

STATE OF ILLINOIS - FIRST JUDICIAL DISTRICT
DOROTHY A. BROWN
CLERK OF THE CIRCUIT COURT OF COOK COUNTY

ELECTRONIC NOTICE POLICY

The Office of the Clerk of the Circuit Court of Cook County (“Clerk’s Office”) adopts this Electronic Notice Policy (“Policy”) pursuant to 705 ILCS 105/12.1.¹ This Policy is effective for attorneys on August 1, 2013 and on November 1, 2013 for non-attorney, self-represented (*pro se*) litigants.

Customers who opt-in to or opt-out of electronic notice must agree to and comply with the terms of this Policy now and as amended by us. This Policy may be updated from time to time for any reason. You are advised to consult this Policy regularly for any changes, as continued use of electronic notice is deemed approval of all changes.

The Clerk’s Office will provide case activity notice to a party by electronic notice (email notice) or by hard copy notice (U.S. Mail postcard notice) commencing on the effective dates indicated above for all civil areas of law. As of these dates, a customer may elect to receive email case activity notices via the electronic address s/he has registered with the Clerk’s Office. **If a party does not elect to receive email case notices, or elects and then opts-out of email case notices, then all “required” notices will be mailed to that party via U.S. Mail postcard. As of August 1, 2013 for attorneys and November 1, 2013 for *pro se* litigants, U.S. Mail postcard notices will *not* include non-required notices.** See paragraph 21 of this Policy for the definition of “required” case activity notices. A customer may opt-in or opt-out to email case activity notices as follows:

Law Firms and Attorneys: **Opt-in** for all cases associated with your Cook County Attorney Code by completing or updating a *Cook County Attorney Code Request Form* (Form 351.006). **Opt-out** (or change email address) by updating a *Cook County Attorney Code Request Form* (Form 351.006). Please see directions in paragraphs 5-8 of this Policy.

Pro Se, Non-Attorney parties: **Opt-in** on each case by checking a box and entering your email address on Civil Cover Sheets or Appearance forms filed in each court case OR by completing and filing a *Pro Se Electronic Notice Registration* form in each court case. **Opt-out** by completing and filing a *Pro Se Electronic Notice Registration* form in each court case. Please see directions in paragraphs 13-16 of this Policy.

Forms are available in fillable format on the Clerk’s Office website at: www.cookcountyclerkofcourt.org.

¹ 705 ILCS 105/12.1 provides as follows: The circuit clerk may provide notice to a party by hard copy or by electronic notice, pursuant to a uniform and standard policy adopted by the circuit clerk. A recipient may elect to receive notices by hardcopy or electronically via the electronic address s/he has registered with the circuit clerk. The clerk must provide notice in the format chosen by the recipient. When providing notice electronically, the circuit clerk shall maintain a copy of the electronic content and a delivery receipt as part of the records of his or her office. Administrative communications of either the clerk or the court are not subject to the electronic notice requirements. If all policies and statutes are complied with, electronic notices shall have the same effect as hard copy notices.

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1. *Service-by-Consent eMail Address.* The email address provided between parties or attorneys to a case for the purposes of service by consent, pursuant to Illinois Supreme Court Rules 11 and 131, will not be utilized by the Clerk's Office for the purpose of electronic notice. Only email addresses accompanied by the required opt-in to electronic notice, as detailed in this Policy, will be utilized by the Clerk's Office for the purpose of electronic notice. **Parties that elect service between parties by consent may use the same email address as used for eNotice or a different email address for that purpose, with no impact on eNotice.**
2. *Electronic notice will not be used where the Clerk's Office is required to send case notices via certified mail.* Notices that are required to be delivered via certified mail, certified mail return-receipt-requested, or registered mail, will continue to be delivered by these methods by the Clerk's Office and will not be converted to electronic notice. Notices that are required to be delivered by the Clerk's Office via regular mail and notices which the Clerk's Office is not required to provide will be converted to electronic notice for those law firms, attorneys, or pro se parties who have opted-in to electronic notice. *Please see paragraph 21 of this Policy for further information on required notices.*

Confirmation of eMail Address Required

3. *Customer eMail Confirmation Required.* It is the customer's responsibility to confirm that the email address submitted to the Clerk's Office for the purpose of electronic notice is accurate by responding as directed to the confirmation email from the Clerk's Office. Until such confirmation is made, the Clerk's Office will continue to send required notices via U.S. Mail postcard. **Please add enotice@cookcountycourt.com to your email address book so that the email notices are not diverted to your spam folder.**
4. *Customer Updates to eMail Address Required.* At all times, once a customer has opted in to electronic notice, it is the customer's responsibility to ensure that the email address submitted to the Clerk's Office is accurate and updated, and that the computer and email systems utilized by the customer are able to receive email notices from the Clerk's Office.

