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1.01 RULES OF COURT

A. The Twenty-Second Judicial Circuit Court, McHenry County, Illinois, adopts the following Rules for the conduct, governance and management of business, operations, proceedings, and other functions and services of the court and may be referred to as the Local Rules (or Local Rule or LR [insert number].

B. The Rules shall be applied, construed and enforced so as to avoid inconsistency with other rules of court and statutes governing proceedings, functions and services of this court. In their application and administration, they shall be construed and employed so as to provide fairness and simplicity in procedure to avoid delay; and to secure just and expeditious determination of all actions and proceedings.

C. These rules are promulgated pursuant to 5/1-104(b) of the Code of Civil Procedure, providing that the Circuit Court may make rules regulating their dockets, calendars and business, and Supreme Court Rule 21(a), providing that a majority of the Circuit Judges may adopt rules governing civil and criminal cases consistent with statutes and Supreme Court Rules.

D. These rules shall become effective on the amended date of April 12, 2022; and rules in effect prior thereto will no longer be in effect.

E. Any amendment of these rules shall be passed by a majority vote of all Circuit Judges of the Twenty-Second Judicial Circuit.

F. All rules of this court and amendments thereto shall be filed with the Director of the Administrative Office of the Illinois Courts, Springfield, Illinois, within ten (10) days after adoption thereof pursuant to Supreme Court Rule 21(d). Said rules and amendments shall be filed with the Clerk of Court in McHenry County.

G. Any amendment to the Circuit Court Rules shall contain Part and Section numbers for appropriate placement within the body of the rules. The Local Rules and Procedures Committee shall specify the placement of any amendment at the time of the amendment's adoption. In the event, the Committee does not specify the placement of the amendment, the Chair of the Local Rules and Procedures Committee of the Twenty-Second Judicial Circuit is designated to assign the official Part and Section number to all amendments.

H. In the construction of these rules, the law governing the construction of statutes (5 ILCS 70/1, *et. seq*.) shall apply. In the event of any conflict between the content of a rule and that of an administrative order, the rule shall prevail.

I. Each rule shall apply to any civil or criminal proceeding unless contained in a part or section which limits its application.

J. Any reference in these rules to "he," "she," "his" or "her" is intended to be gender-

neutral and shall be construed to apply to each gender.

1.02 ELECTION OR SELECTION OF CHIEF JUDGE

A. **Election of Chief Judge:** A majority of the Circuit Judges of this Circuit shall elect, by secret ballot, a Circuit Judge to serve as Chief Judge. The election shall be held in June of each election year, on a date established by the current Chief Judge with at least fifteen (15) days written notice. Each term shall commence on the first day of December, starting with December 1, 2021.

B. **Selection of Chief Judge Upon Non-Majority Vote:** In the event that no one candidate for Chief Judge receives a majority of votes after three (3) consecutive ballots as specified above, the Chief Judge shall be selected by application of the following provisions to the results of the third ballot:

1. The candidate with the sole plurality of votes shall be selected for a full term.

2. In the event that no candidate has a sole plurality of votes, and that there is a tie voteamong the leading candidates who have received less than a majority, the Chief Judge shall be selected by application of these provisions to the tied results of the third ballot:

    a. If a current Chief Judge is not among the tied candidates, the tie will be determined in favor of the candidate who has served longest as a Circuit Judge. If seniority as a Circuit Judge is not dispositive, then the tie vote will be determined in favor of the candidate who has served longest as a judge. A candidate selected in this manner shall serve a full term.

    b. If a current Chief judge is seeking a second term and is one of the tied candidates, the tie will be determined in favor of the current Chief Judge. A Chief Judge selected in this manner will serve a term of one year, and he or she shall be precluded from becoming Chief Judge in the next subsequent election.

    c. If the current Chief Judge is seeking a third or more term and is one of the tied candidates, the tie will be determined in favor of a candidate who is not the current Chief Judge. If this determination is not dispositive, then the tied vote will be determined in favor of the candidate who has served longest as a Circuit Judge and who is not the current Chief Judge. If Circuit seniority is not dispositive of the tied vote, then the tied vote will be determined in favor of the candidate who has served longest as a Judge. A candidate selected in this manner shall serve a full term.

C. **Length of Term.** Other than as described in paragraph (B}(2}(b) above, a Circuit Judge elected to or selected for the office of Chief Judge shall serve a term of two

years.

D. **Acting Chief Judge:** The Chief Judge shall appoint another Circuit Judge to become Acting Chief Judge in the Chief Judge's unavailability or absence during the term. The Acting Chief Judge shall have the same powers and duties as the Chief Judge. In the event the Acting Chief Judge is also unavailable or absent, the most senior Circuit Judge on the premises shall act as Chief Judge.

E. **Vacancy:** Whenever a vacancy occurs, or is proposed, in the office of the Chief Judge, any two Circuit Judges may call a meeting of the Circuit Judges to elect or select a Circuit Judge to **fill** such vacancy for the remainder of the term, in the same manner as above, excepting the month for the election.

1.03 AUTHORITY OF THE CHIEF JUDGE

A. The Chief Judge may enter any general orders in the exercise of the Chief Judge's general administrative authority, including but not limited to orders providing for the assignment of judges, general or specialized divisions, and times and places of holding court, as provided by applicable statutes (e.g., 735 ILCS 5/1-104), Supreme Court Rules (e.g., Illinois Supreme Court Rule 21), or Local Rules. The Chief Judge may appoint personnel to assist in the performance of the Chief Judge's duties.

B. The Chief Judge may, from time to time, as the Chief Judge deems appropriate, issue administrative orders in accordance with Supreme Court Rule 21(b).

C. Copies of all administrative orders issued by the Chief Judge shall be filed with the Circuit Clerk, who shall maintain them as permanent court records. All such administrative orders shall be available for inspection as public records.

1.04 JUDICIAL ASSIGNMENTS

The Chief Judge shall assign Circuit Judges and Associate Judges to the various counties within the circuit and, as to such specific duties and responsibilities as he deems appropriate.

1.05 JUDGES' MEETINGS

A. **Circuit Judges Meetings:** The Circuit Judges shall meet bi-monthly to consider policy, personnel, finance, Local Rules of Practice, supplemental orders, assignments, uniform practices and any other matter relating to the policy for and overall administration of the Circuit Court of the Twenty-Second Judicial Circuit. The Circuit Judge meetings shall be chaired by the Chief Judge, with attendance by the Trial Court Administrator for the Twenty-Second Judicial

Circuit. Any Chairperson of a Circuit Committee may provide a report of their committee's activities. Any Circuit Judge may request that an item be placed on the agenda for consideration.

B. **General Meetings:** All Circuit and Associate Judges, together with non-judicial staff and invited guests, shall hold a General Meeting during those months without a Circuit Judges Meeting. The General Meeting shall discuss and take such action as may be requested inconnection with the business of the Twenty-Second Judicial Circuit.

C. **Scheduling of Meetings:** Circuit Judge and General Meetings shall be scheduled by the Chief Judge in January of each calendar year, and the schedule shall be made known to participants. Meetings may then be rescheduled or canceled upon notice for a good cause.
Special Circuit Meetings: Any two Circuit Judges within the Twenty-Second Judicial Circuit may call a special Circuit Judges Meeting upon ten days written notice to all Circuit Judges, or ascircumstances otherwise require.

1.06 COMMITTEES

The Chief Judge may create and appoint judges and administrative staff to various standing committees and may create and dissolve ad hoc committees when special circumstances occur. The standing committees may include, but are not limited to:

- Executive Planning
- Public Relations
- Automation/Technology
- Court Services
- Local Court Rules
- Law Library
- Jury
- Marriage Fund Audit
- Court Facilities and Security
- Case Management

The Chief Judge shall be an ad hoc member of each said committee.

1.07 COURT ADMINISTRATION

A. General rules. The Chief Judge may promulgate general rules for Court Administration.

B. Court Administration. The Chief Judge shall appoint a Court Administrator, who will function as the chief non-judicial officer of the court. In addition to assisting the development and supervision of the court's operations, probation, jury, law library,

budgeting and personnel systems, the Administrator shall implement the administrative decisions of the court and perform such other duties as may be assigned by the court.

