

TO: Chief Judge Timothy Evans, Circuit Court of Cook County

FROM: Judge Alison Conlon, Co-Chair, Pro Se Advisory Committee
Judge Sharon Sullivan (ret.), Co-Chair, Pro Se Advisory Committee
Bob Glaves and Samira Nazem, The Chicago Bar Foundation

DATE: June 3, 2021

RE: Recommendations for Establishing Remote-Friendly Court Procedures

On behalf of the joint CBF/Circuit Court of Cook County Pro Se Advisory Committee, we respectfully make the following recommendations to the Court to preserve and promote the use of remote court appearances on a permanent basis as we transition to the post-pandemic future where a combination of in-person and remote proceedings will become the new normal.

As much as we all are looking forward to court hearings and court services being available in-person again, we have a unique opportunity to significantly improve court efficiency and access by permanently incorporating remote court appearances as a feature of the system, continuing the Court's ongoing leadership in this area. As the Illinois General Assembly's recent unanimous passage of [a bill to preserve and expand telehealth services](#) underscores, both the general public and our elected officials see the value of continued remote access for key services and expect it to be an ongoing option whenever possible post-pandemic.

As you know, with your exemplary leadership the Circuit Court has been at the forefront of incorporating remote court procedures for many years now, beginning with the innovative pilot projects in the Domestic Relations, Chancery, and County Divisions. During the Covid-19 pandemic, the Court was able to rapidly expand on its initial work with the remote access pilot projects to create a fully functioning remote court system and to launch innovative new remote-based programs like the Early Resolution Program for Eviction and Consumer Debt.

As we have seen during the last year, remote hearings offer many benefits to judges, lawyers, and litigants. While trials and evidentiary hearings should normally be held in-person, remote hearings have proven to be an efficient and economical alternative for non-evidentiary hearings and more routine matters that can reduce the strain on building facilities and ease the financial and logistical burdens for both litigants and lawyers.

To that end, the Committee proposes expanding the Early Resolution Program model of having all cases start on a remote court call to all civil case types. Those initial court dates are particularly well-suited for remote proceedings, and a consistent approach throughout the system would greatly benefit all stakeholders and make it easier to communicate effectively with the public.

After the initial court dates, judges and parties should have flexibility to determine how to proceed, following the guidance outlined by the Illinois Supreme Court's [Policy on Remote Court Appearance in Civil Proceedings](#). The Policy encourages judges to liberally grant requests for remote appearances for non-evidentiary matters, while requiring a party to demonstrate good cause to appear remotely in an evidentiary hearing or trial.

While the benefits of remote court proceedings are enormous, it is critical for the Court to continue to ensure that adequate safeguards are in place to protect self-represented litigants who may not have access to or familiarity with remote technology. Consistent policies and clear communications are critical to making sure that remote court hearings benefit all court stakeholders.

Following are more detailed proposed policies the Pro Se Advisory Committee has developed to support a remote-friendly court system while also addressing the special challenges that may face some self-represented litigants. The Committee stands ready to work with the Circuit Court to continue its leadership in expanding both remote access to the courts and access to justice for all litigants.

Policy Recommendations from the Pro Se Advisory Committee for Establishing Remote-Friendly Court Procedures

