



23rd Judicial Circuit Court, Kendall County Policy on Remote Court Appearances

Effective June 2020

I. PREAMBLE

The Illinois Supreme Court recognizes that meaningful access to the courts is essential to ensuring the integrity and fairness of the judicial process and to preserving trust in our legal system. Courts can use technology to improve the administration of justice, increase efficiency, and reduce costs. The Court recently approved a branch-wide Strategic Agenda prepared by the Illinois Judicial Conference, and the first strategic goal is "Accessible Justice & Equal Protection Under the Law." One strategy for ensuring accessible justice is to promote and expand remote access in civil cases, allowing court patrons to have easier access to court services, court and case information, and court appearances.

The widespread popularity of mobile telephones, particularly smartphones and other personal devices, means that more people than ever before have the ability to participate in court proceedings electronically from a location outside of court. Moreover, large numbers of self-represented litigants navigate the civil justice system in Illinois every year. The costs and challenges of travel, childcare, and time off from work can deter them from going to court. For lawyers, the opportunity to appear remotely may allow them to represent clients in multiple courthouses more efficiently. While improving efficiencies, Remote Court Appearances offer significant cost savings for litigants, lawyers, and witnesses and reduce safety and public health concerns by minimizing the number of people entering the courthouse.

New Illinois Supreme Court Rule 45 and Supreme Court Rule 241 grant courts broad discretion to allow Remote Court Appearances. To improve access to the courts, increase efficiency, and reduce costs, courts should permit Remote Court Appearances to the extent reasonable, feasible, and appropriate. Rule 45 does not require a Case Participant to demonstrate hardship or good cause to appear remotely. Therefore, Remote Court Appearances under Rule 45 should be easy to request and liberally allowed, and courts should ensure that they have removed unnecessary financial and other barriers for Case Participants to appear remotely. The use of Video Conferences for testimony in civil trials and evidentiary hearings may be allowed for good cause and upon appropriate safeguards under Rule 241 (and Telephone Conferences may be allowed in compelling circumstances for testimony). Courts have wide discretion under both rules to allow Remote Court Appearances

II. DEFINITIONS

1. "Case Participant" – Any individual involved in a civil case including the judge presiding over the case, parties, lawyers, guardians *ad litem*, minors in the care of the Department of Children and Family Services (DCFS), witnesses, experts, interpreters, treatment providers, law enforcement officers, DCFS caseworkers, and court reporters. This term does not include jurors, the public, or members of the media that are not parties or witnesses in a case. Members of the media or their lawyers may be considered Case Participants if they have filed a motion or pleading in a pending case.
2. "Remote Court Appearance" or "Remote Appearance" – Participation by at least one Case Participant in a court proceeding via Telephone or Video Conference.
3. "Telephone Conference," "Telephonic Court Appearance," or "Telephone Appearance" – Simultaneous two-way audio (sound only) communication with Case Participants in two or more different locations on a telephone or other electronic device. This may be done by a simple

person-to-person phone call or by use of a conferencing line service that allows multiple people to participate simultaneously from multiple locations.

4. "Video Conference," "Video Court Appearance," or "Video Appearance" – Simultaneous two-way audio (sound) and/or visual communication with Case Participants in two or more different locations via electronic means.

III. BENEFITS OF REMOTE COURT APPEARANCES

Remote Court Appearances in civil proceedings under Rules 45 and 241 provide many benefits to Case Participants, including judges and court personnel, while creating easier access to our courts. For example, Remote Court Appearances:

1. Decrease the time and expense of coming to court. As a result, represented parties will pay less for their lawyers' time and travel and self-represented parties or other Case Participants will miss less work, pay less for childcare, and pay less for transportation.

2. Increase accessibility to the courts for Case Participants who are:

- a. Living with disabilities and/or debilitating illnesses.
- b. Elderly.
- c. Serving in the military and particularly in deployed status.
- d. Confined in a prison or jail.
- e. Hospitalized or otherwise suffering from medical conditions.
- f. In inpatient treatment for physical health, mental health, or substance abuse reasons.
- g. Residing in nursing homes or long-term care facilities.
- h. In a different state or country.
- i. Residing a far distance from the courthouse or having other difficulties with traveling to the courthouse.
- j. Serving other public needs such as medical providers, DCFS caseworkers, therapists, and law enforcement officers.
- k. Part of emergency situations requiring courts to limit their operations.

