular business hours.

When oral arguments are scheduled by the court, entry to the building will be restricted and attorneys and members of the public should not enter the building if they:

- Have been in any of the following countries within the last 21 days: China, South Korea, Italy, Japan, or Iran; or
- Reside or have close contact with anyone who has been in one of those countries listed above within the last 21 days; or
- Have been directed to quarantine, isolate, or self-monitor at home for the coronavirus by any medical provider; or
- Have been diagnosed with, or have had close contact with anyone diagnosed with, COVID-19; or
- Have flu-like symptoms including fever, cough, or shortness of breath.

These procedures are effective immediately. Modifications to the above procedures may become necessary on short notice.

Anyone seeking further information may contact the clerk's office at (312) 793-5484.



## **ILLINOIS APPELLATE COURT FIRST DISTRICT**

For Immediate Release:  
May 15, 2020

### **FIRST DISTRICT APPELLATE COURT**

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The Honorable Maureen E. Connors, Chair of the Executive Committee of the First District Appellate Court, announced that the requirement of First District Appellate Court Rule 39, that six duplicate copies of briefs shall be filed with the Court, is waived until further order of the Court.

# **Illinois Appellate Court Second District**

**Notices pertaining to COVID-19**



## **ILLINOIS APPELLATE COURT SECOND DISTRICT**

**55 SYMPHONY WAY  
ELGIN, IL 60120  
(847) 695-3750**

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For Immediate Release:

Date: March 17, 2020

### **SECOND DISTRICT APPELLATE COURT TO REMAIN OPEN, DEADLINES TO REMAIN IN EFFECT**

The Honorable Joseph E. Birkett, Presiding Justice of the Second District Appellate Court, announced that, until further notice, the court will remain open. In addition, all filing deadlines will remain in effect; as usual, no extension will be granted except on motion. Parties must continue to comply with all supreme court and local rules. Finally, all oral arguments will remain scheduled.

The clerk's office will remain available for public business during its regular business hours. However, pursuant to the supreme court's directive, members of the public should not enter the building if they:

- Have been in any of the following countries within the last 21 days: China, South Korea, Italy, Japan, or Iran; or
- Reside or have close contact with anyone who has been in one of those countries listed above within the last 21 days; or
- Have been directed to quarantine, isolate, or self-monitor at home for the coronavirus by any medical provider; or
- Have been diagnosed with, or have had close contact with anyone diagnosed with, COVID-19; or
- Have flu-like symptoms including fever, cough, or shortness of breath.

Anyone seeking further information may contact the clerk's office at (847) 695-3750.



**ILLINOIS APPELLATE COURT  
SECOND DISTRICT**

**55 SYMPHONY WAY  
ELGIN, IL 60120  
(847) 695-3750**

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For Immediate Release:

Date: April 3, 2020

**SECOND DISTRICT APPELLATE COURT TO CONTINUE  
TO ALLOW 14 DAYS FOR PAPER COPIES OF BRIEFS**

The Honorable Joseph E. Birkett, Presiding Justice of the Second District Appellate Court, announced that, until further notice, a filing party shall have 14 days, instead of the 5 provided by Local Rule 101(c), to provide the clerk's office with 5 duplicate paper copies of an electronically filed brief.

Anyone seeking further information may contact the clerk's office at (847) 695-3750.

# **18th Judicial Circuit Court**

**Administrative Order 20-20 (May 1, 2020)**

*Chris Kachiroubas*  
e-filed in the 19th Judicial Circuit Court  
\*\*\*\*\* DuPage County \*\*\*\*\*  
**TRAN# : 170431282863/( 4582306 )**  
**2020AO000020**  
**FILEDATE : 05/01/2020**  
*Date Submitted : 05/01/2020 12:00 PM*  
*Date Accepted : 05/01/2020 12:07 PM*  
**ROSE,SARAH**

<https://epay.18thjudicial.org> (*epay*). The Circuit Court Clerk will also send notice by mail to all interested parties.

