

as provided herein, attorneys and self-represented litigants shall show e-mail addresses on all pleadings and motions filed.

4. **COURTESY COPIES.** All courtesy copies shall be sent to the Civil Division Judicial Assistant's e-mail at KlattCourtney@16thCircuit.IllinoisCourts.gov.
5. **SUPREME COURT RULE 218 CASE MANAGEMENT CONFERENCES.** In some cases, if the parties have not submitted proposed agreed case management orders as described herein at least two (2) business days prior to the set case management or status date, the court may unilaterally enter an order setting discovery deadlines and further status/case management dates. The court may enter such unilateral orders on or before the day prior to the set date, and if such an order is entered, the court will not address such a matter at the remote hearing.
6. **REMOTE HEARINGS IF NO PRIOR PROPOSED AGREED OR UNILATERAL ORDER.** Beginning November 30, 2020, all court proceedings that are scheduled on the applicable court call and that have not been resolved or continued to a new date by submission of a proposed agreed order, or order on the court's own motion, will be held remotely using Zoom. Attorneys and self-represented litigants will be expected to join the remote hearing, in the manner described below. The Sixteenth Judicial Circuit has published on its website Illinois16thjudicialcircuit.org Zoom links for each Civil Division courtroom with scheduled court sessions, a Zoom Meeting ID, Password and Link for each session's date and time. Attorneys and self-represented litigants with cases scheduled on or after November 30, 2020 will be expected to appear through the Zoom link with the Meeting ID and Password for the courtroom assigned to their case.
7. **ZOOM INSTRUCTIONS AND PROTOCOL.** Parties should plan to appear as scheduled, to make a timely appearance, and should familiarize themselves with the ["Guidelines for Virtual Courtroom Proceedings of the Sixteenth Judicial Circuit"](#) and the [Illinois Supreme Court Remote Access Policy](#), effective January 1, 2020, and revised effective June 1, 2020.
8. **PRE-TRIAL SETTLEMENT CONFERENCES.** All pre-trial settlement conferences scheduled after November 30, 2020 will be conducted remotely on Zoom. The plaintiff and the assigned insurance adjuster for the defendant, if applicable, shall also be present by Zoom. At least three (3) business days prior to the scheduled hearing, the parties shall submit courtesy copies of their pretrial settlement memoranda to the Civil Division Judicial Assistant's e-mail at KlattCourtney@16thCircuit.IllinoisCourts.gov.
9. **BENCH TRIALS.** Bench trials scheduled between November 30, 2020 and January 29, 2021 will be conducted remotely pursuant to procedures set forth below in paragraph 12.

The remote appearance procedures in paragraph 12 will apply to all persons participating in bench trials, including the parties, attorneys, and witnesses. Courtesy copies should be sent to the Civil Division Judicial Assistant's e-mail at

KlattCourtney@16thCircuit.IllinoisCourts.gov 14 days prior to the scheduled bench trial.

10. JURY TRIALS. All civil jury trials and associated final pre-trial conferences scheduled between November 30, 2020 and January 29, 2021 are cancelled and the assigned judge will set a status date for re-setting of the trial dates. For any cancelled jury trial in which the parties waive a jury, the parties may move the court to set an earlier bench trial date. Until further order of court, bench trials will be conducted remotely (see paragraph 9 above). For any civil jury trials scheduled on or after February 1, 2021, and until further order of court, it is expected that only six (6) person juries will be empaneled because of the social distancing guidelines in effect and expected to be in effect in Illinois, at least for part of 2021. The Civil Division will be establishing further guidelines for in-person jury trials tried to six (6) person juries. The party or parties demanding a 12-person jury will have to file an appropriate waiver of such 12-person jury demand. If appropriate and practicable, and by agreement of all parties to waive in person proceedings, the assigned judge may consider hearing parts or all of a civil jury trial by remote hearing.

