

# **LOCAL RULES OF THE TWENTY-THIRD JUDICIAL CIRCUIT**

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Originally adopted pursuant to General Order 17-1, *effective January 31, 2017.*

As approved through December 5, 2024.

# **ARTICLE I**

## **ADMINISTRATION OF THE COURT**

### **1.0 POWERS OF THE COURT TO ADOPT RULES**

- A. These Local Court Rules are adopted pursuant to the Civil Practice Act, 735 ILCS 5/1-104(b), providing that the Circuit Court may make rules regulating their dockets, calendars and business, and Supreme Court Rule 21 providing that a majority of the Circuit Judges in each Circuit may adopt rules governing civil and criminal cases.
- B. Administrative/General Orders of the 23rd Judicial Circuit, pursuant to Supreme Court Rule 21, may be enacted or amended by the Chief Judge. Administrative/General Orders relating specifically to either DeKalb or Kendall County may be enacted and amended by the Presiding Judges assigned to DeKalb or Kendall County.
- C. Orders or rules entered contrary hereto are, and shall be, valid and effective and shall be deemed to be a waiver to the extent that they conflict with the rules or orders contained herein.

### **1.5 GENERAL RULES**

- A. These Local Court Rules apply both to civil and criminal proceedings and govern all proceedings except to the extent that the procedure in a particular kind of action is specifically regulated by a statute or Supreme Court Rule.
- B. These Local Court Rules, (Rules), are to be construed in accordance with the appropriate provisions of the Statute on Statutes, 5 ILCS 70/0.01 *et.*

seq., and in accordance with the standards stated in the Code of Civil Procedure at 735 ILCS 5/1-106.

- C. The Court shall enforce all rules and orders necessary to compel compliance with these rules.
- D. These Rules shall become effective upon their adoption and publication.
- E. The following short titles shall be used throughout these rules:
  - 1. Code of Civil Procedure 735 ILCS 5/1-101 *et seq.*;
  - 2. Code of Criminal Procedure 725 ILCS 5/100-1 *et seq.*;
  - 3. Criminal Code 720 ILCS 5/1-1 *et seq.*;
  - 4. Supreme Court Rules;
  - 5. Unified Code of Corrections 730 ILCS 5/1-1-1 *et seq.*
- F. For the purpose of these Rules any masculine term includes the feminine and vice versa.

#### **1.10 MEETINGS**

The Judges of the 23rd Judicial Circuit shall meet upon the call of the Chief Judge. A special meeting may be called at any time by any three Circuit Judges by giving notice to all Circuit Judges.

#### **1.15 SELECTION OF A CHIEF JUDGE**

- A. A majority of the Circuit Judges shall select, by secret ballot, one of their number to serve as Chief Judge. The term of the currently acting Chief Judge shall be extended from three years to four years, concluding on the first Monday in December, 2025. Commencing with the first Monday in

December 2025, Chief Judges shall be selected for four year terms pursuant to Article VI, Section 7(c) of the Illinois Constitution. The election shall be held in September in the year the Chief Judge is to take office. The Office of Chief Judge shall alternate between DeKalb and Kendall Counties,

- B. The Chief Judge shall appoint one of the Circuit Judges to act as Chief Judge in his or her absence. The Acting Chief Judge shall have the same powers and duties as Chief Judge. In the event the Acting Chief Judge is also unavailable, the most Senior Circuit Judge on the premises shall act as Chief Judge.
- C. At any time by written request directed to the Chief Judge, a majority of the Circuit Judges may call a meeting for the purpose of removal of the Chief Judge, at a time and place stated therein. A copy of such request shall be mailed or delivered to each Circuit Judge not joining therein at least five (5) days before the time fixed for such meeting. If a majority of all the Judges shall at such meeting vote for removal of the Chief Judge, the Judges shall proceed immediately to elect a new Chief Judge to take office at once.
- D. Whenever a vacancy occurs in the office of Chief Judge, any three (3) Circuit Judges may call a meeting of the Circuit Judges to select a Circuit Judge to fill such vacancy to take office at once in the same manner as in subparagraph A above.