**IT IS FURTHER ORDERED** that, other than those matters subject to the exceptions listed under each division herein, all Chancery, Domestic Relations and Law matters currently scheduled on or between May 18, 2020 and June 5, 2020 shall remain on their currently scheduled court dates and will be handled by the assigned judge using the method and procedure for remote proceedings outlined under each division herein. Any future court dates will be set by the assigned judge and can be viewed by attorneys at <https://eaccess.18thjudicial.org> (*eaccess*) and by the general public at <https://epay.18thjudicial.org> (*epay*).

**IT IS FURTHER ORDERED** that as a result of this Order traffic courts in Addison, Downers Grove, and traffic courtrooms 1001 and 1003 inside the DuPage County courthouse remain closed through June 5, 2020.

**IT IS FURTHER ORDERED** that the DuPage County courthouse remains open for essential court business on a limited scale consistent with this Order from 8:00 A.M. to 4:30 P.M. daily.

**IT IS FURTHER ORDERED AS FOLLOWS:**

**ALL DIVISIONS:** Judges will be present in each division to handle emergency motions and matters deemed by the Court as essential to proceed based upon Constitutional, statutory or local court rule or Illinois Supreme Court Rule.

- a. Judges should use video or telephone conferences for court proceedings, whenever practicable.
- b. Judges should enforce social distancing by reasonably limiting the number of persons and their time spent inside the courtroom and by requiring persons to maintain six-foot social distancing.
- c. Judges should waive a litigant's appearance, whenever possible.

**TRIALS**

- a. All trials are continued pursuant to the authority of Illinois Supreme Court Order M.R. 30370 (effective April 7, 2020) and by Administrative Orders 20-9, 20-16, 20-18 and 20-20. Continuances occasioned by Order M.R. 30370 serve the ends of justice and outweigh the best interests of the public and defendants in a speedy trial. Therefore, such continuances shall be excluded from speedy trial computations contained in section 103.5 of the Code of Criminal Procedure of 1963 (725 ILCS 5/103-5 (West 2018) and section 5-601 of the Illinois Juvenile Court Act (705 ILCS 405/5-601 (West 2018)). Statutory time restrictions in section 103-5 of the Code of Criminal Procedure of 1963 and section 5-601 of the Juvenile Court Act shall be tolled until further order of this Court.
- b. All Criminal and Juvenile division trials, other than those subject to the exceptions listed under each division herein, shall be rescheduled by the Circuit Court Clerk to a future court date consistent with this Administrative Order for status and setting.



- c. All Criminal and Juvenile division trials subject to the exceptions listed under each division herein shall be rescheduled by the assigned judge to a future court date consistent with this Administrative Order.
- d. All Civil division trials shall be rescheduled by the assigned judge to a future court date consistent with this Administrative Order.
- e. No Criminal division jury trials shall take place before July 20, 2020.
- f. No Civil division jury trials shall take place before August 24, 2020.

**REMOTE PROCEEDING:** A remote proceeding is one handled either telephonically or by video conferencing using CourtCall, Zoom or any other platform acceptable by the assigned judge. When using the Zoom platform; the following rules apply in addition to the rules established by the assigned judge:

