

**Proposal 08 - 04 (P.R. 0163)**  
**Amends Supreme Court Rule 11**  
**Offered by the Supreme Court Rules Committee**

**Supreme Court Rule 11. Manner of Serving Papers Other Than Process and Complaint on Parties Not in Default in the Trial and Reviewing Court**

**(a) On Whom Made.** If a party is represented by an attorney of record, service shall be made upon the attorney. Otherwise service shall be made upon the party.

**(b) Method.** Papers shall be served as follows:

- (1) by delivering them to the attorney or party personally;
- (2) by leaving them in the office of the attorney with his clerk, or with a person in charge of the office; or if a party is not represented by counsel, by leaving them at his residence with a family member of the age of 13 years or upwards;
- (3) by depositing them in a United States post office or post office box, enclosed in an envelope, plainly addressed to the attorney at his business address, or to the party at his business address or residence, with postage fully prepaid; or
- (4) by transmitting them via facsimile machine to the office of the attorney or party, who has consented to receiving service by facsimile transmission. Briefs filed in reviewing courts shall not be served by facsimile transmission.

(i) A party or attorney electing to serve pleadings by facsimile must include on the certificate of service transmitted the telephone number of the sender's facsimile transmitting device. Use of service by facsimile shall be deemed consent by that party or attorney to receive service by facsimile transmission. Any party may rescind consent of service by facsimile transmission in a case by filing with the court and serving a notice on all parties or their attorneys who have filed appearances that facsimile service will not be accepted. A party or attorney who has rescinded consent to service by facsimile transmission in a case may not serve another party or attorney by facsimile transmission in that case.

(ii) Each page of notices and documents transmitted by facsimile pursuant to this rule should bear the circuit court number, the title of the document, and the page number.

**(c) Multiple Parties or Attorneys.** In cases in which there are two or more plaintiffs or defendants who appear by different attorneys, service of all papers shall be made on the attorney for each of the parties. If one attorney appears for several parties, he is entitled to only one copy of any paper served upon him by the opposite side. When more than one attorney appears for a party, service of a copy upon one of them is sufficient.

**(d) Notice of Submissions to the Court.** Any materials submitted to the court by an attorney or party less than seven (7) days in advance of a hearing or trial must be provided to all opposing attorneys or parties by any method that results in receipt on the same day as the submission made to the court.