

To: Attorneys practicing in McDonough County

From: Circuit Clerk Kim Wilson, Judges William Poncin, Richard Gambrell and Heidi Benson

Date: January 17, 2018

RE: Electronic Filing

Electronic Filing is now mandatory in civil cases. Currently the Illinois Supreme Court requires that every clerk's office maintain a full and complete paper file and a complete electronic record.

In reviewing how electronic filing has progressed, the four of us identified some issues that have not been adequately addressed by the State of Illinois vendor, Tyler Industries. We would like to make you aware of these issue so that you can understand and help us address them.

Issue 1) Neither the Circuit Clerk's office nor any judicial user is an "authorized filer" in the system. What that means is that none of us have the ability to efile anything. If a judge takes a case under advisement and writes a letter opinion, we will have to ask an "authorized filer" to e-file it into the system. If a paper order is signed in court, the only way it becomes part of the e-record is for an "authorized filer" to scan the order and file it into the system.

Proposed Solution: For right now, if a paper order is entered in court, a copy of that order will be given to an authorized filer with the instruction that said filer e-file it back into the system. At some point, the efile will be the only file so it is important for all of us to try and make the efile as complete as possible. Kim Wilson is going to outfit the three courtrooms with scanners for attorney use. Judge Poncin and Mr. Bougher are getting close to being able to provide us with WiFi access in all three courtrooms. This solution will require attorneys to be able to access and use the Odyssey system without the assistance of their support staff. Once WiFi is available, attorneys may find it useful to bring some type of computer or tablet to court as a typed order uploaded to the Odyssey system for esignature is preferable to a written order signed in ink and scanned back in.

Issue 2) Judges have no access to the e-record. None. Our access is currently limited to only being able to review what the clerk's office forwards to us for signature. Once we have e-signed an order, it is gone from our part of the system and we cannot review it.

Proposed Solution: If we need to review a (e.g.) pleading prior to e-signing an order, we have to have the paper file pulled.

Issue 3) E-filing is sometimes not contemporaneous. The clerk's office has noted as much as an hour lag in time between a document being e-filed and the receipt by the clerk's office.

Proposed Solution: Kim Wilson and her clerk's association is continuing to advocate on our behalf. Although criminal cases are not currently required to be e-filed, the deadline for that is fast approaching along with an entirely new set of issues. Kim is going to purchase computers for the two benches that do not have computer access so judges in all three courtrooms should have access to the system from the bench. If Tyler can improve its processing speed, we should be able to have attorneys upload orders from their devices at counsel table for judges to receive and review and e-sign at the bench.

Issue 4) Judges have a limited ability to type onto the orders you submit, but it is a little clunky and somewhat difficult to use. Some order have been submitted with an incorrect date pre-typed in the “Dated” line next to the judge’s signature line.

Proposed Solution: Judges have a “tool” to stamp a “current date” that is easy to use. If a proposed order has the month or even the year already typed in, we cannot use the “current date” stamp which leads to potential errors in the date of signing. It also requires us to use the less desirable tool of opening a text box (in the correct place) and trying to type in the correct information. If all of you could leave a complete blank for the date-do not even include the year, that would be helpful. (i.e.) “Dated:_____”

Obviously, this entire system is a work in progress. Please continue to call to our attention issues you encounter so that we can continue to work on solutions and advocate for updates and changes to the sytem.