- a. All proceedings conducted remotely shall be conducted with the same standards as hearings in a physical courtroom and in accordance with the Illinois Rules of Civil Procedure or the Illinois Rules of Criminal Procedure, the Illinois Supreme Court Rules, Local Court Rules of the Eighteenth Judicial Circuit Court and all other applicable rules and laws.
- b. All persons attending a remote hearing, including attorneys, parties, and witnesses, shall wear appropriate attire and present themselves in compliance with court rules as they would if appearing in a physical courtroom.
- c. All attorneys, parties, witnesses, and other direct participants in a remote hearing shall ensure that there are no interruptions or distractions for the duration of their appearance at the remote hearing. Parties and attorneys participating in remote proceedings may not talk over other participants.
- d. Attorneys, parties, and witnesses shall sign into the remote hearing using both their first and last names, with attorneys adding "Attorney" in front of their name (an attorney named John Doe would use "Attorney John" for a first name and "Doe" for a last name).
- e. The precise method in which a remote hearing is conducted remains within the discretion of the presiding judge or the judge specially assigned to the case, within the bounds of applicable rules, laws, and practice procedures.
- f. Upon conclusion of the hearing, the Circuit Court Clerk shall not be obligated to maintain any proposed exhibits, stipulations, or other documents submitted by a party.
- g. Record of remote proceedings shall be made by the Court Smart recording system in the judge's courtroom. **Private recording of these proceedings is strictly prohibited.** Use of Zoom breakout rooms will be permitted if the Court approves the request. If the parties fail to appropriately communicate during the proceedings, the Court may terminate the hearing.

## **CRIMINAL MATTERS**

### **1. Bond Court**

- a. All initial bail hearings conducted Monday through Friday, except those in which an order of no bail is sought pursuant to 725 ILCS 5/109-1 (a), and all motions to modify bond for in-custody defendants shall be heard in video bond court in courtroom 4016 at 8:00 A.M.
- b. Afternoon bond court shall be heard in video bond court in courtroom 4016 at 4:00 P.M.
- c. Weekend and holiday video bond court will continue to be heard in courtroom 1000 at 8:00 A.M.
- d. Remote bail hearings using the Zoom platform for persons held in Cook County jail on a DuPage County warrant or persons held at a law enforcement agency on a DuPage County charge who do not meet the COVID-19 screening criteria of the DuPage County jail shall be conducted during business hours Monday through Friday.

### **2. Felony Division**

**Courtrooms 4000, 4002 and 4016 are physically open to handle all essential court business outlined herein in the Felony division through June 5, 2020.**

All matters, other than those subject to the exceptions below, will be rescheduled by the Circuit Court Clerk to a future court date consistent with this Order with notice by mail to all interested parties. Rescheduled dates can be viewed by attorneys at (*eaccess*) and by the general public at (*epay*).

The following exceptions apply:

- a. Matters set for arraignment or preliminary hearing.
- b. Matters with in-custody defendants or a speedy trial demand.
- c. Bench and jury trials in matters described in (b) above shall be handled on a case-by-case basis. When necessary, judges may continue trials pursuant to Illinois Supreme Court Order M.R. 30370 made effective by Administrative Orders 20-9, 20-16, 20-18 and 20-20.
- d. Emergency motions.

- e. Motions to request a change of plea or evidentiary hearing shall be handled on a case- by -case basis at the assigned judge's discretion.
- f. Whenever practicable, and subject to the Court's discretion, a defendant's appearance may be waived.

### **3. Misdemeanor & Traffic Division**

**Courtrooms 4003, 4005 and 4016 are physically open to handle all essential court business outlined herein in the Misdemeanor division through June 5, 2020.**

All matters, other than those subject to the exceptions below, will be rescheduled by the Circuit Court Clerk to a future court date consistent with this Order with notice by mail to all interested parties. Rescheduled dates can be viewed by attorneys at *eaccess* and by the general public at *epay*.

The following exceptions apply:

- a. Matters with in-custody defendants or a speedy trial demand.
- b. Matters set for first appearance on previously filed petitions to rescind a summary suspension.
- c. Matters set for summary suspension hearings on previously filed petitions to rescind a summary suspension.
- d. Bench and jury trials in matters described in (a) above shall be handled on a case-by-case basis. When necessary, judges may continue trials pursuant to Illinois Supreme Court Order M.R. 30370 made effective by Administrative Orders 20-9 20-16, 20-18 and 20-20.
- e. Emergency motions.
- f. Motions to request a change of plea or evidentiary hearing shall be handled on a case- by- case basis at the assigned judge's discretion.
- g. Whenever practicable, and subject to the Court's discretion, a defendant's appearance may be waived.