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LAW FIRMS AND ATTORNEYS: COOK COUNTY ATTORNEY CODE FOR *ALL* CASES

Attorney Opt-in

5. **Only one email address may be registered per Cook County Attorney Code.**
6. *Opt-In Procedure.* To opt in to email notice, law firms and attorneys must complete and submit a *Cook County Attorney Code Request Form* (Form 351-006). In order to complete or update this form, the person submitting the update request must submit (1) their Attorney Registration and Disciplinary Commission (ARDC) card, and (2) a current photo ID. The updated *Cook County Attorney Code Request Form* and accompanying ARDC Card and photo ID may be submitted to the Clerk's Office in person, by fax, or by scan (.PDF), using the directions on the *Cook County Attorney Code Request Form*. The Clerk's Office will verify the submitted ARDC number against the current ARDC table of attorneys authorized to practice law in Illinois. If the attorney submitting the change request is not in good standing with the ARDC, the request will be denied by the Clerk's Office and the requestor will continue to receive required notices from the Clerk's Office via U.S. Mail postcard.
7. *All Cases.* By opting in to email notice, the law firm or attorney will receive electronic notices for all cases in the Circuit Court of Cook County where the registered Cook County Attorney Code is used, exclusively at the email address provided by the law firm or attorney on the *Cook County Attorney Code Request Form*. By opting in to this electronic notice, the law firm or attorney will not receive any postcard notices via regular U.S. Mail for any cases associated with the registered Cook County Attorney Code. The electronic notifications will replace the U.S. Mail postcard notices for all cases in which that law firm or attorney prosecutes or defends an action using its Cook County Attorney Code.
8. *Processing Time.* The email notice opt-in will not become active until after it has been processed by the Clerk's Office. Until it is processed, the law firm or attorney will continue to receive required U.S. Mail postcard notices.

Attorney Opt-Out

9. *Opt-Out Procedure.* Should a law firm or attorney wish to opt-out of email notice, an updated *Cook County Attorney Code Request Form* must be completed and submitted to the

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Clerk's Office with the opt-out box checked. If the law firm or attorney opts out of e-mail notice, s/he will receive required notices from the Clerk's Office by U.S. Mail postcard in all cases prosecuted or defended using the registered Cook County Attorney Code. **U.S. Mail postcard notices to attorneys will not include non-required notices as of August 1, 2013.** *Please see paragraph 21 of this Policy for further information on required notices.*

10. *Processing Time.* The email notice opt-out will not become active until after it has been processed by the Clerk's Office. Until it is processed, the law firm or attorney will continue to receive email notices instead of U.S. Mail postcard notices.

Attorney eMail Address Change

11. *eMail Address Update Procedure.* Changes to the registered email address may be made using the *Cook County Attorney Code Request Form*. It is the law firm's or attorney's responsibility to promptly notify the Clerk's Office of a change to the registered email address.
12. *Processing Time.* The change of email address will not become active until after it has been processed by the Clerk's Office. Until it is processed, the law firm or attorney will continue to receive email notices at the previously-registered email address.

PRO SE, NON-ATTORNEY PARTIES: CASE-BY-CASE NOTICE

Pro Se Opt-In

13. *Pro se* parties must use a case-by-case method of opting in to electronic notice.
14. *Opt-In Procedure.* If a *pro se* party who is not an attorney representing another party has opted in to email notice for one of his or her cases, email notification will be the method of communication for all notices from the Clerk's Office only for the particular case in which the *pro se* party has opted in. If the *pro se* party has another case or cases filed in the Circuit Court of Cook County for which s/he wants to receive email notices, s/he will have to opt-in on a case-by-case basis: **the pro se party must check the electronic-notice box and provide an email address on the Civil Cover Sheet (for Plaintiffs/Petitioners) or the Appearance form (for Defendants/Respondents) on each case in which s/he wishes to opt-in to electronic notice OR**

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the *pro se* party may opt-in by completing and filing a *Pro Se Electronic Notice Registration* form.

15. *Case-by-Case Basis.* By opting in to email notice, the *pro se* party will receive case notices for the case in which the opt-in was filed exclusively at the email address provided by the *pro se* party. By opting in to this electronic notice, the *pro se* party will not receive any postcard notices via regular U.S. Mail for the case in which the opt-in was filed. The electronic notifications will replace the U.S. Mail postcard notices *for that case only*.
16. *Processing Time.* The email notice opt-in will not become active until after it has been processed by the Clerk's Office. Until it is processed, the *pro se* party will continue to receive required U.S. Mail postcard notices.

Pro Se Opt-Out

17. *Opt-Out Procedure.* Should a *pro se* party wish to opt-out of email notice, an updated *Pro Se Electronic Notice Registration* form must be completed and filed for each case in which the *pro se* party wishes to opt-out. If a *pro se* party opts out of email notice, s/he will receive required notices from the Clerk's Office by U.S. Mail postcard in the case in which s/he has opted-out of email notice. **U.S. Mail postcard notices will not include non-required notices.** *Please see paragraph 21 of this Policy for further information on required notices.*
18. *Processing Time.* The email notice opt-out will not become active until after it has been processed by the Clerk's Office. Until it is processed, the *pro se* party will continue to receive email notices instead of U.S. Mail postcard notices.

