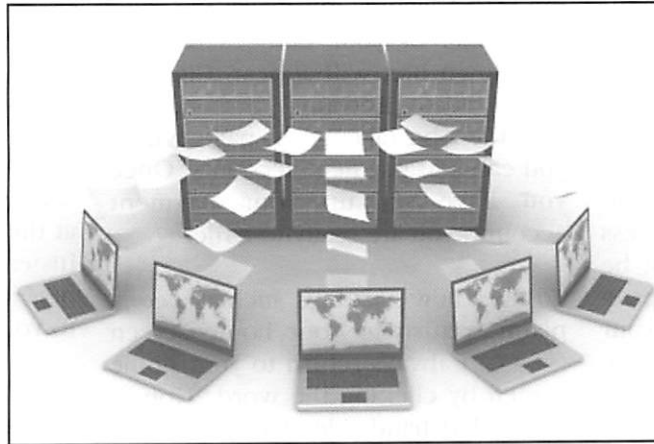


# Technology in Practice: E-Filing 101 at the State Level

by Catherine D. Battista

The Illinois Supreme Court has defined electronic filing, or “e-filing,” as the filing of court documents using the internet and receiving an electronic response from the court as to the status of the filing.<sup>1</sup> E-filing allows practitioners to pay filing fees, send notice to opposing counsel or other parties, receive court notices and receive court information electronically.<sup>2</sup>



The main difference between traditional filing and e-filing is that instead of submitting paper copies to the court, a practitioner submits those same copies electronically using the power of the internet.

The Illinois Supreme Court has recognized the advantages of e-filing and has implemented pilot projects in several counties including Cook, DuPage, Madison, St. Clair and Will counties.<sup>3</sup> Traditional paper filing, the Court has stated, creates inefficiencies, redundant activities, and higher costs to the courts throughout Illinois.<sup>4</sup> E-filing, on the other hand, creates improved operational efficiency.<sup>5</sup>

E-filing allows attorneys to submit their court documents online without having to leave their home or office, eliminating the costs related to the delivery and processing of documents. Documents can be e-filed 24 hours a day, 7 days a week, 365 days a year, “eliminating racing the clock to the courthouse.”<sup>6</sup> E-filing is cheaper, faster, convenient, saves time and reduces paperwork.

In this day and age, all practitioners should feel comfortable using a computer and some form of word process-

ing software. We all know how to type up a pleading, print it, and sign it. Traditionally, many of us would then prepare a notice of filing or notice of motion to accompany our pleading, print it, and sign it. We would then either give it to our assistant (or if you are a small office, prepare the necessary copies yourself), to “get it ready for filing.”

“Getting it ready for filing” means preparing the original for filing with the clerk, preparing a copy to be file stamped by the clerk for your office file, making the necessary copies for opposing counsel, preparing the envelope to the clerk with the original and the copy for your office file, preparing the envelope with the necessary postage to put in the envelope to the clerk to return the file stamped copy back to you, and finally preparing all of those necessary envelopes to opposing counsel for their copies of your pleading and notice.

“Getting it ready” could also mean making all of those copies and then actually sending a member of your staff, or even yourself, over to the clerk’s office to file the documents.

E-filing those same documents can save you, and your clients, a lot of

energy and money over time.

In the next few years, traditional paper filing will be a thing of the past. Attorneys will be *expected* to e-file. By embracing this technology today, you are doing your practice a tremendous service. Plus, it isn’t as scary as you might think. Also, there is no cost to use any of the e-filing programs; however, you must have an active email account and access to the internet.

This article will focus on e-filing in Cook, DuPage and Will counties. For information on e-filing in Madison or St. Clair counties, please visit their respective websites.<sup>7</sup>

## Cook County

In Cook County, you can only e-file commercial litigation cases in Law Division for fraud, breach of warranty, consumer fraud, “other” commercial litigation, retaliatory discharge, breach of contract or other “statutory actions.” E-filing is limited to cases being heard at the Daley Center. E-filing is also limited to Illinois attorneys and pro-se litigants (no *pro hac vice* attorneys allowed).

The Cook County e-file site is very user friendly. Unlike e-filing in DuPage and Will, where you have to pay your filing fees in a separate step, the Cook County e-file site is a one-stop shop where you can file, direct the Sheriff to make service, and pay filing fees all at once.

While the types of cases that may be e-filed in Cook County are limited at this time under the pilot program, once the Cook County e-file system



opens up to all kinds of cases, e-filing will become a very powerful tool that will make the Cook County courts more accessible to collar county practitioners.

To e-file in Cook County, type <https://efile.cookcountycourts.com/Login.aspx> into your internet browser. You will be taken to the Cook County Electronic Filing System. Click on the "Register" button to register as a new attorney user. You will be required to submit your ARDC number and other identifying information including your office address and a valid e-mail. You will then be asked to create a username and password. Make sure that you keep your username and password in a safe place.

Cook County e-filing offers a "CC:" feature. When you are setting up your account, you can enter the email address of your legal assistant, paralegal, or another attorney you want to receive a carbon copy of all e-filings.