1.08 COURT REPORTING SERVICES

A. Employees

1. The number of court reporting services employees designated to serve the Circuit Court shall be determined by the Chief Judges of the 12th, 18th, 19th, and 22nd Judicial Circuits with the aid of the Administrative Office of the Illinois Courts.

2. The Chief Judge shall appoint employees to the designated court reporting services positions, which employees shall serve at the pleasure of the Chief Judge.

3. The Chief Judge or the Reporter Supervisor, under the direction of the Chief Judge, shall assign all such employees to their duties, consistent with Supreme Court Rule 45, the Administrative Regulations, and general administrative powers.

B. Electronic Recording

1. Electronic reporting systems have been approved for use and installed in this Circuit. Pursuant to subparagraph (A)(3) above, court reporting services employees shall be assigned to be trained and to operate the electronic recording systems.

2. The production of the physical medium storing the electronic recording of any court proceedings shall be monitored by trained court reporting services employees who shall certify that each retained electronic recording was fully and accurately recorded at the time and place indicated. Said certification shall be affixed to and accompany the electronic recording medium, and the medium shall be securely preserved in an unaltered and unalterable condition.

3. Digital computer recordings of testimony are created for only one purpose. That purpose is to preserve the words spoken informal courtroom proceedings, hearings and trials in a particular case so that a transcript – the official record - may be subsequently produced. The digital computer recordings are owned by the Circuit Court of the Twenty-Second Judicial Circuit and may only be used pursuant to rule.

4. Any spoken words in the courtroom that are not a part of a proceeding, hearing or trial of a specific case are not intended recordings and may not be listened to, reproduced or used in any way other than by authorized operators of the

system to orient themselves on recording content.

5. Playback of any portion of the computer recording of a proceeding, hearing, or trial of a specific case is authorized in only four situations:

   a. During the proceeding, hearing, or trial at the direction of the judge;

   b. By a court reporting services employee for the purpose of creating transcript as the Official Record;

   c. At the direction of the court for the use of the court;

   d. Pursuant to the procedure outlined in (C)(3) below.

6. In all other instances, the contents of the electronic recording medium shall be disseminated by transcript only, which transcript, and not the medium, shall be the official record. Only the Chief Judge may authorize exceptions to these rules upon good cause shown.

C. Transcripts

1. A request for a transcript, from either the electronic recording systems or from a court reporting services employee, is obtained by completing a "Transcript Request Form," which is available in the Court Administration office.

2. Transcripts generated from the electronic recording systems shall be prepared in accordance with applicable statutory authority, rule and administrative regulation and shall utilize the following certification:

   I, _____, certify the foregoing to be a true and accurate transcript of the electronic recording of the proceeding of the above-entitled cause, which recording contained the operator's certification as required by Local Rule 1.08 (B)(2).

   _____
   (Signature)

   _____
   (License or Restricted License Number)

   Date: _____

3. If the accuracy of a certified transcript generated from the electronic recording system is questioned, the following procedure shall be used: (added effective 7/26/02)

a. Every challenged portion of the transcript shall be identified in writing and provided to the Reporter Supervisor. A copy of the challenged portion of the transcript shall be given to the certifying court reporting services employee to make the necessary corrections.

b. If the certifying court reporting services employee and the person challenging the transcript's accuracy cannot agree upon the challenged portions, those portions shall be identified in writing and provided to the Reporter Supervisor.

c. The Supervisor shall cause identified portions to be reviewed against the archived electronic recording for accuracy and designate necessary corrections to be made by the certifying court reporting services employee.

d. If the certifying court reporting services employee, in good faith, is unable to certify the corrections designated, then the dispute will be placed before the judge who heard the transcribed proceeding, with notice to all necessary parties.

e. The certifying court reporting services employee shall personally appear and present the questioned transcript. The Reporter Supervisor shall present the disputed corrections along with a digital recording of the proceedings. The judge shall review the material presented, make any necessary changes in the certifying reporter's transcript, and issue a court order certifying the transcript as accurate.

4. Transcripts generated from stenographic notes shall be prepared and certified by qualified official court reporting services employees pursuant to the relevant statute, regulation, and rule and are not affected by subparagraphs (B), (C)(2) and (C)(3) above.

5. Unless specifically authorized by court order to the contrary, only a transcript certified by one of the official court reporting services employees of this Circuit is the Official Record. The Official Record shall be given preference for use in all courtrooms and as a part of the Record on Appeal for any case from this Circuit.

1.09 NON-JUDICIAL APPOINTMENTS

Non-judicial appointments vested in the Circuit Court shall be made by the Chief Judge with the approval of a majority of the Circuit Judges.

1.10 LEGAL HOLIDAYS

A. The legal holidays of the Twenty-Second Judicial Court shall be those holidays specified by the Chief Judge of the Twenty-Second Judicial Circuit.

B. All matters returnable on said legal holidays shall be continued to the next business day of this court.

C. The time for filing all motions and pleadings is extended to the next business day of this court.

1.11 HOURS OF COURT

A. Trial Division. Unless otherwise directed by the Trial Judge, the hours of the court are 9:00 A.M. - 4:30 P.M. Courtrooms shall be opened and staffed 15 minutes prior to the beginning of court.

B. Administrative Office. The Administrative Office of the Twenty-Second Judicial Circuit will be open for business from 8:00 A.M. until 4:30 P.M., except Saturday, Sunday and holidays as prescribed annually by Administrative Order.

C. Circuit Clerk's office. The Office of Clerk of the Circuit Court will be open for business from 8:00 A.M. until 4:30 P.M., except Saturday, Sunday and holidays as prescribed annually by Administrative Order. Upon request of the Clerk of the Circuit Court and upon approval by the Chief Judge, hours may be expanded.

D. Holiday Court. The hours of holiday bond court will be established by Administrative Order.

1.12 COURTROOM PERSONNEL

A. A full courtroom staff consists, at a minimum, of a judge, one courtroom clerk and one court security officer. A full courtroom staff shall be maintained at all times unless waived by the court for a good cause.

B. The courtroom clerk shall be the Circuit Clerk, or a Deputy Circuit Clerk authorized to swear witnesses. The clerk shall attend court when the court is in session unless excused on a case-by-case basis by the judge presiding in the particular courtroom. The clerk shall obtain all necessary files and docket sheets for cases to be heard that day, swear witnesses, maintain custody of all exhibits until further order of the court, and perform such other duties as may be directed by the court.

1.13 PROMPT ATTENDANCE AT COURT

Prompt attendance at court is required. Judges shall begin court promptly at the designated time. All attorneys and parties shall appear promptly before the court. In the event that a party or attorney fails to appear promptly, the court may impose such sanction or take such remedial action as it deems appropriate. In the event that the failure of a party or attorney to appear promptly renders it impossible to proceed, the court may order the party or attorney failing to appear promptly to pay the reasonable costs and expenses,

including attorney's fees, to the opposing party or attorney. If counsel is required to be present in another courtroom in the same jurisdiction at the same time, he shall first check-in with the clerk of the courtroom where he cannot be present at the start of the court call, provide the location of the other courtroom where he will be present and so notify all other parties involved. Upon completion of the other court matter, he shall immediately return to any courtroom where he has matters pending.

1.14 COURT DECORUM

A. It shall be the responsibility of each judge sitting within the Twenty-Second Judicial Circuit to enforce proper courtroom decorum of all court staff, attorneys and persons within the courtroom in which he is presiding.

B. Improper behavior shall immediately be brought to the attention of the particular individual involved and, if not corrected, the court may take appropriate action.

C. Disturbances. Any unwarranted loitering, disorderly conduct, or other conduct in a court facility which creates loud or unusual noise or a nuisance, which unreasonably obstructs the usual entrances, foyers, lobbies, corridors, offices, elevators, work areas, stairways, courtrooms, which otherwise impedes or disrupts the performance of official duties by judges and/or court personnel, or which prevents the general public from obtaining the services provided in the various court facilities in a safe and timely manner is prohibited.