3. Assist lawyers, including legal aid and *pro bono* lawyers who often serve large geographic areas, by providing a more efficient and convenient method for appearing in court. The resulting time savings and reduced travel may allow lawyers to take on more clients and expand their practices into more jurisdictions within Illinois.

4. Reduce the numbers of persons in courthouses which reduces the burden on security, lessens risks to public health and safety, and allows court staff to manage their time more efficiently.
5. Provide Case Participants with more scheduling flexibility.
6. Benefit law enforcement, correctional institutions, hospitals, and mental health facilities involved in civil cases by allowing Case Participants to appear from their premises rather than at courthouses and reduce the costs of transportation and security.
7. Allow Case Participants such as witnesses, experts, caseworkers, and treatment providers a more efficient and convenient way to provide testimony and reduce costs relating to witness and expert testimony. Provide caseworkers and treatment providers with time saving measures which allow them to better manage their other duties and cases.
8. Increase public perception of the court system as in step with the myriad of private and public sector institutions which conduct business remotely and as responsive to the needs of the community.

IV. CIRCUMSTANCES FOR REMOTE COURT APPEARANCES

Pursuant to the authority granted in Supreme Court Rule 21 (b) and (c), and the inherent authority of the Court; and pursuant to the direction of the Illinois Supreme Court as set forth in its Policy on Remote Court Appearances in Civil Proceedings, effective May, 2020; as well as Supreme Court Rules 45 and 241, the courts in Kendall County have adopted Kendall County Administrative Order 20-14 setting forth the circumstances in which case participants may appear remotely using Zoom® videoconferencing. Case participants may appear as follows:

1. FAMILY LAW CASES - COURTROOMS 111 and 112.

a. Non-evidentiary and non-contested matters. Counsel and litigants are allowed to appear remotely via Zoom® on the matters listed below, without prior court approval. To facilitate remote access, the court will initiate an open Zoom® meeting at 9:00 a.m. each day court is in session. No invitation or password is necessary to join an open meeting. Strict adherence to local rules pertaining to conduct and etiquette during remote hearings is expected. Remote appearances are approved for the following proceedings:

- i. Status Dates.
- ii. Case Management Conference dates.
- iii. Presentment of agreed orders.
- iv. Setting of dates for contested matters, Pretrial Conferences, and trial Dates.

b. Evidentiary and contested matters: Counsel and litigants are required to be present in court to participate in all evidentiary hearings and other contested matters, unless the court grants permission in advance. Accordingly, the parties are prohibited from filing notices requesting Zoom® hearings *instanter*. This procedure may evolve over time; until then,

exceptions will be considered on a case by case basis. The following matters require appearances in court:

- i. First Appearances on contested Motions, unless parties have agreed otherwise.
- ii. Return of a Rule to Show Cause.
- iii. Matters previously set for hearing.
- iv. Trials.
- v. Any other matters not specifically set forth in paragraph a. above

c. Agreed Orders-e-filing: The court will consider the entry of routine agreed orders off call, at any time, provided the order is signed by the litigants and/or counsel of record. Unless otherwise directed, all proposed orders should be emailed (in Word format) to the judge presiding in the respective courtroom. Once entered, it shall be the responsibility of the parties to obtain copies; electronic orders will not be mailed to the parties. Prior to submitting a proposed order setting a future court date, counsel must first confirm the availability of the requested date from the Circuit Clerk's office or the proposed order may be rejected.

d. Deadline for entry of electronic orders. Orders resulting from remote appearances must be prepared by the moving party and submitted electronically (see above) no later than 3:00 p.m. on the same date of the remote appearance. Failure to do so may result in sanctions, including dismissal of the matter pending before the court.