## **1.20 AUTHORITY OF THE CHIEF JUDGE**

- A. The Chief Judge may enter Administrative/General Orders in the exercise of his or her general administrative authority, including but not limited to orders providing for the appointment of Presiding Judges, assignment of Judges, general or specialized divisions, and times and places of holding Court, as provided by applicable statutes, Supreme Court Rules, or these Rules. The Chief Judge may appoint personnel to assist him in the performance of his duties.
- B. Copies of all Administrative/General Orders issued by the Chief Judge shall be filed with the Circuit Clerk of the county in which the Chief Judge is sitting, who shall maintain them as permanent Court records. Upon filing an Administrative/General Order, the Circuit Clerk of that county shall provide a copy of said Order to the Circuit Clerk of the other county. All such Administrative/General Orders shall be available for inspection as public records in the Office of the Circuit Clerk.
- C. For the purposes of these Rules, as well as all General Orders of the 23rd Judicial Circuit, the Chief Judge shall serve as the Presiding Judge in the county in which he or she is assigned to hear cases on a regular basis.

## **1.25 ASSIGNMENT OF JUDGES**

- A. All judicial assignments shall be made by the Chief Judge.
- B. Assignment of judges to the various divisions of the Circuit Court shall be governed by Administrative/General Order.

### **1.30 SUBSTITUTION OF JUDGES - CHANGE OF VENUE**

- A. In any case in which:
1. a substitution of judge has been requested in accordance with the Code of Criminal Procedure 725 ILCS 5/114-5; or
  2. a change in venue on account of prejudice of the judge is granted in accordance with the Code of Civil Procedure 735 ILCS 5/2-1001; or
  3. on the Court's own Motion,
- the case shall be transferred for re-assignment within the county to the Presiding Judge of the County in which the case is pending.
- B. In every case in which the Presiding Judge of any County is the judge from whom the change of judge is being granted, the case will be transferred for re-assignment to the next most senior Circuit Judge assigned to that County.

### **1.35 AUTHORITY OF PRESIDING JUDGES**

The assignment of personnel to specific court calls, courtrooms, and chambers, and the assignment of specific cases shall be at the discretion of the Presiding Judge of each county.

### **1.40 ATTORNEY REGISTRATION-ADDRESSES OF PARTIES AND ATTORNEYS**

- A. The Clerk of the Circuit Court shall maintain a computerized attorney identification file, furnished by the Illinois Attorney Registration and

Disciplinary Commission, to properly identify the attorney of record in a matter pending before the Court.

- B. The first pleading and/or appearance and all subsequent papers and orders shall contain the name, address, and telephone number of the attorney, or self-represented litigant filing said paper. The attorney shall also include his or her attorney registration number issued by the Illinois Attorney Registration and Disciplinary Commission.

#### **1.45 DISMISSAL FOR LACK OF ACTIVITY**

Reasonable efforts shall be made to assure that all cases that require a trial shall be set for trial within 12 months of filing. In the event that an order has not been entered setting the case for trial (or pre-trial if it is a civil jury trial) within 12 months after filing thereof, upon Order of the Judge presiding over the matter, the Clerk of Court shall notify the attorneys of record, or any party who has filed an appearance, providing their address is recorded in the contents of the file, that the case will be called on a day certain on which day it will be dismissed on motion of the Court, except for good cause shown. Failure to appear shall constitute acknowledgment of the dismissal. Orders of dismissal entered under Local Rule 1.45 hereafter shall be considered as involuntary dismissals subject to Illinois Supreme Court Rule 273.

#### **1.50 DECISIONS WITHIN 60 DAYS**

- A. All judges are encouraged to render their decisions promptly when matters are ready for decision, and except as hereinafter provided, no judge of this

Circuit shall keep a matter under advisement or fail to render a decision in a matter submitted to him for a period of time greater than 60 days from the date such matter is ready for decision.

- B. For the purposes of this Rule, a matter is ready for decision:
  - 1. If the issue to be decided is a factual issue, at such time as the proofs have been closed;
  - 2. If the issue to be decided is a legal issue, at such time as the judge has received briefs as may have been ordered by the judge and heard arguments as may have been ordered; or
  - 3. If the issues are both factual and legal, it shall be considered as if the case involved legal issues only, after the proofs have been closed.
- C. Any case ready for decision which has not been decided by the sitting judge within 60 days of being ready for decision shall be reported by the sitting judge to the Chief Judge together with an explanation of the reason such decision has not been rendered.