### **4. Juvenile Matters**

**Courtroom 3001A is physically open to handle all essential court business outlined herein in the Juvenile division through June 5, 2020.**

All matters, other than those subject to the exceptions below, will be rescheduled by the Circuit Court Clerk to a future date consistent with this Order with notice by mail to all interested parties.

The following exceptions apply:

**A. Abuse and Neglect Matters:**

- a. Shelter Care Hearings shall proceed at 9:00 A.M.
- b. Any removal motions required due to a minor(s) being endangered shall proceed.
- c. Any motion to return a minor(s) home to their parents shall proceed.
- d. Emergency motions shall proceed.

**B. Delinquency Matters**

- a. Detention hearings shall proceed as scheduled and will be conducted via videoconference in courtroom 1000.
- b. Matters with in-custody minors shall proceed as scheduled and will be conducted via videoconference in courtroom 1000.
- c. Trials with in-custody minors shall be handled on a case-by-case basis. When necessary, judges may continue trials pursuant to Illinois Supreme Court Order M.R. 30370 made effective by Administrative Orders 20-9, 20-16, 20-18 and 20-20.
- d. Emergency motions shall proceed.
- e. Motions to request a change of plea or evidentiary hearing shall be handled on a case- by- case basis at the assigned judge's discretion.

**5. Orders of Protection**

Petitions and hearings on the following matters will be heard from 9:00 A. M. until 3:30 P.M. in courtroom 4016 and again at 4:00 P.M. in courtroom 4016:

- a. Emergency and plenary orders of protection.
- b. Stalking no- contact orders.
- c. Civil no-contact orders
- d. Firearm restraining orders.

**6. Specialty Courts:** Drug Court, Mental Health Court (MICAP), First-Offender Drug Court (FOCUS) and Veterans Court

- a. All matters will be rescheduled by the Circuit Court Clerk to a future court date consistent with this Order with notice by mail to all interested parties. Rescheduled dates can be viewed by attorneys at *eaccess* and by the general public at *epay*.
- b. Staffings for Drug Court, MICAP, and Veterans Court will continue in a manner and method in the judge's discretion.

**CIVIL MATTERS**

**The physical courtrooms are closed except for 3003 and 3009;** those two courtrooms are physically open to handle emergency motions and orders of protection in the Domestic Relations division through May 18, 2020. All Chancery, Domestic Relations and Law matters currently scheduled on or between May 18, 2020 and June 5, 2020 shall remain on their currently scheduled court dates and will be handled by the assigned judge using the method and procedure for remote proceedings outlined in this Administrative Order.

**1. Chancery Division**

- a. This section applies to all Chancery courtrooms except courtrooms 2003 and 2009. For courtroom 2003, see (h) below. For courtroom 2009, see (i) below. All matters set for status at 9:00 a.m. will proceed. The parties may proceed in the following manner:
  - Submit an agreed order via email to the judge's secretary or using the court's electronic system via *eaccess*. The judge may modify the agreed order at his/her discretion. Parties are encouraged to conference with each other prior to the status hearing for purposes of agreeing to an order and future date; or
  - If an agreed order is not presented, the parties may proceed for status via Zoom video conference or CourtCall, if available. If parties are to proceed via Zoom video conference, the parties must request to proceed at least seven (7) days prior to the status date. The request must include all of the parties' email addresses, case number and caption and must be made to the judge's secretary. The Judge will host the Zoom status hearings and will send an invitation to participate via Zoom. Some of the initially set 9:00 a.m. status matters may be re-set to 1:30 p.m. (or some other time) to allow for Zoom video conference or CourtCall hearings. The parties will be notified of the date and time of their status hearing. Any agreed orders shall be entered by the Court and will eliminate the need for a Zoom or CourtCall hearing. Rescheduled dates can be viewed by attorneys at *eaccess* and by the general public at *epay*.
- b. All matters set at any time other than 9:00 a.m. will be addressed by an order issued by the assigned judge on the date they are originally scheduled to be heard. Any future date will be set by court order and can be viewed by attorneys at *eaccess* or by the general public at *epay*.