Once you have registered, you will receive an e-mail confirmation from the Cook County Circuit Court Clerk. The e-mail will contain a link that you must click on returning you to the Cook County e-file webpage. There, you will be asked to click a button verifying your registration and finalizing your e-file account. Once your registration is verified, you are ready to e-file.

Now that you are registered, return to <https://efile.cookcountycourts.com/Login.aspx>. Enter your username and password. You will be taken to your e-filing account "home page." I recommend setting up your "payment accounts" before you start to e-file.

Many pleadings have filing fees that accompany them. On the Cook County e-file site, you can establish payment accounts to pay these filing fees online. If you do online banking, this concept should be relatively familiar to you. Cook County allows

you to save a checking account or a credit card (Visa, MasterCard or Discover) to your e-file account. When you e-file, you can pay the filing fees online using one of your saved accounts.

To set up a payment account, click on the "My Account" button on the right hand side of your home screen. A dropdown box will appear. Click on the "Update Account" button. You will then be taken to a page where you can add payment accounts. Once you have set up your payment account, you are ready to e-file.

To file a new pleading, such as a complaint, return to your home screen (you can always return to your home screen by clicking the word "Home" on the left hand side of your computer screen). Click on the "Complaint" button. You will be taken to a "Case Initiation" page. You will be asked to select the division and district. Currently, only Law Division and District 1 (Daley Center) accept e-filing. Click the next button.

Next, you will be asked to provide case information, *i.e.* case type, jury demand, damages amount, and your Cook County attorney code. Click the "next" button. You will then be required to fill out information about the parties, *i.e.* plaintiff and defendant. For the defendant, you must identify that you want the Cook County Sheriff to provide service if it is for a new complaint. You then have the option of having the Cook County Circuit Court Clerk prepare the summons and deliver it to the Sheriff themselves (for an additional fee) or you can choose to deliver summons to the Sheriff yourself. Click the "next" button.

You will now have to upload the documents that you want e-filed. This next part may be tricky for some practitioners. You cannot e-file Microsoft Word documents. You can only file documents in a portable document format, more commonly referred to as PDFs.

So, how do you make that Microsoft Word document into a PDF that you can e-file? It is easy. If you have Microsoft Word, you should have an option where you can save your Word document *as* a PDF. Just click on the "Save as PDF" option and your Word document will be saved as a new PDF that you can e-file.

Your other option is investing in a scanner. A scanner is just like a copy machine. You put the document in, you hit a button, the document goes through the machine and comes out at the end. The only difference is that instead of making a copy, the "scanner" will save the document as a PDF to your computer or hard drive.

Cook County even offers PDF conversion software on its e-file website. It also allows for "electronic signatures" on your pleadings. Instead of signing your name with a pen, you create an electronic signature using an appropriate font on your word processor.

Once your documents are converted into PDF format, upload the documents you want e-filed. Here is an important tip. Each document that you want e-filed must be uploaded separately. For example, if you are filing a motion to dismiss and an accompanying notice of motion, you cannot e-file those two documents together as one scanned document. Each document requiring a file stamp must be filed separately. So, you will need to upload the motion to dismiss as one PDF and then you will need to upload the notice of motion as a second PDF. This concept applies to all jurisdictions that allow e-filing.

Once you have uploaded your documents, click the "next" button. You will be taken to a filing summary page. Click the next button to review the case filing fees (if any) associated with your filing. Click the "next" button again to be taken to the payment page. You can enter a reference code for your own records and then select the payment account you want to use to pay any filing fees. Once you have



selected the payment account, and have reviewed the filing fees carefully, click the "Charge Account" button to complete the transaction.

Next, you will be taken to a page where you can print a filing receipt for your records. Once you click on the "Continue" button, all of your materials will be submitted to the Clerk for filing. You will then be redirected to the Home Page where you can review your most recent e-filings. The Clerk's office will review, process, accept or reject your filing. Once your document has been filed, you will receive an e-mail from the Clerk with a file stamped copy of your document.

### DuPage County

In DuPage County, you can e-file and serve your documents on line using I2File.Net. The DuPage County e-file site is currently the most comprehensive. You have a wide variety of case types you can e-file in from Family to Law Division.

Type [www.I2File.net](http://www.I2File.net) into your internet browser. All licensed attorneys in the State of Illinois have free access to this site. If you are a licensed attorney you must file as an attorney. You cannot file under any of the other options available, *i.e.* "pro-se."

Setting up an I2File account is easy. First, go to the I2File.Net home page. Check the box on the left hand side where you agree to the user terms and conditions. Next, click on the "Attorney Registration" link, also located on the left hand side of the home screen. You will then be taken to an online form where you will be asked to create a username and password. Make sure that you keep your username and password in a safe place. Also, pick something that you will be able to remember. You will also be asked to provide additional information such as your ARDC number, office address and e-mail address. Once you have completed the form, click the "Register" button on the bot-

tom of the screen. When your online registration is confirmed, you are ready to e-file.

To e-file, go to the I2File.Net home page. Enter your username and password. Select "attorney" as your user role. Check the box on the left hand side where you agree to the user terms and conditions. Then click the box that says "Login to I2F." You will then be taken to a home page where you have a wide variety of options to choose from.