#### **1.55 PLACE AND HOURS OF HOLDING COURT**

- A. The Presiding Judge of each county shall determine the locations where Court shall be held and shall determine the dates and times of each court call. Such determinations shall be listed in an Administrative/General Order filed in the respective county.
- B. Courthouses shall be open to the public each Monday thru Friday except for holidays and court closures as designated by the Order of the Chief Judge.

Closure of the courthouse due to inclement weather and/or other unforeseen emergencies shall take place only pursuant to the Supreme Court's Emergency Closing Policy and Procedures.

- C. Matters scheduled to be heard on days the courthouse is closed along with deadlines for the filing of pleadings falling on days the courthouse is closed shall be extended to the next business day court is in session.
- D. The Office of the Clerk of the Circuit Court shall be open in each respective county as determined by Administrative Order.

**1.60 PHOTOGRAPHING, RECORDING, BROADCASTING, OR TELEVISIONING IN OR NEAR COURTROOMS**

- A. Definitions: For the purpose of this rule, the use of any of the terms "photographs, audio or video recordings, televising or broadcasting" includes the audio or video transmissions or recordings made by cameras, telephones, personal data assistants, laptop computers, and any other wired or wireless data transmission or recording devices.
- B. Prohibited Usage:
  - 1. Except as provided in this Rule, it is at all times prohibited to take, transmit, record, televise, or broadcast any still photographs, audio, or video image or sound recording anywhere within the DeKalb or Kendall County Courthouses without conforming to these rules.

2. Unless granted leave by specific court order, it is prohibited to transmit or receive texts, emails, and/or audible wireless communications within any courtroom while court is in session.
3. Licensed attorneys are permitted to send and receive non-audible texts and emails while court is in session, but in all other respects they shall conform to these rules to the same extent as the general public.

C. Permissive Usage:

1. Outside of the courtrooms, the silent transmission or receipt of texts, emails, and/or wireless communication messages or data on electronic devices which does not invoke the transmission, recording, televising, or broadcasting of court proceedings is permitted, so long as such silent transmission or receipt does not disrupt any courtroom or conflict with the intended uses of the courtroom or the immediate surrounding area. Otherwise, any electronic devices brought into a courtroom must be turned to the "off" mode.
2. Within any court facility, still photographs and/or audio and video recordings, including broadcasting or televising, of events and activities not related to a pending case or of judicial personnel or of the facilities, may be authorized by any judge with the permission of

the Presiding Judge for educational, instructional, informational or ceremonial purposes, provided that court is not in session during such photographing, audio or video recording, broadcasting, or televising. Such event and activities may 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.

3. Audio recording by an official or court-authorized court reporter in the exercise of court reporter duties and for the professional use of the court reporter only is permitted.

D. Penalties and Enforcement:

1. Violation of this rule may subject any violator to contempt proceedings.
2. Violation of this rule may result in the turnover of any offending device at the direction of the judge.
3. Any tape, photograph, film, disk, or other electronic format produced in violation of this rule shall be subject to erasure at the violator's sole expense and/or forfeiture without compensation.

- E. Rule 1.60 shall not be applied in such a way as to limit any judge's use of electronic devices in the course of the execution of professional duties, nor

in such a way as to conflict with any Supreme Court Rule or Order of the Illinois Supreme Court or with any state or federal laws.

## **1.65 EXTENDED MEDIA COVERAGE**

### **A. Definitions**

1. Extended media coverage means any media recording or broadcasting of proceedings by the use of internet, television, video, radio, photographic, or other recording equipment for the purpose of gathering and disseminating information to the public.
2. Media means print, digital, television, video, internet, telephonic, aural or radio media.
3. News Media in general, means any person or organization actively engaging in professional information gathering or reporting and includes any newspaper, internet, digital, radio or television station or network, information service, or other information reporting agency.
4. Judge means the Circuit or Associate Judge presiding in a trial court proceeding for which extended media coverage has been requested.
5. Presiding Judge means the Circuit Judge designated by the Chief Judge as the Presiding Judge of the county in which the matter is pending, pursuant to the Local Rules of the Twenty-Third Judicial Circuit.
6. Chief Judge means the Chief Judge of the 23<sup>rd</sup> Judicial Circuit.