- c. Parties may email agreed orders to the assigned judge's secretary for entry by the judge setting a discovery schedule status date, or hearing date. Those parties using electronic orders may submit agreed orders using the court's electronic system via e-access. The judge may modify the agreed order at his/her discretion.
- d. Contested hearings shall be decided without oral argument unless a specific request for oral argument is made by one or both of the parties. Whether oral argument occurs shall be at the sole discretion of the judge. Either a new hearing date will be set by court order or arrangements to have oral argument by CourtCall, teleconference or videoconference shall be made. For all contested motions, whether oral argument or not, the moving party shall email courtesy copies at least 7 days before the hearing to the judge's secretary. No hard copies shall be mailed or delivered.
- e. New motions shall be filed with the Clerk and the parties shall email to the judge's secretary an agreed order setting a briefing schedule and a proposed status date which shall be entered by the court. The court may assign a hearing date and notify the parties.
- f. Emergency motions shall be e-filed with the Clerk pursuant to Local Court Rules and courtesy copies sent to the assigned judge. The emergency motion shall be decided without oral argument unless a party notifies the judge's secretary by email of a request for oral argument or at the discretion of the judge. Arrangements will then be made for argument in court, by CourtCall or telephone or video conference at the discretion of the judge. Pursuant to local court rule, all emergency motions must be filed with an affidavit attesting to the emergency.
- g. All settlement conferences may proceed via Zoom videoconference, CourtCall, if available, or may be continued at the discretion of the assigned judge. All final trial conferences and civil trials will be continued.
- h. All Forcible (Eviction) cases and the entry of any Judgment of Foreclosure shall be suspended through and including June 5, 2020. All Forcible (Eviction) matters set at 8:30 a.m. and 1:30 p.m. will be rescheduled by the Circuit Court Clerk to a future court date consistent with this Order with notice by mail to all interested parties. Rescheduled dates can be viewed by attorneys at *eaccess* and by the general public at *epay*. Except for the entry of Judgments of Foreclosure (and any proceedings subsequent to a Judgment of Foreclosure), the Foreclosure call (courtroom 2004) shall proceed with its 9:00 a.m. call as outlined in paragraph (a) above, having general status matters proceed via Zoom videoconference. For both Forcibles (Evictions) and Foreclosures matters, the parties may proceed with discovery. Further, the Court may, in its discretion, sign agreed orders consistent with (b) above.
- i. Due to the volume and nature of the call for Courtroom 2009, not all currently set status matters for Guardianship cases shall proceed as outlined in paragraph (a) above. Any Guardianship emergency matters will be heard in accordance with paragraph (f) above. All other matters set for the 9:00 a.m. status call in room 2009 shall be rescheduled by the Circuit Court Clerk to a future date consistent with this Order. All other matters in Courtroom 2009 set at any other time than 9:00 a.m. shall proceed as outlined in paragraph (b) above. Cases on the court call for a Guardian's Annual Report and/or Annual

Accounting may have an order entered by the Court without appearance by a party or by counsel no different than prior practice. In such cases, parties seeking additional relief other than approval of an Annual Report and/or Accounting may proceed consistent with (a) above.

- j. All Mental Health hearings will proceed as originally scheduled.