Pro Se eMail Address Change

19. *eMail Address Update Procedure.* Changes to the registered email address may be made by completing and filing a *Pro Se Electronic Notice Registration* form in each case in which the *pro se* party wishes to change the email address. It is the *pro se* party's responsibility to promptly notify the Clerk's Office of a change to the registered email address by completing and filing a new *Pro Se Electronic Notice Registration* form indicating a changed email address in each case in which the *pro se* party opted in to email notice.

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20. *Processing Time.* The change of email address will not become active until after it has been processed by the Clerk's Office. Until it is processed, *pro se* party will continue to receive email notices at the previously-registered email address.

REQUIRED NOTICES

21. The following are "required" case activity notices under this Policy:
- Notice of first status in Domestic Relations proceedings (Ill. R. Cir. Ct. Cook. Co., R 13.4(h)) and tax objection proceedings (Ill. R. Cir. Ct. Cook. Co., R 10.8.)
 - Notice of arbitration award in civil proceedings, Ill. R. Cir. Ct. Cook. Co., R 18.7.
 - Notice of dismissal for want of prosecution on application for tax deed cases in the County Division, Ill. R. Cir. Ct. Cook. Co., R 10.3(g).
 - Notices the Clerk is directed to provide by order of court.

Please consult Illinois statutes, Circuit Court Rules, and General Administrative Orders for updates.

22. Attorneys and *pro se* litigants who do not elect to opt-in to electronic notice, or who opt-out of electronic notice, *will only receive the above required notices from the Clerk's Office and will not receive any notices that the Clerk's Office is not required by statute, rule, or order to send as of August 1, 2013 for attorneys and November 1, 2013 for pro se litigants.*

23. Attorneys and *pro se* litigants who do not elect to opt-in to electronic notice, or who opt-out of electronic notice, *will be charged the statutory fee for mailing postcards the Clerk's Office is required by law to send, pursuant to 705 ILCS 105/27.2a(h)* ("When the clerk is required to mail, the fee will be . . . \$ 15, plus the cost of postage").

24. All parties must adhere to Illinois Law, Illinois Supreme Court Rules, and Rules and General Orders of the Circuit Court of Cook County regarding provision of notice to parties.

25. Case activity updates will continue to be available via:
- Court Clerk Connect*, the mobile app of the Clerk's Office (available through Google Play or iTunes);
 - The Clerk's Office website at www.cookcountyclerkofcourt.org; and
 - The attorney *eMail Case Notice Service* on the Clerk's Office website.

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26. The Clerk's Office will continue to provide required notice by publication in the *Chicago Daily Law Bulletin*. See e.g. Ill. R. Cir. Ct. Cook Co., R 5.1(a) (trial calls); Ill. R. Cir. Ct. Cook Co., R 13.4(i)(iii) and (j)(i) (Domestic Relations proceedings status calls); Ill. R. Cir. Ct. Cook Co., R 15.1(k) (Criminal proceedings calendar); Ill. R. Cir. Ct. Cook Co., R 10.8 (Tax objection proceedings case management); Ill. Gen. Ords. Cir. Ct. Cook Co. 14, R. (Probate proceedings call of calendars).

DATA-RETENTION AND PUBLIC ACCESS

27. *AOIC Retention Schedule*. The email address, text of the email notice, and delivery proof from electronic notices will be maintained with the court file by the Clerk's Office pursuant to the Retention Schedule issued by the Administrative Office of the Illinois Courts (AOIC), by order of the Illinois Supreme Court, for counties of the third class (i.e., Cook County).

28. *Public Access, Generally*. Public access to email addresses, email notice text, and delivery proofs will be the same as public access to Circuit Court case files, as provided by the Administrative Office of the Illinois Courts and by Illinois law. Email addresses utilized for the purpose of electronic notice will become part of the public court record and will be accessible to the public unless otherwise ordered by the court.

29. *Electronic Public Access*. As part of the Clerk's Office Integrated Document Management System (IDMS), the .PDF containing the email address, email notice text and delivery proof will be accessible via the Clerk's Office's public access terminals, unless otherwise ordered by the court. As operational areas become part of the Clerk's Office's eFiling system, as approved by the Illinois Supreme Court, the .PDF containing the email address, text and delivery proof will be electronically accessible to parties to an efiled case. In the event that the Illinois Supreme Court grants the Illinois Circuit Court clerks permission to permit court file images to be publicly accessible via the Internet, the .PDF containing the email address, text and delivery proof will be accessible via the Internet to the public, unless otherwise ordered by the court.

Please contact the Clerk's Office at (312) 603-4357 with any questions.