D. Alcoholic beverages and narcotics. No person shall enter into or remain in a court facility while under the influence of alcoholic beverages or drugs. This prohibition shall not apply in cases where a drug is being used as prescribed for a patient by a licensed physician.

E. Dogs and Other Animals. Dogs and other animals, except Seeing Eye dogs or other guide dogs, shall not be brought into any court facility without leave of court.

F. Distribution of Handbills. Distribution, posting or affixing materials, such as pamphlets, handbills or flyers, on bulletin boards or elsewhere within any or upon any court facility is prohibited, except as authorized.

1.15 ELECTRONIC DEVICES, PHOTOGRAPHY, BROADCASTING & RECORDING DEVICES

A. **GENERAL ALLOWANCES AND PROHIBITIONS**.

1. Subject to screening and compliance with Illinois Supreme Court and Local Rules, Portable Electronic Devices are allowed in the Judicial Center. All Portable Electronic Devices must be placed in “silent” mode at all times within the courthouse.

2. Photography, broadcasting, and recording are prohibited within the Judicial Center. Exceptions are permitted only to the extent authorized by Illinois Supreme Court and Local Rules.

B. **DEFINITIONS**. For the purpose of this rule, the following terms are defined broadly, with the intent to maintain decorum and dignity in the courtroom, security, and the privacy of other people within the courthouse.

1. The Judicial Center refers to the "Michael J. Sullivan Judicial Center" and includes the courtrooms, private and public hallways, rooms immediately adjacent to said hallways and to the courtrooms, and the jury assembly/deliberation rooms.
2. Photography, broadcasting, and recording include without limitation, the audio or video transmission or recordings made by Portable Electronic Devices, other wired or wireless data transmission and recording devices, cameras, video cameras, radio equipment, and television equipment.
3. "Portable Electronic Devices" are mobile devices capable of electronically storing, accessing, or transmitting information and are defined to include personal computers, tablet computers, mobile telephones (including cell phones and any form of telephone with cameras and audio and video recording and transmission capabilities), electronic calendars, e-book readers, smartwatches, and similar devices.

C. MEDIA COVERAGE. Currently, the Order of the Illinois Supreme Court in *In Re Extended Media Coverage in the Circuit Courts of Illinois*, MR No. 2634, and Local Rule 1.15.5, *Extended Media Coverage,* permit photography, broadcasting, or televising of Court proceedings for media coverage, but only upon application and approval. The terms and requirements for media approval are set forth in Local Rule 1.15.5.

D. **NON-JUDICIAL EVENTS AND ACTIVITIES**. Photography, broadcasting, and recording of non-judicial events and activities, or of judicial personnel or facilities, may be authorized by the Court for educational, instructional, informational, or ceremonial purposes. Such non-judicial events and activities include weddings, bar association activities, induction ceremonies, award ceremonies, dedication ceremonies, mock trials, seminars, speeches, demonstrations, training sessions, journalistic undertakings, public awareness activities, and similar events and activities.

E. **PORTABLE ELECTRONIC DEVICES IN COURTROOMS**. Case participants including lawyers, parties, and witnesses may use portable electronic devices in the courtroom solely for the purposes of advancing his or her case, provided that the device is silenced and in no way interferes with the dignity and decorum of the courtroom or its activities. This may include checking calendars, reviewing documents related to the case, presenting case-related information, or conducting legal research.

Portable electronic devices may be used to participate in proceedings that are being conducted remotely. If initiated or allowed by the judge, portable electronic devices may be used to live broadcast a proceeding that is conducted remotely, a proceeding at which remote attendance is permitted, or to make a broadcast available to interested persons, such as victims of crime or persons who have a statutory right to be present during court proceedings but who do not wish to attend in person.

F. PORTABLE ELECTRONIC DEVICES IN HALLWAYS AND CONFERENCE ROOMS. Portable Electronic Devices may be used in the common areas of the courthouse, such as public hallways, lobbies, and conference rooms, provided that such use does not interfere with the use of said premises by others present. Portable Electronic Devices shall not be used for photography, broadcasting, and recording while in the common areas of the courthouse. Portable Electronic Devices shall not be used to communicate or attempt to communicate with any potential juror or juror at any time. Portable Electronic Devices shall not be used to harass, intimidate, or improperly communicate about given testimony with any witness at any time.

G. **COURT OFFICIALS AND COURT REPORTERS**. Notwithstanding the other provisions of this rule, recording by an official or court authorized court reporter in the courtroom or its environs is permitted.

H. **DECORUM ORDERS**. When the nature of a case or the related media coverage requires, the Court, on motion of either party or on its own motion, may issue an order governing such matters as extra-judicial statements by parties and witnesses, the seating and conduct in the courtroom of spectators and news media representatives, the management and sequestration of jurors and witnesses, and any other matters which the Court may deem appropriate for inclusion in such an order.

I. CONFISCATION OF EQUIPMENT AND EJECTION. Anyone using a Portable Electronic Device, or possessing other electronic devices, in violation of this or any other court order or policy may be removed from the courthouse, found in contempt of court, and/or subject to penalties as provided by law. Any Portable Electronic Device used in violation of an order may be confiscated and held until the possessor leaves the courthouse. Court personnel shall not be responsible or liable for any damage to or loss of a confiscated Portable Electronic Device.

J. RESTRICTIONS ON PORTABLE ELECTRONIC DEVICES. If the Chief Judge determines that Portable Electronic Devices interfere with the administration of justice or cause a threat to safety or security, he or she may prohibit Portable Electronic Devices from being carried into specific courtrooms (for example, courtrooms hearing certain criminal cases) or the entire courthouse if the courthouse provides storage for the devices at no cost to the court visitor at the security entrance.

1.15.5—Extended Media Coverage

A. INTERPRETATION

This Local Rule shall be construed to supplement and not to conflict with the Illinois Supreme Court "Policy on Extended Media Coverage in the Circuit Courts of Illinois," and with the Local Rules of the Twenty-Second Judicial Circuit, including Local Rule 1.15 "Photography, Radio, Television, Audio Recording Devices and Cellular Telephones." All Media Coordinators and Extended Media Coverage participants shall be deemed to have knowledge of the provisions of the Supreme Court Policy, of these Local Rules, and of the general rules which govern the Michael J. Sullivan Judicial Center. By the submission of a request for and participation in Extended Media Coverage, the Media Coordinator and all agents of News Media covering a proceeding acknowledge and agree to abide by all applicable provisions of these rules. The Trial Judge or the Chief Judge may limit or terminate Extended Media Coverage on the finding of any violations of these provisions.

B. AUTHORITY OF TRIAL JUDGE

Extended Media Coverage shall be subject, at all times, to the authority of the Trial Judge in the covered proceeding.

C. NO INTERFERENCE

Extended Media Coverage shall not be distracting or interfere with the solemnity, decorum or work of the Trial Court.

D. CONDUCT OF PROCEEDINGS

Nothing in this rule shall limit or restrict the power, authority or responsibility of the Chief Judge and the Trial Judge presiding over the case to:

1. Control the conduct of the proceedings;

2. Maintain decorum and prevent distractions;

3. Provide for the safety of the courtroom and all its participants;

4. Ensure the fair and impartial administration of justice in the pending case.

E. DEFINITIONS

1. "**Extended Media Coverage**" means any media electronic recording or broadcasting of proceedings by the use of television, radio, photographic, or

recording equipment for the purpose of gathering and disseminating news to the public.

2. "**News Media**" in general means established and generally recognized news gathering and reporting agencies and their representatives whose function is to inform the public.

3. "**Judge**" or "**Trial Judge**" means the circuit or associate judge presiding in a trial court proceeding.

4. "**Chief Judge**" means the Chief Judge of the Twenty-Second Judicial Circuit.

5. "**Judicial proceedings**" or "**proceedings**" includes all public trials, hearings or other proceedings of a trial court when Extended Media Coverage is requested, except those specifically excluded by these provisions.