## **2. Domestic Relations Division**

- a. As to all Domestic Relations cases including those designated as “D”, “MR” and “F”, effective May 18, 2020 all court calls will be heard remotely by the judge normally assigned to each case in his or her own courtroom. Duty judges will no longer be available to hear domestic relations emergency motions and orders of protection. The judge normally assigned to each case will hear the matter if it is an emergency or an order of protection proceeding pursuant to prior Administrative Orders. All other domestic relations cases will proceed to pre-trial conference, status, presentment, or hearing through remote platforms only. Pursuant to prior Administrative Orders, all judges will continue to accept agreed orders for cases on their individual calls submitted electronically by the parties or their attorneys.
- b. All available platforms maybe utilized for these remote proceedings effective May 18, 2020. Those platforms include but are not limited to Court Call, Zoom, Facetime, conference calling on speakerphone, or any other platform acceptable to the judge hearing the case.
- c. Beginning May 18, 2020 each judge will be present and hear his or her own regularly scheduled call consistent with the terms and procedures set forth herein. In the event neither the parties nor the attorneys for the parties contact the Court in advance to schedule a remote proceeding, the judge will continue that case to a new date. The new date will be chosen at the Court’s discretion. Neither the Court nor the Clerk of the Court will send notice of said continuance date. The parties and their attorneys must inquire with the Circuit Court Clerk via the online court imaging system, or any other available means, to find out what date the Court has chosen.
- d. All parties and attorneys seeking a remote proceeding must contact the judge’s administrative assistant in advance of the court date to schedule same. Proceedings will be given a specific time slot between 9:00 a.m. and 4:00 p.m. The previously set times of 9:00, 9:15, 9:21, 9:25, 9:30 and 9:45 a.m. will be set aside during the time in which remote proceedings are being utilized. At the time of scheduling, the parties and attorneys must provide the judge’s administrative assistant with the following information:
- Type of platform to be utilized for the remote proceeding.
  - Time and duration of the proceeding.
  - Nature of the proceeding (prove up, status, presentment, hearing, etcetera).
  - E-mail addresses for both parties and/or their attorneys so that the Court can schedule a Zoom meeting and send out invitations or same; or phone numbers to facilitate a conference call.

- e. Remote proceedings will apply to all pending domestic relations cases, both pre- and post-decree and will apply to all cases previously set at 8:30, 9:00, 9:15, 9:21, 9:25, 9:30 and 9:45 a.m. Trials and extended hearings set at 10:00 a.m. and 1:30 p.m. will not be subject to the remote hearing procedures.
- f. If a party seeks a Zoom hearing and the other party does not agree to proceed in such manner, each party shall electronically submit a pleading to the Court within 48 hours providing the basis of each party's request for, or objection to the Zoom hearing. The Court will then decide if a Zoom hearing is appropriate.
- g. For Zoom hearings, all pleadings must be electronically submitted to the Court no later than seven days prior to the remote hearing date. All proposed exhibits must be electronically submitted to the Court and the opponent no later than seven days prior to the remote proceeding.
- h. After the hearing the Court shall provide a written ruling rule within a timely manner. Rulings will be forwarded to the parties and their attorneys via e-mail. The ruling will also address any future court dates. In proceedings that simply require a new date and do not require a ruling by the Court, the attorneys or the parties may submit an e-mail to the Court with a proposed order for the Court to sign addressing future dates.
- i. This remote process may also be utilized by attorneys for pre-trial purposes if all parties agree. The requirements for pre-trial conferences in Administrative Order 20-11 entered March 23, 2020 must be followed for remote pre-trial activity. No record will be made of remote pre-trial proceedings.
- j. This remote process may also be used for prove-up activities, provided all parties and attorneys agree. The requirements for prove-up activities in Administrative Order 20-10 entered March 23, 2020 must be followed for remote prove-up activity, subject to the following modifications:
  - Record shall be made of remote prove-up activities using Court Smart.
  - The parties and their attorneys will be allowed to direct and cross-examine the parties present for the remote prove-up.
  - The parties have a right to be present remotely for the prove-up.
- k. It is preferred that during all remote hearings the parties and their attorneys should participate from separate locations consistent with current social distancing guidelines.
- l. In the event of any audio or video failure during a remote proceeding, the Court in its discretion may continue or terminate the proceeding.
- m. The above procedures remain in effect until further order of the Court. This Court will continue to review and adjust the Order as necessary.



