

SIXTEENTH JUDICIAL CIRCUIT
ADMINISTRATIVE ORDER – CIVIL DIVISION
Effective May 4, 2020

IN THE MATTER OF COVID-19)
TEMPORARY PROCEDURES FOR)
CIVIL DIVISION MATTERS)

WHEREAS in light of the Coronavirus pandemic, and in order to protect the health and safety of the general public, circuit court judges and circuit court employees, and after consultation with the offices of the Kane County State’s Attorney, Public Defender, Sheriff, Circuit Clerk, County Board, and representatives of the private bar, and pursuant to Illinois Supreme Court Rule 21(b) and the Court’s inherent authority,

IT IS HEREBY ORDERED that the following temporary procedures will apply to all cases assigned to the Civil Division:

A) AGREED ORDERS AND UNCONTESTED MATTERS FOR RULING BY EMAIL

- 1) The Civil Division will continue to accept proposed agreed orders, and uncontested motions and presentations, including, but not limited to the following:
 - a) Dismissals;
 - b) Entry of Protective Orders (HIPAA) and otherwise;
 - c) Appointment of Special Process Servers;
 - d) Agreed Briefing Schedules; and
 - e) Extensions of Discovery Schedules
- 2) All requests for an entry of an agreed order, or ruling on uncontested matters, shall be sent to the Clerk’s Office by email CICCivilProposedOrders@co.kane.il.us as follows: with a cover letter stating the case name and number, detail of the documents attached, summary of the action requested, and a representation by the attorney of record as to the agreed nature of the request. The documents attached shall include, but not be limited to, the subject motion, any supporting documentation, and the proposed order. If notice to any party would ordinarily be required, the attorney of record must represent that the party to whom notice is required has received all submitted materials and has consented to the proposed action/order.
- 3) All proposed draft orders shall be submitted as a separate document in PDF or Microsoft Word.
- 4) Upon receipt, the Clerk’s Office will forward the filing and the proposed order to the assigned judge. If the assigned judge approved the order, the Clerk will present the order to the judge or the on-duty judge in the courthouse for signature. The Clerk will then email the signed order to the parties.

- 5) Even where an order is agreed, or uncontested, the Court reserves the right to require additional information or to require a hearing, or to modify or deny the proposed order.
- 6) In the event the judge does not approve the order, the Clerk will notify the parties, and provide further instruction as appropriate.

B) PROTOCOL FOR REMOTE HEARINGS IN CIVIL CASES

- 1) At the discretion of the assigned judge, arguments on contested civil court hearings (non-evidentiary), status hearings, and settlement conferences may be undertaken by way of remote hearing either telephonically or via the Zoom platform, and contested civil evidentiary hearings may be undertaken via the Zoom platform.
- 2) The remote hearing may be initiated by the judge or by the attorneys filing a “Joint Motion for Leave to Schedule a Remote Hearing” (attached as Ex. 1).
- 3) Parties are responsible for obtaining a court reporter if they would like the hearing transcribed.
- 4) Notwithstanding the foregoing, if the parties file a consent that includes an appeal waiver on the issue of telephonic testimony the assigned judge may, in his or her discretion, approve a request to take witness testimony via telephone.
- 5) Eligibility for a contested remote hearing is limited to cases wherein all parties are represented by attorneys. This limitation will be frequently reviewed and modified, when possible, in an ongoing effort to expand access to justice.
- 6) Except as otherwise provided for in this order, hearings conducted pursuant to this order shall be conducted to the same standards as hearings in a courtroom and in accordance with the Illinois Rules of Civil Procedure, Illinois Supreme Court Rules and the Rules of Practice of the Circuit Court, Sixteenth Judicial Circuit.
- 7) The precise method in which a remote hearing will be conducted remains within the discretion of the judge assigned to the individual case, within the bounds of applicable law, rules, and practice procedures.
- 8) Holding a hearing remotely requires proper preparation and planning. Steps required to be taken prior to any contested remote hearing are as follows:
 - a) The attorneys shall e-file both a joint motion to set a telephonic or video remote hearing, consenting to the remote hearing, and a proposed order granting the motion. Actual facsimile signatures, not typewritten signatures, are required. Sample forms are attached as Ex.1 and Ex.2. The assigned judge will then review the file and either approve the order, or reject it and make a docket entry as to why. The judge may also conduct a telephonic hearing on the motion. Note: the filing of a proposed order is the only trigger that brings the motion to a judge’s attention. A motion filed without a proposed order will not be seen nor acted upon by a judge.
 - b) Upon entry of an order authorizing a hearing, counsel shall email or place a joint telephone call to the Civil Judicial Assistant (630-232-3441) to schedule a hearing.