7. 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.
8. Media Coordinator means a member of the news media who has requested extend media coverage, or in the case of more than one media person requesting extended media coverage, a representative chosen by all of the media requesting extended media coverage and approved by the Judge. In a court proceeding with extended media coverage, the Media Coordinator shall work with the Chief Judge, the Presiding Judge, and the Judge, or with their designee, and with the Court Media Liaison.
9. Court Media Liaison is the Court Administrator or a designee of the Court Administrator. The Court Media Liaison shall work with the Media Coordinator on all matters pertaining to extended media coverage.

**B. Media Access**

Coverage of judicial proceedings in the 23rd Judicial Circuit shall be subject, at all times, to the authority of the Judge. Extended media coverage shall not be distracting or interfere with the court in making decisions.

**C. Procedures**

1. Request for Media Coverage. Requests for extended media coverage shall be filed with the Clerk of the Circuit Court at least fourteen (14) days before the proceeding for which extended media coverage is sought. Requests shall be filed using Form 1, in the Appendix, or a substantially similar form. The time for filing a request may be extended or shortened by court order.
2. Notice of Request. Using Form 2, in the Appendix, the Clerk of the Circuit Court shall send written notice and a copy of the Request for Media Coverage to the following persons:
  - a. Attorneys of record;
  - b. Parties appearing without counsel;
  - c. The Court Media Liaison;
  - d. The Judge;
  - e. The Presiding Judge of the County in which the case pends;  
and
  - f. The Chief Judge.

No later than the close of business on the day following the filing of the Request, a copy of the Notice and Request shall be sent by first class mail or facsimile transmission or delivered by personal service. The Chief Judge may order alternative means of service, such as electronic mail, for the recipients named in subparagraphs d- f above.

3. Objections by Parties. At least three (3) days before the commencement of the proceeding, a party objecting to extended media coverage shall file a written objection stating the reasons for objecting to extended media coverage. The objection shall be filed using Form 3, in the Appendix, or a substantially similar form.
4. Objections by Witnesses. All witnesses shall be notified by counsel proposing to introduce their testimony of their right to object to extended media coverage, by using Form #2A, in the Appendix, or a substantially similar form. Counsel shall file an appropriate proof of notice. All objections by witnesses shall be filed prior to the commencement of the proceeding. Any objecting witness shall file his or her objection using Form 4, in the Appendix, or a substantially similar form.
5. Notice of Objections. The Clerk of the Circuit Court shall provide a copy of any objection filed to the persons listed in subparagraph 2 and to the Media Coordinator. The copy shall be provided using the means listed in subparagraph 2 no later than the close of business on the day following the filing of the objection.
6. Disposition of Requests. After the time for objections has elapsed, the Judge shall make a determination as to whether the Request should be granted and/or whether an objection thereto should be

sustained, and, if so, to what extent. The Court may consider factors including, but not necessarily limited to the following:

- a. The effect on the parties' ability to select a fair and unbiased jury;
- b. The importance of maintaining public trust and confidence in the judicial system;
- c. The importance of promoting public access to the judicial system;
- d. Matters raised in the request and in any objections thereto;
- e. The parties' support of or opposition to the request;
- f. The nature of the case;
- g. The privacy rights of all participants in the proceeding, including witnesses, jurors, and victims;
- h. The effect on any minor who is a party, prospective witness, victim, or other participant in the proceeding;
- i. The effect on any ongoing law enforcement activity in the case;
- j. The effect on any subsequent proceedings in the case;
- k. The effect of coverage on the willingness of witnesses to cooperate, including the risk that coverage will engender threats to the health or safety of any witness;

- l. The effect on excluded witnesses who would have access to the televised testimony of prior witnesses;
- m. The scope of the coverage and whether partial coverage might unfairly influence or distract the jury;
- n. The difficulty of jury selection if a mistrial is declared;
- o. The security and dignity of the Court;
- p. Undue administrative or financial burden to the Court or participants;
- q. The interference caused to neighboring courtrooms;
- r. The maintenance of the orderly conduct of the proceeding;
- s. Any other factor affecting the fair administration of justice; and
- t. Any other factor the Judge deems relevant.

