

**IN THE
SUPREME COURT OF ILLINOIS**

In re: Mandatory Electronic Filing In Civil Cases

M.R. 18368

**PETITION ON BEHALF OF THE COOK COUNTY JUDICIAL CIRCUIT
FOR AN EXTENSION OF TIME TO IMPLEMENT MANDATORY e-FILING**

On January 22, 2016, the Supreme Court entered its order, Mandatory Electronic Filing In Civil Cases, which required mandatory e-Filing of civil cases by January 1, 2018, and amended this order May 30, 2017, by Electronic Filing in Civil and Criminal Cases and Remote Access Systems (collectively, "e-Filing"), to provide that, by no later than July 1, 2018, all circuit courts with stand-alone e-Filing systems shall complete migration from their stand-alone e-Filing systems to eFileIL. In accordance with paragraph 10 of the January 22, 2016, order, the Chief Judge and Clerk of the Circuit Court of Cook County respectfully petition the Supreme Court to extend the deadline to implement mandatory e-Filing for all civil case types and to migrate to the eFileIL system to January 1, 2019, for the following reasons:

1. The Clerk entered into a contract with On-Line Information Services ("OLIS") to create an e-Filing system for the Circuit Court of Cook County in July 2008. This system was built at no cost to Cook County and was and is financed by convenience fees charged by OLIS to the users. As a result, the Clerk successfully implemented an e-Filing pilot program in the Law Division in 2009 and was approved by the Supreme Court for e-Filing in all civil cases in 2013. The OLIS contract is due to expire June 30, 2018. E-Filing is now available for the majority of civil case types, except for those in the court's County Division and a few other case types and transactions. The County Division uses a proprietary software for its case management system that would require coordination with a third party vendor to program e-Filing. The proprietary software was the reason OLIS could not program the County Division case types for e-Filing at the same time that it programmed the other civil case types.
2. The Circuit Court of Cook County was one of 15 counties exempted from using eFileIL by January 1, 2018. Shortly after the Supreme Court Order 2016 order herein was issued, the Clerk began working with OLIS to implement e-Filing of all civil case types and transactions, other than those for the County Division, that were yet to be programmed. The Clerk also began working with the case management system vendor for the County Division, so that OLIS could program the County Division case types for e-Filing. The Clerk and OLIS were well on their way to have all the relevant civil case types ready for

e-Filing by January 1, 2018, and the Clerk was working on a contract for the County Division case management system's vendor to program its case types to integrate with OLIS for e-Filing by that date. In April 2017, the Clerk was informed by the Administrative Office of Illinois ("AOIC") that, although the Clerk could continue to use OLIS for mandatory e-Filing, starting January 1, 2018, OLIS could not charge the convenience fee to users. Due to the complexity of the Clerk's mainframe computer system, the Clerk expressed to the AOIC and Tyler Technologies ("Tyler"), the e-Filing vendor in charge of eFileIL, the Clerk's preference to continue using OLIS as the Clerk's e-Filing vendor until the Clerk's new case management system was implemented. The Clerk also expressed to the AOIC and Tyler that OLIS had been working with the Clerk for nine (9) years, that many customizations had been made to the OLIS e-Filing system, and that the Clerk's was working with OLIS to program the various case types and transactions that still needed to be programmed, including the County Division case types.

3. The Clerk also informed the AOIC and Tyler, that, due to budgetary constraints, the Clerk could not pay OLIS to provide the Clerk's e-Filing system without charging a user fee. The Clerk requested that a portion of the \$9.00 e-Filing fee to be collected for the Illinois e-Filing program be used to compensate OLIS, beginning January 1, 2018. The AOIC informed the Clerk that the \$9.00 e-Filing fee was not available to pay OLIS. In response, Tyler informed the AOIC and the Clerk that it could program all of the Clerk's civil case types for use with eFileIL by January 1, 2018.
4. In May 2017, Supreme Court order M.R. 18368 was amended to require the 15 exempted counties to transition their e-Filing systems to eFileIL by July 1, 2018, only six (6) months into 2018, and right after the expiration of the Cook County contract with OLIS. Because of this short timeframe and the fact that OLIS could not charge a user fee, the Clerk began to work with Tyler to transition all civil case types, including the County Division's, to eFileIL, by January 1, 2018.
5. The Clerk has entered into a separate contract with Tyler to build a new case management system over a four year time period ending in April 2021, which will include a fully integrated e-Filing component. The Clerk had expressed a preference to start e-Filing through eFileIL after implementation of the new case management system.
6. Although Tyler is working with the Clerk to implement e-Filing in the County Division by January 1, 2018, the inability to integrate with the proprietary software used for the County Division will prevent the system from being fully integrated by that date. As a result, the Clerk's staff will have to manually enter data from e-File cases into the County Division's current case management system.
7. Tyler worked with the Clerk to perform a GAP Analysis between the OLIS System and eFileIL, which determined that there are some features in the OLIS System which are not currently available in the eFileIL System.
8. On November 21, 2017, despite Tyler's and the Clerk's best efforts to fully integrate