You can either file a "new case" or you can file documents in an "existing case." To file a new case, simply click on the "New Case Filing" link at the top of the page. Select what kind of case you want to open, *i.e.* Law, Family, Divorce, Chancery etc. Select whether you are the attorney of record. Fill in the plaintiff or petitioner's name and the defendant or respondent's name, if applicable. Next, select what kind of pleading you want to file, *i.e.* New Complaint or Motion/Petition.

Click the "Browse" button next to the "Document to Upload" section. You must then select the PDF you wish to e-file from your computer or network. Once the document is selected, make any necessary comments that you need to share with the clerk in the "Comments" section. Then, click the "Upload Document" button. If your document is uploaded successfully, it should appear in the list of attached documents at the bottom of the page.

Once you have attached all of the documents you want to e-file, click the "Submit" button on the bottom of the screen. Soon thereafter, you will receive an e-mail to your e-mail account letting you know that the documents you e-filed have been received by the clerk. Once your documents have been filed, you will receive a second e-mail confirming that your documents have been filed and that they are ready to be reviewed on I2File.Net.

After you receive your confirmation

email, log back into your I2File.Net account. Once you are logged in, click on the "Click here to Review Status of your Document Filings and Copy Requests" button. You will be taken to a page where you can review your e-filed document (which comes complete with a digital file stamp). You are then able to print the e-filed document or save it to your computer or network.

Now, what do you do if the document you are filing, such as new complaint, requires that you pay a filing fee? No problem. E-file your document as set forth above. Wait for a response from the clerk. The clerk will send you an email letting you know that a filing fee is required to finalize filing. You will then be redirected back to your I2File.Net account. Log in. Follow the directions as outlined by the clerk to pay the necessary filing fees through your I2File.Net account. I2File.Net allows you to pay filing fees with a wide variety of options, including credit card. Once the clerk processes your payment, your document will be file stamped and e-mailed to you.

### Will County

While Will County formerly used a service provider called "WizNet"<sup>8</sup> for its e-filing program, it has recently started accepting e-filed cases using I2File.Net, just like DuPage County. "WizNet" is still available for practitioners but it is not as user friendly as I2File.Net.

Will County is currently only accepting e-filing in Arbitration (AR) and Law Division (L) cases.<sup>9</sup> To e-file in either one of these divisions, simply follow the same instructions set forth above for e-filing in DuPage County.

### E-Filing in Kane County?

While Kane County is not part of the Illinois Supreme Court's e-filing pilot program, the Kane County Circuit Court Clerk is already taking steps to bring this technology to our local court system. With luck, Kane County will make e-filing avail-

able to practitioners in the next few years. Kane County Circuit Court Clerk Deborah Seyller sits on the Illinois Supreme Court e-business committee where she actively pursues the technological interests of Kane County. Ms. Seyller is working to bring a program called "x-filing" to Kane County, which will be a pure e-filing system.

"Pure e-filing," according to Ms. Seyller, means that all e-filing is done through purely electronic means. Currently, the e-filing programs available in neighboring counties are really "e-delivery systems." In other words, the documents are submitted electronically but are still processed and filed by a clerk. With a "pure e-filing" system, the documents will be submitted electronically, processed electronically, and returned to practitioners electronically.

The Kane County Circuit Court Clerk has started a pilot program with a local law firm for Chancery foreclosure cases. Through its pilot program,

the new case information sheet for new filings in Kane County will be completed online, with all of the information processed electronically. By starting with an online new case information sheet, the Kane County Clerk is hoping to build a pure e-filing program, for all case types, within the next several years.

### Conclusion

E-filing is quick, efficient and cost-effective. With the Illinois Supreme Court taking an active interest in making e-filing the standard in Illinois, it is smart to learn this technology sooner than later. Plus, it is easy and will save your practice time and money. Don't be the last lawyer on the block to embrace this exciting technology, especially when e-filing is simple to learn and even better - free!

<sup>1</sup> <http://www.state.il.us/court/ebusiness/Efiling.asp#efiling>.

<sup>2</sup> Id.

<sup>3</sup> See <http://www.state.il.us/court/ebusiness/efiling.asp>.

<sup>4</sup> <http://www.state.il.us/court/ebusiness/Efiling.asp#efiling>

<sup>5</sup> Id.

<sup>6</sup> Id.

<sup>7</sup> <http://www.state.il.us/court/ebusiness/efiling.asp>

<sup>8</sup> <https://www.wiznet.com/willil/>

<sup>9</sup> <http://www.willcountycircuitcourt.com/E-File/efile.htm>



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# Family Law Committee CHRISTMAS PARTY

To show our appreciation for the Family Court Support Staff and Court Security

December 7, 2011, 5:00 p.m. to 8:30 p.m.

Tap House Grill, 3341 W. Main St., St. Charles

Cost: \$60 Per Attorney

(Family Court Support Staff & Court Security are complimentary)

Make checks payable to Lisa Nyuli.

Mail to: 2000 McDonald Road, Suite 2000  
South Elgin, IL 60177

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