The Judge may use Form 5, in the Appendix, in dealing with the Request.

D. General

Broadcasting, televising, recording, and photographing or otherwise memorializing information may be permitted in the courtroom during sessions of the court, under the following conditions:

- 1. Permission first shall have been granted by the Judge, who may prescribe such conditions of coverage as provided for in this policy. The Presiding Judge and Chief Judge shall have discretion to permit or deny any extended media coverage.

2. 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 agent(s), and relocated witnesses shall be presumed valid. The Judge shall exercise broad discretion in deciding whether there is cause for prohibition.
3. Extended media coverage is prohibited in any court proceeding required under Illinois law to be held in private. No coverage shall be permitted in any juvenile, dissolution, adoption, child custody, elder abuse, evidence suppression or trade secret cases.
4. Extended media coverage of jury selection is prohibited. Extended media coverage of the jury and individual jurors is prohibited.
5. There shall be no audio, visual or internet, pick up or broadcast or recording of a conference in a court proceeding or in a court facility between attorneys and their clients, between co-counsel, between attorneys and opposing

counsel, or attorneys and the Judge that is not intended to be part of the court record.

6. Audio, internet or visual equipment authorized by these provisions shall not be operated during a recess in the court proceeding.
7. The quantity and type of equipment permitted in the courtroom shall be subject to the discretion of the Judge within the guidelines set out in this policy.
8. Upon application of the media, the trial court judge may permit the use of equipment or techniques at variance with the provisions in this policy, provided the variance request is included in the Request for Media Coverage provided for in subsections C(1) and (2). Ruling upon a variance application shall be at the sole discretion of the Judge. Variances may be allowed by the Judge without advance application or notice if all counsel and parties consent to it.
9. The Judge may refuse, limit, amend or terminate photographic or electronic media coverage at any time during the proceedings in the event the Judge finds that provisions established under this policy, or additional rules imposed by the Judge, have been violated or that substantial rights of individual participants or rights to a fair trial will be prejudiced

by the manner of coverage if it is allowed to continue; or if it is necessary to guarantee the safety of the courtroom, including any party, witness, juror or attendee of the proceeding.

10. Members of the media must abide by the rules regarding filming and photography outside the courtroom, but still within the courthouse. The media is not permitted to film/photograph/record any person present for any grand jury proceeding. Coverage is only allowed during proceedings taking place inside the courtroom, in the presence of the Judge.
11. The rights of extended media coverage may be exercised only by the news media.
12. A decision by a Judge to deny, limit or terminate extended media coverage is not appealable.
13. A Judge may authorize extended media coverage of ceremonial proceedings at variance with provisions in this policy as the Judge sees fit.

E. Technical

1. Equipment specifications. Equipment to be used in courtrooms during judicial proceedings must be unobtrusive and must not produce distracting sound, light or other

influence. 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 Judge. Microphones for use of counsel and judges shall be equipped with power switches to facilitate compliance with subsection D (5) of this policy.
- d. Visual or Audio signal. No light or signal which is visible or audible to participants in the proceeding shall be used on any equipment during extended media coverage to indicate whether it is operating.

- e. Advance approval. It shall be the duty of media personnel to demonstrate to the 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 judicial approval for equipment may preclude its use in the proceeding. All media equipment and personnel shall be in place at least fifteen (15) minutes prior to the scheduled time of commencement of the proceeding.
  - f. Expense. The cost of any equipment under these guidelines will not be incurred at public expense.
- 2. Lighting. Other than light sources already existing in the courtroom, no flashbulbs or other artificial light device of any kind shall be employed in the courtroom. With the approval of the Presiding Judge, however, modifications may be made in light sources existing in the courtroom, provided modifications are installed and maintained without public expense.
- 3. Pooling and Equipment. The following limitations on the number of photographic and broadcast media personnel in the courtroom and the amount of equipment shall apply:
  - a. Still photography. Not more than two (2) still photographers are permitted in a proceeding. Each

shall be limited to not more than two (2) camera bodies and two (2) lenses at any one time. Changing of film or lenses is only allowed during recesses. Still photographers must stay in their assigned spots throughout the proceedings, and may not make any movements or assume positions that might be distracting. Even if hand-held cameras are used, the operator must remain in his/her assigned spot.