6. "**Media Coordinator**" means a member of the News Media who has requested Extended Media Coverage, or in the case of more than one media entity requesting Extended Media Coverage of a particular proceeding, a representative chosen by all of the media requesting Extended Media Coverage of that proceeding. A representative Media Coordinator shall be approved by the Chief Judge or the Trial Judge. The Media Coordinator shall report to and work with the Court Media Liaison, Chief Judge and the Trial Judge, or with their designees, in any court proceeding with Extended Media Coverage. In the event a Media Coordinator is not available for a particular proceeding, the Trial Judge may limit or deny Extended Media Coverage at that proceeding, or may appoint an individual from among local working representatives of the News Media to serve as a temporary Media Coordinator for the proceeding.

7. "**Court Media Liaison**" is the Court Administrator or a designee of the Court Administrator approved by the Chief Judge. The Court Media Liaison will recognize and authorize News Media and work with the Media Coordinator on all matters pertaining to Extended Media Coverage.

F. **GENERAL**

1. Broadcasting, video or audio recording, photographing, or otherwise electronically memorializing information at a court proceeding may be permitted by an approved order for Extended Media Coverage, under the following conditions:

   a. Permission must first be granted by the Trial Judge, who shall balance the interests of justice and the rights of all participants to grant, deny or limit the Extended Media Coverage, and who may prescribe conditions of coverage. The Chief Judge shall also have the discretion to limit or deny any requests

for Extended Media Coverage.

b. In prosecutions for sexual abuse, or when sexual abuse is an essential element of a proceeding, there shall be no Extended Media Coverage of the testimony of a victim unless the testifying victim consents. Further, an objection to coverage by a testifying victim in any other forcible felony prosecution and by police informants, undercover agents(s), and relocated witnesses shall be presumed valid. The Trial Judge shall exercise broad discretion in deciding whether there is cause for the prohibition of coverage of witness testimony.

2. The Trial Judge may appoint a *Guardian ad Litem* to secure the protection of the interests of a minor or a disabled adult.

3. Extended Media Coverage is prohibited in any court proceeding required by law to be conducted in private. Additionally, no Extended Media Coverage shall be allowed in any matter involving juvenile, dissolution, adoption, child custody, visitation, family law, criminal or civil pretrial hearings regarding suppression or admission of evidence, specialty criminal courts, or trade secret issues.

4. Extended Media Coverage, or any recordings, questioning or pictures of jury selection, or of the actual or potential trial jurors or any grand jurors, is prohibited until such time as the jurors are no longer subject to service in any pending proceeding, and they consent to their questioning, recording or pictures.

5. There shall be no audio, visual or internet broadcast, recording, or overhearing of any conference in a court proceeding or in a court facility between attorneys and their clients, between co-counsel, between attorneys and opposing counsel, or among attorneys and the Trial Judge.

6. Audio, internet or visual equipment authorized by these provisions shall not be operated during a recess in a court proceeding or when the court is not in session.

7. The quantity and type of equipment permitted in the courtroom shall be subject to these rules and the discretion of the Trial Judge. The Chief Judge or the Trial Judge may order the News Media to install temporary courtroom alterations including, but not limited to, a screen or divider to conceal the jury from the view of the recording equipment. Any expenses for such alterations shall be borne by the News Media.

8. Upon application of the Media Coordinator, the Trial Judge or the Chief Judge may permit the use of equipment or techniques at variance with provisions in this policy, provided the variance request is included in the Request for Extended Media Coverage. Ruling upon a variance application shall be at the

sole discretion of the Trial Judge or the Chief Judge. A variance may be allowed by the Trial Judge without advance application or notice if all counsel and parties consent to its terms.

9. The Trial Judge may limit, amend or terminate Extended Media Coverage at any time during the proceedings in the event the Trial Judge finds that any rules provisions have been violated, or that substantial rights of individual participants or rights to a fair trial would be prejudiced, or that the safety of the courtroom or of court participants would require such action.

10. Extended Media Coverage is only allowed during proceedings taking place inside the courtroom, in the presence of the judge, when the court is in session.

11. The rights of Extended Media Coverage may be exercised only by members of the News Media, as recognized by the Court Media Liaison.

12. A decision by the Chief Judge or the Trial Judge to deny, limit, modify or terminate Extended Media Coverage is not appealable.

13. Film, videotape, photography and audio reproductions obtained by and through Extended Media Coverage shall not affect the official court record of the proceedings for purposes of appeal or otherwise, nor shall the same be admissible as evidence in the proceeding out of which it arose or in any proceeding subsequent or collateral thereto. However, full, readable copies of any video or audio recordings or photographs taken during Extended Media Coverage, whether published or not, shall be submitted by the Media Coordinator to the Court Media Liaison as soon as practicable after the conclusion of each court session covered.

14. The Chief Judge or the Trial Judge may waive provisions of this and other Local Rules regarding media for court-related ceremonial proceedings.

G. **PROCEDURES**

1. Requests for Extended Media Coverage. Requests by News Media for Extended Media Coverage shall be filed with the Clerk of the Circuit Court. The filing must occur at least 14 days before the proceeding for which Extended Media Coverage is sought unless extended or reduced by a court order. When the proceeding is not scheduled at least 14 days in advance, the filing must occur as soon as practicable after the proceeding is scheduled. Requests shall be filed using the form "News Media Request for Extended Media Coverage."

2. Notice of Request. The form "Notice Of News Media Request for Extended Media Coverage" must also be filed together with the Request specified above, and indicate the specific participants who will be served with a copy of the Request. The Media Coordinator or person filing the "Request" shall serve a

copy of the Request(s) for Extended Media Coverage to the following courtroom participants:

a. All Attorneys of Record in the case sought to be covered;

b. Any parties who have filed appearances or are representing themselves;

c. Court Media Liaison;

d. The Chief Judge of the Twenty-Second Judicial Circuit and the Trial Judge presiding over the case for which Extended Media Coverage is sought. Copies of the above-mentioned Request shall be sent or served in a manner consistent with Supreme Court Rules to the above participants no later than 4:00 p.m. the first business day following the filing of the Request and Notice forms. Failure to provide such notice may result in denial of the request for Extended Media Coverage.

3. Notice to Witnesses. Participating parties shall promptly notify any witness they are intending to call at trial or hearing of the witness's right to object to Extended Media Coverage by serving upon such witnesses the "Request" form filed by the News Media and a written statement indicating the witness has a right to object. Parties shall file proof of service of such notice, pursuant to Supreme Court Rules, with the Clerk of the Court.

4. Objections. Any party or witness objecting to Extended Media Coverage may file with the Clerk of the Circuit Court a written Objection stating the reasons; therefore, at least three (3) court days before the commencement of the proceeding sought to be covered unless such time is otherwise extended or reduced by the judge. Objections shall be filed using the forms "Objection of a Party to Extended Media Coverage" or "Objection of a Witness to Extended Media Coverage." A copy of the Objection shall be served on the Media Coordinator and all courtroom participants listed above, in a manner specified below. The right of witnesses to object, and the time for filing of objections, may be extended or reduced at the discretion of the Trial Judge.

5. Notice of Objections

a. Parties and witnesses represented by counsel shall give notice of any Objections made by them, in a manner consistent with Supreme Court Rules, to the persons listed as courtroom participants in (G)(2) above, and on the Media Coordinator or News Media making the "Request," no later than 4:00 PM on the first business day following the filing of the objection.

b. The Clerk of the Circuit Court may place an appropriate notice of a witness's rights to object to the Extended Media Coverage upon any court-issued Subpoenas or Summonses used in cases in which a request for Extended

Media Coverage has been made. Notice of such rights may also be placed on the Circuit Clerk's website. The Clerk of the Circuit Court shall provide a copy of any Objection filed by parties or witnesses not represented by counsel to the courtroom participants listed in paragraph (G)(2) above. In such a case, the Court Media Liaison shall then forward a copy of any Objection filed by parties or witnesses without counsel to the Media Coordinator or News Media representative making the "Request."

6. Disposition of Requests and Objections.

    a. After the time for Objections has elapsed, the Trial Judge shall make a determination as to whether any Request should be granted and whether any Objection thereto should be sustained, and, if so, to what extent. All timely "Requests" and "Objections" shall be heard and determined by the Trial Judge prior to the commencement of the proceedings sought to be covered.

    b. The Trial Judge may rule on the "Request" or "Objection" without further evidence, or may, in the sole discretion of the Trial Judge, allow additional evidence by affidavit or by other means as the judge directs.

    c. The duration of any permitted Extended Media Request is within the court's discretion. Every party added or additional witness disclosed after such an order is granted must receive a notice and have an opportunity to file an objection in the manner set forth herein.

