

IN THE  
SUPREME COURT OF ILLINOIS

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In re: Electronic Transfer of the Record on  
Appeal Originating in Clinton County  
to the Appellate Court, Fifth District

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M.R. 18368

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ORDER

Until further order of the Court and pursuant to the Court's general administrative and supervisory authority over all courts, the Supreme Court of Illinois deems it appropriate to authorize the electronic transfer of the record on appeal originating in the Circuit Court of Clinton County to the Appellate Court, Fifth District. Therefore, IT IS ORDERED:

The electronic transfer of the record on appeal originating in the Circuit Court of Clinton County to the Appellate Court, Fifth District, shall begin on a pilot basis pursuant to the "Policy for Implementation of the Electronic Transfer of the Record on Appeal Originating in the Circuit Court of Clinton County to the Appellate Court, Fifth District," attached and approved by the Court on this date. In the event this order creates a conflict with any statute or Supreme Court Rule, this order shall control.

The "Policy for Implementation of the Electronic Transfer of the Record on Appeal Originating in the Circuit Court of Clinton County to the Appellate Court, Fifth District," is effective immediately.

Order entered by the Court.

**FILED**

APR - 2 2012

SUPREME COURT  
CLERK

**POLICY FOR IMPLEMENTATION OF THE ELECTRONIC TRANSFER OF THE  
RECORD ON APPEAL ORIGINATING IN THE CIRCUIT COURT OF CLINTON  
COUNTY TO THE APPELLATE COURT, FIFTH DISTRICT**

The record on appeal generally contains the common law record, reports of proceedings and exhibits. Because of the unique characteristics of original documents or physical items which are admitted as exhibits, exhibits are exempt from this policy and shall continue to be transferred in the current manual method.

The Circuit Clerk of Clinton County and the Appellate Court, Fifth District, ("Fifth District") are authorized to establish a pilot program for the electronic transfer of the record on appeal to the Fifth District pursuant to terms of the "Proposal-Pilot Project for Implementation of Electronic Transfer of the Record on Appeal by the Clinton County Circuit Court Clerk and the Fifth District Appellate Court," as approved by the Supreme Court on March 13, 2012.

The Circuit Clerk of Clinton County shall electronically transfer the record on appeal to the Fifth District Clerk via the approved electronic method. Upon request by the Fifth District Clerk, the Circuit Clerk of Clinton County shall transport the paper copy record on appeal to the Fifth District Clerk. With the exception of exhibits that are not part of the common law record, the same contents that currently make up the paper copy record on appeal shall be compiled and transferred electronically to the Fifth District Clerk. The Fifth District Clerk shall retain both the current paper copy of the record, if transported to the Fifth District Clerk, and the additional electronic record. If the paper copy record is not requested, the Circuit Court Clerk of Clinton County shall retain the paper copy record in compliance with all Supreme Court Rules.

When the appellant or the appellee requests the record on appeal from the Fifth District Clerk, they may request to take possession of the paper copy record or to receive access to the electronic record, or both. When access to the electronic record is requested, the Fifth District Clerk shall authorize the requesting party or attorney of record for a party, each Justice of the Fifth District, and approved Fifth District court personnel to download the record on appeal via the approved method. The Fifth District Clerk shall have the sole authority to grant secure access to download the electronic record. The Fifth District Clerk shall maintain the ability to deny or revoke future access to the electronic record.

The parties, attorneys for a party, approved court personnel and Justices of the Fifth District shall have the ability to search, bookmark and make notes on their individual copy of the electronic record. Any markings or notations made by a user on the electronic record shall be secure and shall be unique to that user's copy. When a user deletes their copy, all marking on their respective copy shall be destroyed. No user shall be able to view or access another user's copy of the reports of proceedings as each shall be secure only to that user. The Fifth District Clerk shall retain an unmodified copy of the electronic record at all times.

At a minimum, the index of the electronic reports of proceedings shall be in a format that supports searchable text, both word and phrase.

Subsequent to the issuance of the mandate in a case on appeal in the Fifth District, the paper copy of the record on appeal, if transported to the Fifth District Clerk, and exhibits shall be transported to the Circuit Clerk of Clinton County.

Prior to full implementation, exercises shall be conducted to test the approved transfer method of the electronic record between the Circuit Clerk of Clinton County and the Fifth District Clerk. Test exercises shall include at a minimum, but not be limited to:

- a. creating the electronic record by the Circuit Clerk of Clinton County;
- b. secure storage of the electronic record at the Circuit Clerk level prior to transfer;
- c. secure electronic transfer of the record by the Circuit Clerk of Clinton County to the Fifth District Clerk via the approved electronic method;
- d. receipt of the electronic record by the Fifth District Clerk;
- e. the Fifth District Clerk's process of allowing secure download of the record on appeal;
- f. retrieval of the electronic record by password;
- g. post-appeal storage of the electronic record by the Fifth District Clerk to ensure the retention of an unmodified electronic record on appeal;
- h. revocation of passwords by the Fifth District Clerk.

Effective: April 2, 2012