- b. Television. Not more than two (2) television cameras, each operated by not more than one (1) camera person, shall be permitted in the courtroom during a proceeding.
- c. Audio. Only one (1) audio system for broadcast shall be permitted in a proceeding. Where possible, audio for all media shall be from any existing audio system present in the courtroom. If no technically suitable audio system exists, microphones, wiring and recording equipment shall be furnished and temporarily installed by the news media without public expense, shall not interfere with the sound quality of any existing courtroom audio system, shall be operated by one (1) person, shall have a means of immediately disabling

the system (a/k/a “kill switch”) by the Judge and shall be located in places designated in advance by the Judge or his or her designee.

- d. Pooling. Pooling arrangements shall be the sole responsibility of the Media Coordinator. No judicial officer or court personnel shall mediate disputes. Priority consideration shall be extended to one (1) of the two (2) 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, the kind of extended coverage sought shall be prohibited and excluded from the proceeding.
- e. Attire. No equipment or clothing on any extended media coverage personnel shall bear any insignia or identification of the individual medium or network involved in extended coverage.

- 4. 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 Judge. The area or areas designated shall provide reasonable access to the proceeding to be covered.

No equipment or personnel involved in extended media coverage shall impede pedestrian traffic movement into, or from the 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 locations which do not distract from the normal courtroom processes. Court Security staff shall direct media personnel to the appropriate locations within the courtroom subject to the direction and approval of the Judge.
- b. Equipment and operators shall not impede the view of persons seated in the public area of the courtroom.
- c. Movement during the proceedings. Television cameras and audio equipment may only be installed before proceedings begin or removed from the courtroom only when the court is not in session. Equipment shall not be stored in the courthouse. In addition, such equipment shall at all times be operated from a fixed position.

F. Other provisions

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

- a. Audio or visual equipment authorized by this rule/order shall not be operated during a recess in a court proceeding.
  - b. Focusing on and photographing of materials on counsel tables is prohibited.
  - c. Use of parabolic or other highly sensitive long-range microphones is prohibited.
  - d. No film, videotape, photograph, or audio reproduction of a court proceeding made by the media shall affect the official court record of the proceeding for purposes of appeal or otherwise.
  - e. None of the film, videotape, still photographs or audio reproductions developed during, or by virtue of, coverage of a judicial proceeding shall be admissible as evidence in the proceeding out of which it arose, any proceeding subsequent or collateral thereto, or upon any retrial or appeal of such proceedings.
- 2. Expenses. No court facility may be altered, unless approved in advance by the Chief Judge. Expenses for alterations shall be borne by the media.
  - 3. Decorum. Proceedings in the courtroom shall not be disrupted. Members of the media in the courtroom shall:

- a. Not make comments in the courtroom during the court proceedings;
- b. Not comment to or within the hearing of the jury or any member thereof at any time before the jury is dismissed;
- c. Not conduct interviews in the courtroom;
- d. Comply with the orders and directives of the court; and
- e. Be properly attired and shall maintain proper courtroom decorum at all times when covering a judicial proceeding. The Judge has discretion to determine proper attire and courtroom decorum.
- f. At a break in the proceedings, and after the trial court judge leaves the courtroom, the media may leave the courtroom and may conduct interviews with the parties, families, witnesses, or the attorneys as provided in these Rules. During the course of the interviews, the media may take, transmit, record, televise or broadcast any photograph or audio or video recording only in the locations specified in these Rules. In Kendall County, such interviews may take place in the Public Break area of the Kendall County Courthouse. In DeKalb County, such interviews may take place in the Jury

Assembly Room. No parties, families, witnesses, or attorneys are required to participate in such interviews

4. Inapplicability to individuals; use of material of advertising prohibited. The privileges granted by this rule/order to photograph, televise, and record court proceedings may be exercised only by persons or organizations that are part of an established news media organization.
5. Access to the Building. 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 to settle disputes among media representatives, facilities pooling where necessary, and implement procedures which meet the approval of the Judge prior to any coverage and without disruption to the court.
7. Non-exclusivity. These guidelines shall not preclude coverage of any judicial proceeding by news reporters or other person who are employing only the means of taking notes or drawing pictures.