2. TRAFFIC AND CRIMINAL MISDEMEANOR CASES - COURTROOM 114

Currently, this courtroom is not set up to accommodate remote court appearances. As we consider appropriate methods by which persons may appear remotely, this will change. To facilitate remote access, the court will initiate an open Zoom® meeting at 9:00 a.m. each day court is in session. No invitation or password is necessary to join. Strict adherence to local rules pertaining to conduct and etiquette during remote hearings is expected.

3. CRIMINAL FELONY CASES - COURTROOMS 113

Defendants and attorneys may appear remotely *via* Zoom® after receiving permission from the court as allowed in Illinois Supreme Court Rule 45. Remote appearances in criminal cases are limited to non-evidentiary/non-testimonial matters. To facilitate remote access, the court will initiate an open Zoom® meeting at 9:00 a.m. each day court is in session. No invitation or password is necessary to join. Strict adherence to local rules pertaining to conduct and etiquette during remote hearings is expected.

4. CIVIL CASES - COURTROOMS 115 and 116

a. Non-evidentiary and non-contested matters. Counsel and litigants are allowed to appear remotely *via* Zoom® without prior court approval. To facilitate remote access, the court will initiate an open Zoom® meeting at 9:00 a.m. each day court is in session. No

invitation or password is necessary to join. Strict adherence to local rules pertaining to conduct and etiquette during remote hearings is expected.

b. Evidentiary and contested matters: Counsel and litigants are required to be present in court to participate in all evidentiary hearings and other contested matters, unless the court grants permission in advance. Accordingly, the parties are prohibited from filing a notice of hearing requesting an immediate Zoom® hearing. This procedure may evolve over time; until then, exceptions will be considered on a case by case basis.

c. Agreed Orders-e-filing: The court will consider the entry of routine agreed orders off call, at any time, provided the order is signed by the litigants and/or counsel of record. Unless otherwise directed, all proposed orders (excluding family law cases) should be presented electronically via Odyssey efileIL, or any other locally recognized e-filing vendor. Once signed, it shall be the responsibility of the parties to obtain copies; electronic orders will not be mailed to the parties. Prior to submitting a proposed order setting a future court date, counsel must first confirm the availability of the requested date from the Circuit Clerk's office or the proposed order may be rejected.

d. Civil Returns – Appearance waived if no proof of service. Counsel need not appear in court and no order is required to enter on cases scheduled for return on initial service, returns on wage/non-wage garnishments, or returns on Citations/Rules, where the requisite service of process on the opposing party has not been effectuated. This waiver of appearance shall apply only if a future court date has already been scheduled, and only if the moving party has previously filed proof of non-service of process in the court file. In the absence of either of those preconditions, counsel must appear in court, either in person or remotely, to obtain a future court date and enter an order. If appearing remotely, strict adherence to the deadline for submission of electronic orders set forth below is expected.

e. Deadline for entry of electronic orders. Orders resulting from remote appearances must be prepared by the moving party and submitted electronically (see par. c above) no later than 3:00 p.m. on the same date of the remote appearance. Failure to do so may result in sanctions, including dismissal of the matter pending before the court.

V. REMOTE COURT APPEARANCE OPTIONS

The Twenty-Third Judicial Circuit, Kendall County will allow telephonic court appearance and video court appearances *via* Zoom®.

1. VIDEO COURT APPEARANCES

For Video Court Appearances:

a. You must create a Zoom account by going to Zoom.us and click the prompt “Sign Up, It’s Free” and follow the prompts.

b. Once your Zoom account is created, click “Join” or “Join a Meeting”.

The meeting IDs are:

Courtroom 111, Judge McAdams Meeting ID: 789 684 5871

Courtroom 112, Judge Voiland Meeting ID: 608 368 0586

Courtroom 113, Judge Pilmer Meeting ID: 876 832 2852

Courtroom 114, Judge Gleason Meeting ID: 597 629 5422

Courtroom 115, Judge Krentz Meeting ID: 994 062 2796

Courtroom 116, Judge Barnhart Meeting ID: 225 539 5458

There will not be a password for any Meeting ID.

c. In the box “Your Name”, please enter *your* full name as it appears in the court file. Then click “Join”. In the event your name is not recognized from the court file, you may be placed back into the waiting room for the Judge to identify you.

d. Message box will appear, click “Join with Video”.

e. You will be sent into the “waiting room” and be admitted by the judge.

f. After being admitted into the meeting by the Judge, a message box will appear, click “Join with Computer Audio”.