eFileIL with the Clerk's civil case types, other than those for the County Division, Tyler informed the Clerk that they would be unable to complete the payment component of the e-Filing system by January 1, 2018. Tyler informed the Clerk that complex customization implemented by OLIS and the Clerk in the payment component of the current e-Filing system could not be programmed into eFileIL by January 1, 2018.

9. In addition to the payment processing component, the Clerk is concerned about gaps between the OLIS and Tyler systems. The primary gaps of concern are:

- (1) The OLIS system currently includes the ability to set return dates, court hearing dates, and motion dates, and that eFileIL will not have these capabilities until the 2nd Quarter of 2018. Thus, the Clerk's Office would be required to manually enter data into the necessary fields to create court dates for e-Filed cases.
- (2) Frequent users of the current e-File system can file multiple cases using one financial transaction, a process known as bulk filing. The eFileIL system requires attorneys and self-represented parties to pay for each transaction separately, leading to additional time and expense for the users. Although a few Electronic Filing Service Providers offer this capability for an additional fee, Tyler does not expect to be able to provide this service until sometime in the 3rd Quarter of 2018, at which time they informed the Clerk that they might require a fee as well. Primarily due to eFileIL not having a bulk-filing component, the Illinois State Bar Association, on behalf of its State and Local Tax Section, has requested the Circuit Court of Cook County to petition the Supreme Court for the County Division to be exempted from mandatory e-Filing until July 1, 2018. The OLIS e-Filing system does provide a bulk filing component as part of its normal e-Filing service, at a graduated discounted rate for civil case types.

10. Due to the following facts:

- (1) Tyler Technologies has indicated that eFileIL cannot be fully integrated with the Clerk's mainframe computer by January 1, 2018, because the customized programming required for the payment processing component cannot be completed by that date;
- (2) Programming for various case types and transactions that have not been programmed in the OLIS system, but were to be included in eFileIL; and cannot be ready by January 1, 2018;
- (3) Critical functions, such as the setting of court hearing dates and bulk filing will not be available on January 1, 2018, which will cause the Clerk's staff to perform inefficient manual functions; and

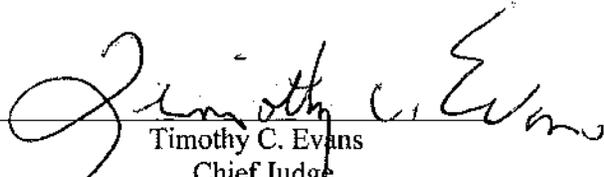
(4) The County Division case management system will not be fully integrated by January 1, 2018, which would cause the Clerk's staff to perform cumbersome, inefficient manual functions;

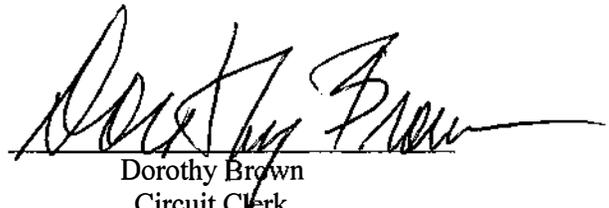
11. The Circuit Court of Cook County, therefore, requests that the date for implementation of mandatory e-Filing be extended for one year. A one-year extension to January 1, 2019, would allow the necessary time for Tyler and the Clerk to complete critical programming requirements, allow proper testing of the customized programming, and permit both users and the Clerk's staff to be properly trained. This extension would ensure a smooth transition to eFileIL in Cook County. In addition, the Clerk is requesting that its vendor OLIS be allowed to continue charging a transaction fee during the extension period, pursuant to a contract between the Clerk and OLIS.

PRAYER FOR RELIEF

WHEREFORE, the undersigned respectfully request that this Court grant the Cook County Judicial Circuit Court an extension of time to January 1, 2019, to effectuate mandatory e-Filing, and until that time to continue to allow permissive e-Filing in the Circuit Court of Cook County.

Respectfully submitted this 14th day of December, 2017:


Timothy C. Evans
Chief Judge
Circuit Court of Cook County


Dorothy Brown
Circuit Clerk
Circuit Court of Cook County