H. **TECHNICAL ASPECTS FOR ELECTRONIC EQUIPMENT**

1. Equipment Specifications. Equipment to be used in courtrooms during judicial proceedings must be unobtrusive and must not produce distracting sound, light or other sensory distraction. In addition, equipment must satisfy the following criteria, where applicable:

    a. Still Cameras. Still cameras and lenses must be unobtrusive without distracting light or sound.

    b. Television or Video Devices and Related Equipment. Television cameras or other video devices together with any related equipment to be located in the courtroom must be unobtrusive in both size and appearance, without distracting sound or light.

    c. Audio Equipment. Microphones, wiring and audio recording equipment shall be unobtrusive and shall be of adequate technical quality to prevent interference with the covered judicial proceedings. Any changes in existing audio systems must be approved by the Trial Judge.

d. Visual or Audio Signals. No light or signal which is visible or audible to participants in the proceeding shall be used on any equipment during extended coverage to indicate whether it is operating.

e. Advance Approval. It shall be the duty of the media personnel to demonstrate to the Court Media Liaison or Trial Judge reasonably in advance of the proceeding that the equipment sought to be used meets the criteria set forth in this section. Failure to obtain advance approval for equipment may preclude its use in the proceeding. All media equipment and personnel shall be in place at least fifteen minutes prior to the scheduled time of commencement of the proceeding.

f. Expense. The cost of any equipment, extra equipment or partitions set up under these guidelines shall be paid by the News Media.

g. Lighting. Other than light sources already existing in the courtroom, no flashbulbs or other artificial light devices of any kind shall be employed in the courtroom. With the approval of the Court Media Liaison or the Trial Judge, however, modifications may be made in light sources existing in the courtroom, provided modifications are installed and maintained without public expense.

2. Equipment Limitations and Pooling. The following limitations shall apply to the number of photographic and broadcast media personnel and equipment in the courtroom:

a. Still Photography. Not more than two (2) still photographers, each using not more than two (2) camera bodies and two (2) lenses, shall be permitted in the courtroom during a judicial proceeding.

b. Television. No more than one (1) television camera, operated by not more than one camera person, shall be permitted in the courtroom during a proceeding. Other than the television and still cameras, any recording or broadcast equipment shall be located outside of the courtroom.

c. Audio. Only one audio system and one operator for any recording shall be permitted in a proceeding. Where possible, audio for all media shall be from any existing audio system present in the courtroom. However, if no technically suitable audio system exists, microphones, wiring and recording equipment may be furnished and temporarily installed and removed by the News Media at their own expense. The News Media audio or visual systems shall not interfere with the sound quality of any existing courtroom audio system or with the ability of the Official Court Reporter to make a record. Any News Media audio system shall have a means of immediately disabling the system (a/k/a “kill switch”) available to the Trial Judge and shall be located in places designated in advance by the Trial Judge or the Court

Media Liaison. When possible, electronic audio recording equipment and any operating personnel shall be located out of the courtroom. Sufficient video and audiotape capacities should be provided to obviate the need to make changes except during court recess.

d. Pooling. The media are encouraged to pool equipment and personnel. Where the limitations on equipment and personnel under these provisions make it necessary; the media shall be required to pool equipment and personnel. Pooling arrangements shall be the sole responsibility of the Media Coordinator. Priority consideration shall be extended to television cameras to televise an entire proceeding from beginning to end. In the absence of agreement or in the event of unresolved disputes relating to pooling arrangements, Extended Media Coverage may be limited or prohibited by the Trial Judge.

e. Clothing and Equipment. No equipment or clothing of any Extended Media Coverage personnel shall bear any advertisements, insignia or identification of the individual medium or network involved in extended coverage.

3. Location of Equipment and Personnel. Equipment and operating personnel shall be located in, and coverage of the proceedings shall take place from, an area or areas designated by the Trial Judge or the Court Media Liaison. The area or areas designated shall provide reasonable access to the proceeding to be covered and may be limited to the back row of the courtroom gallery. No equipment or personnel involved in Extended Media Coverage shall impede pedestrian traffic movement into or from the courtroom or courthouse, including but not limited to courthouse corridors and courtroom entrances and exits.

   a. Television, video, and still photography. Camera equipment should be set up in the area reserved for spectators, preferably in the back row of spectator seats. The Court Media Liaison will direct media to their assigned spots.

   b. Unobstructed View. Equipment and operators shall not impede the view of other persons seated in the public area of the courtroom.

4. Movement During the Proceedings. Television cameras and audio equipment may only be installed before proceedings begin and removed from the courtroom only when the court is not in session. In addition, such equipment shall at all times be operated from a fixed position. Changing film or lenses is only allowed during recesses. Still photographers and broadcast media personnel shall not move about the courtroom while proceedings are in session, nor shall they engage in any movement attracting undue attention. Still photographers shall not assume body positions inappropriate for the courtroom. If handheld still or video cameras are used, the operator must remain in his or her assigned position.

5. Equipment Storage. Any electrical equipment shall not be stored at the Michael J. Sullivan Judicial Center overnight, over a holiday, or over a weekend. Electrical equipment, including wiring, is the sole responsibility of the News Media. The Twenty-Second Judicial Circuit assumes no liability for the protection of such property.

I. OTHER PROVISIONS

1. Restrictions and prohibitions. The following restrictions and prohibitions shall also be applicable to all proceedings.

    a. Audio or visual equipment authorized by this rule shall not be operated during a recess in a court proceeding.

    b. Photographing of materials on counsel tables, to the extent they may be read or monitored in any way, is prohibited.

    c. Use of parabolic or other highly sensitive long-range microphones is prohibited.

2. Expenses. No court facility may be altered unless approved in advance by the Chief Judge and the Trial Judge. All expenses for any necessary alterations shall be borne by the News Media.

3. Decorum. Proceedings in the courtroom shall not be disrupted. Members of the News Media in the courtroom shall:

    a. Not talk in the courtroom during the court proceedings;

    b. Not talk to or talk within the hearing of any actual or potential jury members at any time before the juror is dismissed from service;

    c. Not conduct interviews in the courtroom;

    d. Comply with the orders and directives of the Trial Judge and the Chief Judge, the Court Media Liaison, his or her designees, and all Court Security Officers; and

    e. Be properly attired and maintain proper courtroom decorum at all times when covering a judicial proceeding. The Trial Judge maintains discretion to determine proper attire and decorum in the courtroom. At the conclusion of the proceedings covered, and after the Trial Judge leaves the courtroom, all News Media will leave the courtroom. They may re-assemble only in designated areas to meet with parties, families, attorneys or other court participants if those participants allow interviews or questions from the

media.

4. Media Rules Inapplicable to Individuals; Advertising Use Prohibited. The privileges granted by this rule to photograph, televise and record court proceedings may be exercised only by persons or organizations that are part of established News Media as defined in section 1.15.5(E)(2) herein. Film, videotapes, photography and audio reproduction of any court proceedings shall not be used for any advertising purpose.

5. Access to The Michael J. Sullivan Judicial Center: Court security policies require all persons and equipment entering the courthouse to pass through screening. News Media will not be permitted to bypass screening and should allow sufficient time to get through the screening in advance of the commencement of proceedings.

6. Media Disputes It shall be the responsibility of the Media Coordinator, prior to coverage and without disrupting proceedings, to settle disputes among media representatives, facilitate pooling where necessary, and implement procedures which meet the approval of the Court Media Liaison and Trial Judge.

7. Non-Electronic Coverage: This Local Rule shall not preclude coverage of any judicial proceeding by News Media who are not seeking Extended Media Coverage.

8. Professional Conduct. Nothing herein shall alter the obligation of any attorney to comply with the provisions of the Illinois Rules of Professional Conduct governing trial publicity.