2. TELEPHONIC COURT APPEARANCES

For Telephonic Court Appearances:

a. Dial +1 312 626 6799 US (Chicago) and follow the prompts.

b. The Chicago phone number should work for people calling from the Midwest. If that number does not work, you may find your local number at:

<https://zoom.us/j/9123456789>

c. The meeting IDs are:
Same as Video Meeting IDs above.

d. You are unable to provide your name when joining by phone and you will be identified by your phone number.

VI. LIVE STREAM OF VIRTUAL COURTROOM

The Twenty-Third Judicial Circuit, Kendall County will allow the public to view a live stream of the available Virtual Courtrooms *via* YouTube. To view the available live stream you must:

1. Open your internet web browser to <https://www.co.kendall.il.us/Live-Streaming>.
2. You will be directed to the Kendall County Judicial website and view the following page:

Judge John McAdams	Courtroom 111 - Divorce/Family	Watch Live Now
Judge Joseph Voiland	Courtroom 112 - Divorce/Family	Watch Live Now
Judge Robert Pilmer	Courtroom 113 - Criminal Felony	Watch Live Now
Judge Stephen Krentz	Courtroom 115 - All Civil Matters	Watch Live Now
Judge Melissa Barnhart	Courtroom 116 – Foreclosures, Probate, Eviction and other Civil Matters	Watch Live Now

3. Click on [Watch Live Now](#) for the Virtual Courtroom you would like to view.
4. The Virtual Courtroom will be open when Court is in session.
5. **Please note that any video recording, audio recording, photographing and/or reproducing of the livestream is strictly prohibited. The recording, publishing, broadcasting or other copying or transmission of courtroom proceedings by video, audio, still photography or any other means is strictly prohibited by Illinois Supreme Court Rule 68(A)(8) and is subject to the penalties for contempt of court.**

VII. VIRTUAL COURTROOM ETIQUETTE

The courtroom, whether physical in-person or virtual using telephone or video technology, remains a formal and serious setting where matters involving real people and real lives are heard. Every case is important, and all participants are required to maintain court decorum in the virtual world, just as they would in person.

All individuals participating in Virtual Court proceedings must continue to observe the following well-established rules of court decorum:

1. Arrive on time and follow virtual platform directions. To minimize distractions during the court proceeding, log in a few minutes before the scheduled start time and follow the Zoom instructions.

2. Rules for testifying remotely are the same as in court. While testifying, you are not allowed to be coached or prompted by anyone off-screen, including your attorney. Your testimony must not be influenced by referring to notes, pleadings, documents, or any other material visible to you off screen, unless the court directs you to do so.
3. Dress appropriately for court. Business attire is always appropriate for court; sweatshirts, gym clothes, Hawaiian shirts, concert t-shirts, sports team jerseys and pajamas are never appropriate. **Attorneys:** while we understand you must juggle multiple roles while working from home, you are expected to dress in the virtual world as you would in court.
4. Eliminate distractions. Participating in Virtual Court proceedings often means working from home. Please try to remote in from a quiet area and minimize interruptions by others in the home.
5. Do not speak out of turn or interfere in testimony. Just like an in-person court setting, the presiding judge will indicate when it's your turn to be heard. In order to prevent any accidental audio distractions, please mute your audio setting until it is your turn to speak. If another person is testifying, you may not suggest answers, make gestures, or otherwise coach a witness or a party from off camera.
6. Be courteous and respectful to all virtual court participants. Use good manners; ensure that your physical and facial expressions are appropriate and uphold the dignity of a court setting. Ensure your language upholds the dignity of a court setting – no profanity.
7. Do not bring food to the virtual courtroom. This includes chewing gum. Coffee or water are fine, we all need coffee.
8. Do not use tobacco or vaping products in the virtual courtroom.
9. Sit up Straight. Show the same courtesy the Court is showing you. Do not prop your feet up on a table or chair.