## 8. Law Division

- a. All matters set for status will proceed. The parties may proceed in the following manner:
  - Submit an agreed order by email in advance of the status date; or
  - Proceed by CourtCall or Zoom video conference. Any request for Zoom video conference must be made at least 7 days in advance of the status date. The request for a Zoom video conference must be made by email, containing the case caption in the subject line of the email, copying all parties of record, to the judge's public email address. The manner in which the status hearing proceeds will be the sole discretion of the court.
- b. Contested hearings may be decided without oral argument unless a party notifies the judge's secretary by email of a request for oral argument. Such a request must be made at least 7 days in advance of the hearing date. The decision to proceed with oral argument shall be at the sole discretion of the court. If the court grants the request for oral argument, either a new hearing date will be set by court order, or arrangements to have oral argument by CourtCall or Zoom video conference shall be made. For all contested motions, whether proceeding to oral argument or not, the moving party shall email courtesy copies at least 7 days before the hearing to the judge's secretary. No hard copies shall be mailed or delivered;
- c. New motions shall be filed with the Clerk and the parties shall email to the judge's secretary an agreed order setting a briefing schedule and a proposed status date which may be entered by the court. The court may assign a hearing date and notify the parties. Such a date may differ from the 30-60 day date issued by the Clerk;
- d. Emergency motions shall be e-filed with the Clerk pursuant to Local Court Rules and courtesy copies sent to the assigned judge. The emergency motion may be decided without oral argument unless a party notifies the judge's secretary by email of a request for oral argument. The decision to proceed with oral argument shall be at the sole discretion of the court. Arrangements will then be made for argument, by CourtCall or telephone or video conference at the discretion of the judge. Pursuant to local court rule, all emergency motions must be filed with an affidavit attesting to the emergency;
- e. All final trial conferences and civil trials will be continued. Settlement conferences may proceed by Zoom video conference, CourtCall or may be continued at the discretion of the assigned judge;
- f. All currently scheduled arbitration hearings will be continued to a future status in the assigned courtroom;
- g. Orders can be viewed by attorneys at *eaccess* and by the general public at *epay*.

## 9. Other Matters

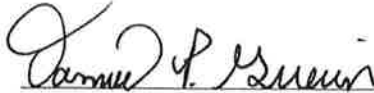
- a. Jury Service: No Criminal division jury trials will take place before July 20, 2020. No Civil division jury trials will take place before August 24, 2020.
- b. Grand Jury: The grand jury empaneled on April 2, 2020 shall serve through May 14, 2020. No new grand jury shall be empaneled before May 18, 2020.
- c. All Forcible (Eviction) cases and the entry of any Judgment of Foreclosure shall be suspended through and including June 5, 2020.
- d. Writs of Habeas Corpus: All court orders for writs of habeas corpus issued in felony, misdemeanor and juvenile courts for court dates in May and June, 2020 shall be placed on the respective court calls and, whenever possible, continued to a future date consistent with this Order.
- e. Electronic Arrest Warrants, Search Warrants and Eavesdrop Applications: Requests seeking these orders shall proceed pursuant to current practice.
- f. Marriage and Civil Union Ceremonies: No ceremonies will be performed until June 12, 2020.
- g. Safe Harbor Children's Waiting Room: The Waiting Room is closed until June 8, 2020.
- h. DuPage County Law Library: The Law Library will be closed until June 8, 2020. Telephonic and electronic information requests will be fulfilled during this closure based on the availability of required resources.
- i. Summons: All Summons that have been served with return dates of May 18 through June 5, 2020, shall be returnable on the rescheduled court date.
- j. Return Dates: All return dates are extended to a future date consistent with this Order. On a sentencing order return date, leave is granted for a state or local prosecutor to file, in an appropriate circumstance, a petition to revoke with the Clerk's office. A petition to revoke must be filed on or before the original final report date in the case.