9. Jury Proceedings: Should Extended Media Coverage be permitted during jury proceedings; the Trial Judge shall give the jury Admonitions and Instructions specified in the Illinois Supreme Court Policy on "Extended Media Coverage in the Circuit Courts of Illinois."

1.15 COURT FACILITIES

A. The Chief Judge shall designate when and where the court shall be held within the circuit pursuant to Article VI, Section 7(c) of the Constitution of the State of Illinois (1970).

B. Admission to the courthouse. The Circuit Court shall be open to the public during normal business hours. The building may be closed to the public during normal business hours when situations require this action to ensure safety and the orderly conduct of court business. The decision to close the building during normal business hours shall be made by the Chief Judge or his designee. The building shall be closed to the public after normal business hours.

C. Preservation of the Building. The willful destruction of or damage to any court facility or its contents, the creation of any hazard, and the throwing of articles of any kind within court facilities or from court facilities are prohibited.

D. The Chief Judge may, from time to time, appoint a committee of judges to inspect the court facilities within the Circuit and determine if the personnel and resource needs of the court are being met. The committee shall report to the Circuit Judges as to whether each courtroom, jury room and chambers meet minimum standards as provided by the Supreme Court and whether the personnel and resources presently being provided to the courts are adequate. The committee may prepare and submit proposals and recommendations to the County Board for its consideration and action. If appropriate action is not taken within a reasonable time as may be designated by the committee, the provisions of subsection (E) of this rule shall apply.

E. Upon the failure of the County Board to act pursuant to subsection (D) of this rule, the committee shall so report to the Chief Judge and submit to the Chief Judge its proposals and recommendations together with the response and action taken by the County Board. If the Chief Judge deems it appropriate, he shall set the matter of the proposals and recommendations of the committee for administrative hearing over which he shall preside. The Clerk of the Court shall give notice of the hearing to the Chairman of the County Board and to any other person whom the Chief Judge deems to be an interested party. The notice shall be by regular US mail, state the time, date and place of hearing, the matter to be reviewed, and include a copy of the proposals of the committee. The clerk's certificate of mailing shall be made of record. The hearing shall not be held until after 30 days from the date of mailing notice.

   If, after hearing, the Chief Judge finds that deficiencies exist, then he shall delineate the particular deficiencies and specify the corrective action to be taken by the County Board and the time by which the corrective action is to be completed. If the County Board fails or refuses to comply, a proceeding to enforce the Chief Judge's directive may be filed pursuant to Article IV of the Code of Civil Procedure or in a manner as may be provided by the Supreme Court. The Chief Judge may appoint any such experts deemed necessary to examine the facilities and to present evidence at the hearing before the Chief Judge and/or upon hearing of the complaint for mandamus.

F. When appropriate, the Attorney General or the State's Attorney may represent the court in the hearing before the Chief Judge and in the complaint for mandamus. If the Attorney General or State's Attorney is not able to represent the court, the Chief Judge may designate another licensed attorney at law of this State.

1.16 COUNTY LAW LIBRARY

A. Law Library. The Twenty-Second Judicial Circuit shall have and maintain a Law Library that conveniently serves the legal community and the public.

B. Law Library Committee. The Twenty-Second Judicial Circuit shall have a Law Library Committee. The Chief Judge shall designate the Committee's Chair. The members of the committee shall be the resident Circuit Judges and include as a minimum a majority of the resident Circuit Judges of the county.

C. Operation. The committee shall be responsible for the efficient administration of the County Law Library. The committee discharges its authority through the Court Administrator. The daily operations of the Law Library shall be managed by a law librarian or a staff member appropriately trained in the skills required to maintain a law library or legal reference center. Recommendations concerning library policies, budgets and the general operations and procedures shall be submitted to the Law Library Committee Chair for consideration by the committee.

D. Law Library Fund. Disbursements from such fund shall be by the County Treasurer, on orders of a majority of the resident Circuit Judges of the Circuit Court of the county pursuant to law. See 55 ILCS 5/5-39001.

1.17 RECORD-KEEPING

The clerk shall assign numbers on all cases filed, in accordance with the Supreme Court Manual on Record Keeping and such classification designation as may be required by local court rule or administrative order of Chief Judge.

1.18 DOCUMENTS AND COURT FILES

A. All documents shall be filed with the Clerk of the Court pursuant to Supreme Court Rules. Upon presentment to the Clerk or the Court, the clerk shall place a file mark on the first page of each document in the upper right-hand corner in the space so provided. All pleadings shall include a cause entitlement and number, contain a space at least 2” by 2” inches at the upper right portion of the first page for the clerk's file mark, and it shall not contain a backing sheet. If such pleading contains more than one page, it shall be stapled at the upper left corner. With the exception of the last page of each document, forms and exhibits, only one side of each page shall be used. The case number shall not be placed in such a position that it will be obliterated by the clerk's file mark. The clerk shall not file a pleading unless accompanied by the proper filing fee if any.

B. Each pleading filed in the court shall contain the full name, office address, telephone number, email address, and State of Illinois attorney registration number of the attorney who has prepared that pleading. In the event a law firm is listed, the full name, telephone number and attorney registration number of the attorney with primary responsibility shall be listed.

C. All briefs and legal memoranda presented to the court shall not be filed in the court file nor made a part of the record for appeal. Such briefs and memoranda shall be delivered to the Clerk of the Court, and the Court Clerk shall stamp copies for the attorneys to show received this date with a stamp using the following words:

R E C E I V E D
McHENRY COUNTY,
ILLINOIS

(D A T E)

(Name)

Clerk of the Circuit Court

The clerk shall not file briefs and memoranda. Any such briefs and memoranda shall not include any additional motions or legal pleading.

D. The clerk is not required to accept for filing any document that does not comply with the Supreme Court Rules or these rules.

E. Notarizing of pleading by an attorney. No pleading or entry of appearance shall be notarized by an attorney or member or employee of his firm for an opposing party.

F. Nothing contained in this or any other rule shall prohibit any judge from removing any court file from the courtroom or the courthouse for any purpose in connection with the performance of his/her official duties.

1.19 REMOTE ELECTRONIC ACCESS

A. PURPOSE OF ELECTRONIC ACCESS RULE

1. The purpose of this rule is to provide a comprehensive policy on remote electronic access to the court records held by the Clerk of the Circuit Court. This rule provides for access in a manner that:

- Provides maximum accessibility to court records;
- Supports the role of the judiciary;
- Promotes governmental accountability;
- Contributes to public safety;
- Avoids risk of harm to individuals;
- Makes most effective use of court and Clerk of Court staff;
- Provides excellent customer service;

- Protects individual privacy rights and interests;
- Protects proprietary business information;
- Minimizes reluctance to use the court to resolve disputes; and
- Does not unduly burden the ongoing business of the judiciary.

2. This rule is intended to provide guidance to (a) litigants and the general public seeking remote electronic access to court records and (b) judges, and court and Clerk of Court personnel responding to requests for electronic access.

3. This rule does not limit or expand access to the official court record maintained by the Clerks of the Circuit Courts. Access to those records is governed by the Supreme Court's General Administrative Order on Recordkeeping in the Circuit Courts and applicable laws. The official court records held by the Clerk of Court are available for inspection during regular office hours for that office.

4. The right to access and disseminate any court record may not be subject to any exclusive contract with another person or entity as provided in Section 13 of the Clerks of Courts Act, 705 ILCS 105/13.

B. WHO HAS ACCESS UNDER THIS ELECTRONIC ACCESS POLICY

Every member of the public will have the same electronic access to court records as provided in this policy.

"Public" includes:

1. any person and any business or non-profit entity, organization or association;

2. any governmental agency for which there is no existing court rule, order, or law defining the agency's access to court records;

3. media organizations; and

4. entities that gather and disseminate information for whatever reason, and regardless of whether it is done with the intent of making a profit, without distinction as to nature or extent of access.

"Public" does not include:

1. court or Clerk of Court employees;

2. people or entities, private or governmental that assist the court in providing court services;

3. public agencies whose access to court records is defined by another court rule, order or law; and

4. attorneys of record who are allowed greater electronic access to electronic court records, dependent upon the capabilities of the case management system on which those records are stored.