- **Initial Court Dates:** The initial court dates for all civil matters should be scheduled as fully remote proceedings. Litigants who appear in-person at the courthouse should be provided an opportunity to participate either in the courtroom, if the courtroom is properly equipped for hybrid proceedings, or in a courthouse Zoom Access room.
 - **Emergency Orders of Protection:** Given the time-sensitive nature of EOP hearings, both remote and in-person hearing options must be available. Domestic Violence advocates are available to provide services both remotely and in-person, and information about their services should be made widely available to litigants.
- **Subsequent Court Dates:** After the initial hearing date, judges will determine how to proceed (either fully in-person, fully remote, or hybrid with one party in-person and one party remote) based on several factors including the preferences of the parties, their access to technology, the availability technology in the courtroom/courthouse, and the nature of the proceedings. Judges are encouraged to give due consideration to the preferences and needs of self-represented litigants when making these decisions.
 - **Non-Evidentiary Hearings:** Parties may request to appear remotely or in-person for non-evidentiary matters. In accordance with [Supreme Court Rule 45](#), Judges are encouraged to liberally allow fully remote or hybrid hearings when requested by the parties. For simple matters (e.g. status dates, entry of agreed orders), judges may consider handling these matters off call to reduce the number of court dates.
 - **Evidentiary Hearings/Trials:** In accordance with [Supreme Court Rule 241](#), evidentiary hearings and trials normally should take place in person unless one or both parties can demonstrate good cause. Additional guidance is provided in the [Supreme Court's Policy on Remote Court Appearance in Civil Proceedings](#). For any hearing or trial where testimony will be taken or documents exchanged and one or more parties are appearing remotely, judges should be mindful of the unique challenges that self-represented litigants may experience when trying to provide or review such evidence.
- **Zoom Access Rooms:** All courthouses should maintain Zoom Access Rooms that are staffed with court personnel who can provide support to litigants who are appearing in court remotely. Court patrons should also be permitted to use Zoom Rooms to access court-based services and programs including mediation, help desks, and Early Resolution Programs.

- **Default Judgments:** Judges are encouraged to refrain from entering default judgments on the first initial court date, being mindful that some litigants may experience technology challenges. Continuance should be granted liberally if a litigant is absent from the first scheduled court date after service has been effectuated.

Improving Public Communications About Remote Court Procedures

Clear, consistent, and accurate communications with litigants are always critically important. This is particularly true with respect to remote court appearances. All court notices and other communications should be written in plain language in accordance with the [Supreme Court Policy on Plain Language](#). All communications should be regularly reviewed and updated to ensure the public remains well-informed about all court procedures. The following areas should be given special consideration:

- **Court Forms**
 - **Summonses:** All summonses should include clear and accurate Zoom information, including information about Zoom Access Rooms at the courthouses.
 - **Continuance Orders:** All continuance orders should be updated to include a check box confirming whether the next court date will be fully in-person, fully remote, or hybrid. For remote and hybrid hearings, the Continuance Orders should provide space to include the Zoom information.
- **Clerk Notices:** Notices generated by the Clerk’s office should also include clear and accurate Zoom information. When possible, the electronic docket should also reflect this information.
- **Court Websites:** The Circuit Court and Circuit Clerk’s websites should maintain updated Zoom information in a place that is easily navigable by members of the public.
- **Resource Information:** When appearing remotely, litigants are less likely to encounter court-based programs and services that may be able to provide legal help. To ensure all litigants can access the same resources remotely that they can at court, each division should prepare a resource list for plaintiffs to send out with each newly filed case. The same information should also be posted on the Circuit Court and Circuit Clerk’s websites. The resource lists should include information about court-based help desks, the Clerk’s office, JusticeCorps, and other relevant resources. The Pro Se Advisory Committee’s Outreach Committee can provide support in creating and maintaining these resources lists for each division.

- **Court Dates:** After the initial court date, all subsequent court dates should be memorialized in a court order to ensure that the Clerk's electronic docket can provide accurate information in real-time to the public.
- **Court Orders:** Court patrons who do not have an email address on file with the Clerk's office must be able to obtain all court orders entered in their case. Accordingly, the party that drafts the order shall be responsible for mailing a copy of the order and a notice of service to the opposing side within five business days, if the opposing side did not attend the court date in-person or does not have the ability to receive documents by e-mail.

Adopting Best Practices for Remote Court Hearings

To improve the experience of all court patrons during remote hearings, judges are encouraged to adopt the following practices when presiding over remote court hearings:

- **Waiting Rooms:** Judges, clerks, and other court personnel should admit all parties in from the waiting room and permit them to wait for their case to be called in the Zoom room.
- **Chat Feature:** If the chat feature will be used to share information with litigants, it is recommended that the Zoom settings be adjusted to unlock the chat. This will permit litigants and attorneys to copy important information from the chat and to save it for later.
- **Cameras:** Judges should keep their cameras on and encourage litigants to do the same if they have a camera on their device and the data and/or bandwidth necessary to do so.