**IT IS FURTHER ORDERED** that the Chief Judge Directive issued March 16, 2020 (as amended) addressing the cancellation of schoolhouse tours and training or education seminars and meetings involving outside participants remains in full force and effect.

**IT IS FURTHER ORDERED** the Court may issue further Orders, as necessary, to address the changing circumstances surrounding the Coronavirus pandemic.

Entered this 1st day of May, 2020 and effective immediately.

ENTER:

  
\_\_\_\_\_  
Daniel P. Guerin  
Chief Judge

Dated: May 1, 2020  
Wheaton, Illinois

DuPage County Chapter of the American Inn of Court

May 27, 2020 Zoom meeting CLE: The effects of COVID-19 on the Courts

Criminal Division: by David Stevens

Criminal Division Materials

Link to the Judge's Panel CLE given earlier this month.

It was an hour-long CLE with Chief Judge Guerin, Judge Teelander, and Judge Bugos and hosted by DCBA president Stacey McCullough.

[dcba.org/news/news.asp?id=493899](https://dcba.org/news/news.asp?id=493899)

Link to the Administrative Orders found at [dupageco.org/Courts/40292/](https://dupageco.org/Courts/40292/)

AO 2020 and 2022

The DCBA has established the COVID-19 Lawyer Assistance Fund. If you have questions or would like to fill out an application you can reach out to the DCBA.

On the DCBA website under COVID-19

Or info at

[https://cdn.ymaws.com/www.dcba.org/resource/resmgr/dbf/covid\\_fund\\_application\\_final.pdf](https://cdn.ymaws.com/www.dcba.org/resource/resmgr/dbf/covid_fund_application_final.pdf)

You can also donate to the cause

### IDES EXPERIENCE

Mr. Jacobson was employed as an Administrative Law Judge with the Illinois Department of Employment Security in the Appeals Division. As an ALJ, he decided on about 10,000 cases for IDES. He was the only Subject Matter Expert in the Appeals Division for the revamping of the software. In private practice he has handled Unemployment Hearings from Local Office to Administrative Review for almost 30 years.

### CARES ACT

Since the implementation of the CARES ACT by Congress, Mr. Jacobson was interviewed on ABC, NBC, WCPT. He was featured on the WBBM Noon Business Hour with Cisco Cotto, discussing filing claims for unemployment, the Payroll Protection Program and CARES Act. He also appeared in the Patch newspaper explaining unemployment issues. He meets with legislators, both State and Federal, to discuss the laws and processes on unemployment benefits.

### SUGGESTED OUTLINE

### HELPING SMALL AND MEDIUM SIZE FIRMS DURING COVID-19

1. Unemployment
  - a. Who is eligible?
    - i. WBA, severance pay, CARES Act \$600 per week
    - ii. Dependency allowance
    - iii. Childcare and other issues used to be reasons to be denied benefits, it is not a reason during Covid-19.
  - b. How to apply
    - i. Part time, 1099, full time
  - c. Protest
    - i. Can employers protest the unemployment benefits? Section 603...
  - d. How to certify
    - i. What needs to be reported
      1. Wages v. 1099
      2. Social Security
  - e. How to appeal
2. Businesses
  - a. will be impacted for 3 years with FUTA and SUTA.
  - b. Who pays back the \$600 per week
3. FMLA under CARES Act
  - a. What firms are eligible?
  - b. Who pays the first 10 days of FMLA?
  - c. Who pays the remaining 10 weeks of pay?
4. Payroll Protection Program
  - a. Who is eligible?
  - b. How to apply.
5. SBA
  - a. Who is eligible for loans?
  - b. How to apply.
6. Misc.