11. PROCEDURE FOR PROPOSED AGREED ORDERS AND UNCONTESTED MATTERS FOR RULING BY EMAIL.

A. ROUTINE AND AGREED ORDERS. The Civil Division will continue to accept proposed agreed orders, and uncontested motions and presentations, including, but not limited to the following:

- (1) Dismissals;
- (2) Entry of Protective Orders (HIPAA) and otherwise;
- (3) Appointment of Special Process Servers;
- (4) Agreed Briefing Schedules; and
- (5) Extensions of Discovery Schedules

B. METHOD OF SUBMITTING PROPOSED ORDERS. All requests for entry of an agreed order, or ruling on uncontested matters, shall be sent to the Circuit Clerk's Office by email to CICCCivilProposedOrders@co.kane.il.us. The email shall include 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 or self-represented litigant 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 or self-represented litigant must represent that the party to whom notice is required has received all submitted materials and has consented to the proposed action/order.

- C. ORDER AS SEPARATE PDF OR WORD ATTACHMENT.** All proposed orders shall be submitted as a separate attachment in PDF or Microsoft Word (not as part of the letter and supporting documentation). If the proposed order needs only the judge's signature, it should be submitted as a PDF. If the proposed order needs additional language or a future date to be filled in, it should be submitted as a Word document.
- D. CIRCUIT CLERK TO FORWARD TO JUDGE.** Upon receipt, the Circuit Clerk's Office will forward the filing and the proposed order to the assigned judge. If the assigned judge approves the order, the Circuit 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.
- E. CHANGES OR DECLINATION OF PROPOSED ORDER.** 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. In the event the judge does not approve the order, the Circuit Clerk will notify the parties, and provide further instruction as appropriate.

12. PROTOCOL FOR REMOTE HEARINGS IN CIVIL CASES

- A. PRE-REMOTE HEARING PREPARATION.** Holding a hearing remotely requires proper preparation and planning. Steps required to be taken prior to any remote hearing are as follows:
 - (1)** Three (3) 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.
 - (2)** Three (3) business 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.

- (3) At least two (2) 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:
- (a) A searchable PDF format (and a color PDF, if necessary) shall be used;
 - (b) Each exhibit shall be a separate file. Each file name shall reflect the party offering it and the exhibit number e.g. Plaintiff 1, Plaintiff 2, Defendant 1, Defendant 2, etc.;
 - (c) An index of all exhibits shall be included that states the number of pages in each exhibit;
 - (d) For exhibits greater than four pages, page numbers must be generated and inserted electronically within the PDF (not handwritten). The numbering must include the exhibit number and page number, e.g. Plaintiff 1-Page 1, Plaintiff 1-Page 2, Defendant 1-Page 1, Defendant 1-Page 2, etc.;
 - (e) 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.

B. PROCEDURES AT REMOTE HEARING.

- (1) Parties are responsible for obtaining a court reporter if they would like the hearing transcribed.
- (2) Notwithstanding the foregoing, if the parties file a consent that includes an appeal waiver on the issue of telephone testimony the assigned judge may, in his or her discretion, approve a request to take witness testimony by telephone.
- (3) 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 Local Court Rules of the Sixteenth Judicial Circuit.

- (4) 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.
- (5) On the day of a video hearing, it is the responsibility of the attorneys and self-represented litigants to ensure their clients and witnesses are available and ready to proceed at the appointed time.

C. PROCEDURES DURING HEARING.

- (1) **EXHIBITS ADMITTED IN EVIDENCE.** Once an exhibit is admitted into evidence during the hearing, the Circuit Clerk shall upload the exhibit into Odyssey so that it becomes part of the record. Upon conclusion of the hearing, the Circuit 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.
- (2) **USE OF INTERPRETER.** Where the case is one that involves the use of an interpreter, parties shall submit an Order requesting an Interpreter.
- (3) **REMOTE WITNESS TESTIMONY.** 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 copy of those documents with them and identified in the same manner as the documents filed with the Circuit Clerk. This provision is not mandatory for materials to be used in cross-examination or in the examination of adverse witnesses.

(4) NO RECORDING OTHER THAN CERTIFIED COURT REPORTER. 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.

(5) PUBLIC PROCEEDINGS. 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 Division 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.

(6) WI-FI CONNECTION. All parties attending the remote hearing should ensure they have a 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 18th day of November, 2020

Susan Clancy Boles
Presiding Judge, Civil Division