5. any person, firm or corporation that subscribes to the remote electronic service through the office of the Clerk of the Circuit Court.

C. DEFINITIONS

For the purposes of this policy, the following definitions will apply:

1. "ELECTRONIC COURT RECORD" - The "Electronic Court Record" includes information related to the indexes, calendars, record sheets, pleadings, complaints, motions, orders, dispositions, and other case information which are maintained by the Clerk of the Court in electronic form and not excluded under Section (F) and (G) of this rule.

2. "PUBLIC ACCESS" - "Public access" means that the public can inspect and copy the electronic court record using electronic access, except as provided for in Section (G) of this rule.

3. "ELECTRONIC ACCESS" - "Electronic access" means that inspection of the electronic court record can be made through the use of technology, such as the Internet, Direct Dial, KIOSK, etc.

4. "REMOTE ELECTRONIC ACCESS" - "Remote electronic access" means access to electronic information maintained in the office of the clerk from a location other than the clerk's office or the courthouse by way of a personal computer or other electronic devices, through the use of technology, such as the Internet, direct dial, KIOSK, etc.

5. "IN ELECTRONIC FORM" - Information in a court record "in electronic form" includes information that exists as:

   a. Electronic representations of text or graphic documents;

   b. An image, including a video image, of a document, exhibit or other things;

      or

   c. Data in the fields or files of an electronic database.

6. "OFFICIAL COURT RECORD" - The "official court record" is the basic record as defined under Part 1, Section F of the Supreme Court Manual on Recordkeeping or law.

7. "COURT RULE" - "Court rule" means any rule of the Supreme Court of Illinois and any local rule or administrative order established as provided by Supreme Court Rule 21.

8. "LAW" - "Law" means any federal or state statutes passed by the U. S. Congress or the Illinois General Assembly.

D. APPLICABILITY OF ELECTRONIC ACCESS POLICY.

This rule applies to access of electronic court records as defined herein and as provided for by local rule.

E. GENERAL ACCESS

1. Information in the electronic court record is accessible to the public, except as provided in Section for excluded by Section (G).

2. Access to the official court record is not affected by this policy.

F. LIMITATIONS TO ELECTRONIC ACCESS

1. The Supreme Court General Administrative Order on Recordkeeping in the Circuit Courts provides for the destruction of court records. Any record approved to be destroyed pursuant to those provisions may no longer be available for inspection in electronic form.

2. A Clerk of the Court may elect to continue to provide access to all or part of the electronic court record where approval has been received to destroy the basic record of the case.

3. A court's case management system may necessitate that portions of the electronic court record be removed from or not be made available by electronic access.

G. ELECTRONIC COURT RECORDS EXCLUDED FROM REMOTE PUBLIC ACCESS

1. Information that is impounded, sealed or expunged pursuant to law, or by court rule, order of the court, or pursuant to the Supreme Court Manual on Recordkeeping shall be excluded from public access in electronic form. Access and inspection of this information are governed by the existing court rules and laws for public access of the official court record. Requests for inspection must be made in person at the office of the Clerk of Court.

2. The following information is excluded from remote public access in electronic form:

- Financial information that provides identifying account numbers on specific assets, liabilities, accounts, credit cards, first five digits of social security number, or P.I.N. numbers of individuals or business entities;
- Proprietary business information such as trade secrets, customer lists, financial information or business tax returns. The responsibility for designating any information contained in any pleading or court paper as a trade secret is that of the person asserting the claim of secrecy.
- Information constituting trade secrets, copyrighted or patented material or which is otherwise owned by the state or local government and whose release would infringe on the government's proprietary interests. The responsibility for designating any information contained in any pleading or court paper as a trade secret is that of the person asserting the claim of secrecy.
- Notes, drafts and work products prepared by a judge or for a judge by court staff or individuals working for the judge related to cases before the court;
- Names, addresses, or telephone numbers of potential or sworn jurors in a criminal case; juror questionnaires and transcripts of *voir dire* of prospective jurors;
- Wills deposited with the court pursuant to the Manual on Recordkeeping;
- Arrest warrants (at least prior to the arrest of the person named);
- Any documents filed or imaged, i.e., complaint, pleading, order. Filed or imaged documents may be accessed electronically through the use of computer terminals maintained by the clerk and do not allow such information to be downloaded or exported.

3. Information not covered in subsections (1) and (2) may be excluded from public access in electronic form by local general administrative order.

H. REQUESTS FOR BULK DISSEMINATION OF COURT RECORDS IN ELECTRONIC FORM

A request for bulk dissemination is defined as a request for all, or a significant subset, of the information in court records that are maintained in electronic form, as is and without modification or compilation. Dissemination of bulk information in electronic form is not permitted for court records.

I. ACCESS TO COMPILED INFORMATION FROM COURT RECORDS

Compiled information is defined as information derived from the selection, aggregation or manipulation of court information from more than one individual court record, including statistical reports and information that is not already available in an existing record or report. Dissemination of compiled information in electronic form is not prohibited.

J. REQUESTS TO RESTRICT INFORMATION IN ELECTRONIC COURT RECORDS FROM PUBLIC ACCESS

Except as provided in Sections 4.02 and 4.03, the electronic court record is an exact representation of the official court record.

K. COURT RECORDS IN ELECTRONIC FORM PRESUMPTIVELY SUBJECT TO REMOTE ELECTRONIC ACCESS BY THE PUBLIC

If possible, the following information in court records should be made electronically accessible to the public if it exists in electronic form, except as provided in Sections 1.20(F) and:

1. Indexes to cases as provided in the Supreme Court Manual on Recordkeeping;

2. Calendars of court proceedings;

3. The record sheet as provided for in the Supreme Court Manual on Recordkeeping;

4. Sentencing information in criminal and quasi-criminal cases.

L. WHEN ELECTRONIC COURT RECORDS MAY BE ACCESSED

Electronic court records under this policy will be available as follows:

1. Remote electronic access may be obtained twenty-four hours a day, seven (7) days per week, subject to unexpected technical failures, normal system maintenance or as may otherwise be technically feasible.

2. In the courthouse, electronic access may be obtained during the regular office hours of the clerk, as may be determined from time to time by the clerk.

M. FEES FOR ACCESS

1. There shall be no additional fee for electronic access to the court record as provided for in this rule. However, this does not limit a Clerk of the Court from charging fees for copies regardless of form, format or media of exchange of documents filed with the clerk.

2. This section does not apply to contractual relationships for the provision of any service allowed by court rule or administrative order.

N. OBLIGATIONS OF VENDORS PROVIDING INFORMATION TECHNOLOGY SUPPORT TO A COURT TO MAINTAIN COURT RECORDS

1. It shall be the duty of the court and Clerk of Court to assure that any contract with a vendor to provide electronic access to court records is consistent with the requirements of this policy. Any contract with a vendor to provide electronic access to court records must be approved by the Chief Judge.

2. For purposes of this section, "vendor" includes a private entity and state, county or local governmental agency that provides information technology services to a court.

O. NOTICE AND EDUCATION REGARDING ELECTRONIC ACCESS POLICY

1. The Clerk of the Court is not required to notify or educate the public regarding electronic access to court records as provided for herein.

2. The Clerk of the Court shall maintain for inspection at all times a current copy of this rule.

3. The electronic court record provided for by this rule shall be promptly maintained pursuant to Part 1, Section F of the Supreme Court Manual on Recordkeeping.

1.20 CUSTODY OF EVIDENCE

A. In Case Type Other than Civil Case Types

1. The court shall take custody of all items admitted into evidence at any proceeding, hearing or trial. The court shall preserve, safeguard and account for each piece of admitted evidence until the conclusion of the case and shall bring the evidence back into the courtroom for hearings or trial. During times when the court is not in session, every effort shall be made by the court to secure all contraband items or items of intrinsic value or danger in a secure safe or a locked storage area and not entrust them to the possession of another.

2. Items in evidence, removed by order of the court from the court's custody for any reason, shall be specifically listed in a written order or enumerated orally on the record and entrusted to a named individual, such as a Deputy Sheriff, Bailiff or attorney. When the need for alternate custody has been concluded, all such items shall be immediately returned to the custody of the court, and the return of each item shall be memorialized by written order or enumerated orally on the record.