- c) Three court days prior to a hearing, the parties shall file a list containing the names and email addresses of the attorneys, parties and witnesses (if any) who will attend the hearing. All persons must use their real names (not aliases) while online to ensure they will not be prevented from entering the hearing.
- d) Three court days prior to a hearing the parties shall exchange exhibits they intend to introduce into evidence and thereafter conduct a conference to identify any exhibit(s) they stipulate can be admitted into evidence. If a party fails to comply with this provision, the court in its discretion may deny the introduction of that party's exhibit.
- e) At least two court days before the hearing parties shall prepare and email to the circuit clerk at CICexhibits@co.kane.il.us proposed exhibits (and if appropriate, an electronic bundle of authorities) as follows:
 - i. A searchable PDF format (and a color PDF, if necessary) shall be used;
 - ii. Each exhibit shall be a separate file. Each file name shall reflect the party offering it and the exhibit number e.g. P1, P2, CP1, CP2, RA, RB, D1, D2, etc.;
 - iii. An index of all exhibits shall be included that states the number of pages in each exhibit;
 - iv. For exhibits greater than four pages, pagination must be generated and inserted electronically within the PDF (not handwritten). Pagination must be by exhibit number and page number, e.g. P1-1, P1-2, P1-3...RA-1, RA-2, RA-3, etc.;
 - v. The assigned judge may also require a courtesy copy of all exhibits and/or authorities either in electronic or paper form, and in such order and/or format as the judge otherwise directs.
- f) Attorneys of record will receive a notice via email from the Civil Judicial Assistant a day prior to the telephone hearing. On the day of the telephone hearing, it is the responsibility of the attorneys to ensure their clients and witnesses are available and ready to proceed at the appointed time.
- g) Attorneys of record will receive a notice via email from the Civil Judicial Assistant a day prior to the Zoom video hearing with access instructions. On the day of a video hearing, it is the responsibility of the attorneys to ensure their clients and witnesses are available and ready to proceed at the appointed time.
- 9) Once an exhibit is admitted into evidence during the hearing, the clerk of court shall upload the exhibit into Odyssey so that it becomes part of the record. Upon conclusion of the hearing, the clerk shall not be obligated to maintain any proposed exhibits that were not made part of the court record and may delete them at the clerk's convenience.
- 10) Where the case is one that involves the use of an interpreter, early and careful consideration should be given as to how best to facilitate this involvement in the context of a remote hearing, to include coordination with the Civil Judicial Assistant.

- 11) Where a witness attends the remote hearing, the witness will be sworn or affirmed by the judge prior to commencement of their testimony. In addition,
 - a) The witness is to be alone, in a secure room with the doors closed. A record will be made by the judge of those conditions.
 - b) Witnesses and parties should wear appropriate attire and present themselves as they would if they were appearing in a physical courtroom.
 - c) The witness is to ensure that there will be no interruptions or distractions for the duration of their appearance at the remote hearing.
 - d) The witness should have recently read all affidavits, statements, and documents before the remote hearing and have a cop of those documents with them and identified in the same manner as the documents are filed with the clerk. This provision is not mandatory for materials to be used in cross-examination or in the examination of adverse witnesses.
- 12) The court reporter is the only person authorized to record the remote hearing by electronic means, stenography or any other method. Any recording by a party or other person of a remote hearing without the permission of the court is strictly forbidden.
- 13) American courts are generally open to the public and it remains highly desirable that the operations of the civil courts are transparent as possible. Within this context, the court and the parties must consider how the press and public can have access to the remote hearing. The daily court schedule shall reflect that a hearing is remote and the date and time of such hearings. Members of the public and/or media who desire to observe a hearing should contact the Civil Judicial Assistant for directions on how to attend. Observers are prohibited from speaking to witnesses or potential witnesses concerning any testimony or evidence until after the evidence has closed.
- 14) All parties attending the remote hearing should ensure they have good connection/signal to avoid a breakdown in connection during the hearing. An Ethernet (wired) connection is recommended over a Wi-Fi connection. A poor video connection of a party or their attorney is not grounds to continue a hearing.

Entered this 24th day of April, 2020

Susan Clancy Boles, Presiding Judge

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY

_____,)
Petitioner/Plaintiff,)
)
and)
) Case No:
_____,)
Respondent/Defendant.)

SAMPLE
Joint Motion For Leave to Schedule a Remote Hearing

Now come the parties to this cause by and through their attorneys,
_____ and _____ and move this
Court for leave to schedule a remote _____ (insert either
telephonic or video) hearing in the above captioned matter for _____
(insert requested time allotment). All documents required by statute, court rules, and
administrative order have been completed and filed with the Circuit Clerk, and the parties
consent to the requested hearing format.

Petitioner/Plaintiff

By: _____

Respondent/Defendant

By: _____

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY

_____,)
Petitioner/Plaintiff,)
)
and)
) Case No:
_____,)
Respondent/Defendant.)

SAMPLE
Order Granting Leave to Schedule a Remote Hearing

The Court, having reviewed the Motion for Leave to Schedule a Remote Hearing and having reviewed the court file hereby orders that the motion is granted. The parties are authorized _____ (insert time allotment) of court time to schedule a _____ (insert either telephonic or video) hearing.

All parties shall coordinate among themselves to place a conference call to Court Administration (630-232-3441) to schedule a time for the hearing. All necessary parties must be on the line when the call is made to Court Administration.

Entered: _____ Judge _____