3. At the conclusion of the case, the Clerk of the Court shall have custody of all items in evidence, preserving, safeguarding and accounting for them until such time as the clerk may be relieved of custody by order of the court.

4. Items offered but not accepted into evidence by the court shall be retained by the proffering party unless ordered to be taken into the custody of the clerk for purposes of future review. Once taken into custody by the clerk, they shall be preserved, safeguarded and accounted for in the same manner as items in evidence.

B. In Civil Case Types Only

1. Exhibits received at trial, or in any evidentiary hearing, in any civil matter heard in McHenry County, shall be retained by the offering party unless otherwise ordered by the Trial Judge.

2. If a notice of appeal is filed and any party is desirous of having an exhibit or exhibits included in the record on appeal, that party should seek an order from the judge presiding over the case for such inclusion.

3. All exhibits to be included in the record on appeal, where practical, shall be submitted to the Circuit Clerk in electronic format.

4. Each electronic file shall contain an *Exhibits Table of Contents*, as provided in appendix A (see below), which shall identify the party offering each exhibit, exhibit number assigned when the exhibit was offered, and description of the exhibit, for each exhibit to be included in the record on appeal.

    a. All documentary exhibits to be included in the record on appeal shall be separated into groups of unsealed documentary exhibits and sealed documentary exhibits. Unsealed documentary exhibits and sealed documentary exhibits shall be submitted separately.

    b. Photographic exhibits to be included in the record on appeal shall be scanned in color, if possible, and submitted to the Circuit Clerk electronically. Photographs larger than 8.5” x 11”, which cannot be scanned successfully, shall be listed in the *Exhibits Table of Contents,* with a page inserted in sequential order, identifying the photographic exhibit. (i.e., “Defendant’s Exhibit #1 – 11” x 16” color poster-retained by Circuit Clerk”).

    c. Documentary or descriptive exhibits to be included in the record on appeal (i.e., Video or audio recordings, computer media, discs, flash drives, etc.) Shall be recorded in the *Exhibits Table of Contents* and submitted to the Circuit Clerk in the original form. A page shall be inserted in sequential order, identifying the documentary or descriptive exhibit. (i.e., “Plaintiff’s Exhibit #1 – Flash Drive – Retained by Circuit Clerk”).

    d. Physical exhibits (i.e., clothing, charts, maps, photographs, or other items larger than 8.5” by 11” inches, too large or bulky to scanned) to be included

in the record on appeal shall be recorded in the *Exhibits Table of Contents*. A page describing the exhibit shall be inserted in sequential order, as appropriate. (i.e., "Defendant's Exhibit #12 – Map of Woodstock – Retained by Circuit Clerk")

e. Exhibits offered but not admitted shall also be recorded in the *Exhibits Table of Contents*. A page describing the exhibit shall be inserted in sequential order, as appropriate. (i.e., "Plaintiffs Exhibit #12 – Not Admitted")

5. Upon turning over the exhibits ordered to be included in the record on appeal to the Circuit Clerk, a Receipt of the Exhibit stating the date and time documentary exhibits were released by the party and received by the Office of the McHenry County Circuit Clerk shall be signed by the clerk.

6. This rule applies to exhibits presented at trial or in any evidentiary hearing. This rule does not apply to pleadings, attachments to pleadings, motions or petitions, regardless of whether any document is marked or described as an "exhibit."

Appendix A – For Civil Case Types Only

EXHIBITS – TABLE OF CONTENTS

Page _____ of _____

Party	**Exhibit #**	**Description**	**Page No.**
Plaintiff	1	Bank Statement	E2 – E8
Defendant	1	Flash Drive – Sent via US Mail on (Date)	E9
Plaintiff	2	Not Admitted	E10
Plaintiff	3	Knife – Retained by Circuit Clerk	E11

1.21 DELIVERY OF FILES TO COURT STAFF

Upon request by the court, the clerk shall deliver a file, or any part thereof, in any case to one of the courtroom staff.

1.22 FILES PRESENT IN COURTROOM

The clerk shall have present in court the files of case matters set on contested calls, together with such other files as the judge may direct.

1.23 COPIES OF PAPERS FILED

Upon request and the payment of the appropriate fee, the clerk shall provide copies of any pleading on papers filed in this court unless otherwise specifically ordered.

1.24 DOCUMENTS TO BE IN ACCORDANCE WITH FORMS HEREWITH

All required documents, including publication notices, shall be substantially in compliance with the forms included in these Rules.

1.25 PROHIBITION AS TO GRATUITIES

No attorney or person shall give, either directly or indirectly, any gratuity or gift to any employee of the Twenty-Second Judicial Circuit or any officer serving the court where such attorney has had or is likely to have any professional or official transaction with the court. No employee of the Twenty-Second Judicial Circuit, or any officer serving the court, accepts any gratuity or gift, either directly or indirectly, from an attorney or other person who has had or is likely to have any professional or official transactions with the court.

1.26 JURORS

A. Jurors: Selection and Terms of Service. All matters pertaining to the selection of jurors, terms of jury service and organization of the Jury Commission shall be consistent with statutes and shall be governed by administrative orders.

B. Failure to Respond to Jury Summons. Whenever a person lawfully summoned to jury duty has failed to appear and has failed to provide a reasonable and timely excuse, the Jury Commission shall assign a new date not less than 30 days from the original date of service and issue a notice by first-class mail advising the person of the delinquency and the new date.

1. If a juror summoned, in (a) above, fails to appear and complete his or her jury duty, the jury commissioners may, upon proper notice to, the prospective juror, motion the court for a hearing instanter on a Petition For Rule To Show Cause why the prospective juror should not be held in contempt of court for failing to appear and complete his or her jury duty.

2. If the court grants the jury commissioner's Petition, in (1) above, and a Rule to Show Cause issues, then the court shall set the matter for hearing and require that the prospective juror be served personally or by proper substitute service pursuant to the Illinois Code of Civil Procedure. 735 ILCS 5/2-203.

3. At the said hearing on the Rule To Show Cause, the Presiding Judge, or his designee, may take testimony and may, on good cause shown, excuse the prospective juror, cause his or her name to be returned to the jury list, defer the juror to a date certain or enter such other orders or sanctions as may be

appropriate.

C. Compensation of Jurors. All prospective and impaneled grand and petit jurors shall be compensated in a timely fashion from the County Treasury for per diem services and travel expenses. Said amounts are set by the County Board pursuant to statute. Approximately once each week, a list of jurors shall be submitted to the County Treasurer, indicating in an itemized format the amount to be paid to each juror for per diem fees and travel expenses. Upon receipt of such a list, the Treasurer shall issue appropriate checks. The stub of each check shall certify the number of days served by the juror.

D. Jury Service at Coroner's Inquest. Jury service for inquests of the County Coroner shall be provided by the Jury Commission, according to such rules and procedures as it deems appropriate.

E. Examination of Juror Personal History and Profile Forms.

1. Juror Personal History and Profile forms are confidential and are not public records.

2. Any such forms shall be kept on file by the Jury commission for a period of three (3) years from the date they are filled out.

3. The only persons allowed to examine said forms are:

    a. the Jury commission;

    b. the judges of the court;

    c. the Circuit Court Clerk and Deputy Clerks;

    d. parties to a trial and their attorneys, during the jury selection process, but only concerning jurors on the panel for that cause; and

    e. persons authorized access by court order.

4. The answers contained on any such form shall not be publicly disclosed.

5. Parties to a case and their attorneys may examine such forms after the conclusion of jury selection only by order of the Trial Judge, or in his absence, by order of the Presiding Judge of the division in which the case is pending. Requests by other individuals or entities must be made to the Chief Judge or his designee.

F. Contact with Jurors. No party, agent of a party, or attorney shall communicate or attempt to communicate with any member of the petit jury during his term of service

with the court. The Jury Commission shall report all such incidents to the Chief Judge or his designee.

G. The Juror Profiles provided to attorneys and/or parties before or during trial proceedings shall be returned to the Trial Judge at the conclusion of the trial.