8. Sanctions. In addition to contempt and any other sanctions allowed by law, the Judge may remove anyone violating these rules from the courtroom and revoke the privileges contained in this rule.
9. 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.
10. Revocation of Permission. If any media representative fails to comply with the conditions set by either the Judge or this rule, the Judge, the Presiding Judge, or the Chief Judge may revoke the permission to broadcast or photograph the trial or hearing.

## **1.70 COURT REPORTING SERVICES**

### **A. Employees:**

1. The responsibilities, requirements, and policies of court reporting services employees shall be governed by the current edition of the ***Administrative Regulations for Court Reporting Services in the Illinois Courts*** manual.
2. Only "Court Reporting Personnel", as defined by Supreme Court Rule 46, shall record the official proceeding of any case in this circuit court. No one other than a CSR licensed court reporter may take a digital recording of any court proceeding, regardless of whether it is

intended to be the official record, unless approved in advance by the trial court.

B. Electronic Recording:

1. The electronic audio/visual recording systems installed and in use in this circuit shall constitute the official record, unless otherwise provided for in these rules.
2. Court reporting services employees shall be the only persons trained, assigned to operate, and authorized to produce transcripts from the electronic recording system.
3. All digital recordings, court reporter notes, and related storage media are the property of the Circuit Court of the 23rd Judicial Circuit. Except as provided for in Supreme Court Rule 604, as amended, the electronic recording of any official proceeding shall be disseminated by written transcript only.
4. Any spoken words in the courtroom that are not part of a court proceeding are not intended proceedings and shall not be transcribed or retrieved from electronic storage except in the following instances:
  - a. During the court proceeding at the direction of the judge presiding over the matter.
  - b. By a court-reporting services employee for the purpose of preparing a transcript of the official record.
  - c. At the direction of the Presiding Judge.

C. Transcripts:

1. All transcript requests shall be made in writing and submitted to the court reporter supervisor or court reporting services employee.
2. All transcripts shall be prepared in accordance with the applicable statutory authority and current edition of the ***Administrative Regulations for Court Reporting Services in the Illinois Courts*** manual.
3. When Court Reporting Personnel are present in the courtroom and employed to report the proceedings, the transcript prepared by that reporter shall be considered the official record. Absent prior court approval, the transcript of any freelance court reporter appearing remotely shall not be considered to be the official record.

**1.80 SELECTION OF PUBLIC DEFENDER**

- A. Selection and appointment of the Public Defenders of the respective counties within the 23rd Judicial Circuit shall be pursuant to 55 ILCS 5/3-4000 *et seq.* and as provided within these rules.
- B. A majority of the entire number of Circuit Judges shall, by secret ballot, appoint properly qualified persons to the Office of Public Defender in each of the respective counties of the 23rd Judicial Circuit.

- C. Each Public Defender so appointed shall hold office, so long as properly qualified, death or resignation not intervening, at the pleasure of the judges competent to so appoint.
- D. Said appointments shall be reviewed every two (2) years. Nothing herein shall prohibit the removal of an appointed Public Defender by a majority vote of the Circuit Judges qualified to vote on such appointments.

#### **1.90 REMOTE APPEARANCES AND PROCEDURES**

##### **A. Appearances.**

###### **1. Written Appearance by Attorneys.**

An attorney for a party shall file a written appearance pursuant to Supreme Court Rule 13 (a)&(c) before the attorney addresses the Court. Every written appearance must contain the attorney's legible name, address, telephone number and e-mail address. The attorney shall serve copies of the written appearance in the manner required for the service of pleadings. The attorney must seasonably update information contained in the appearance.

###### **2. Written Appearance by Self-Represented Litigants (SRL).**

An SRL shall file a written appearance, by pleading or otherwise, before participating in any hearing before the Court. Every appearance must contain the SRL's legible name, address, telephone number, and, if required e-mail address. If the appearance is not e-filed, the SRL must

sign the appearance, and the SRL's signature must be acknowledged before a notary public or other person authorized to administer oaths under Illinois law. If the appearance contains a waiver of notice or consent to immediate hearing, the SRL shall set forth in the appearance that the SRL has received a copy of that pleading prior to the appearance. The SRL shall serve copies of his or her appearance in the manner required for the service of pleadings.

3. Time to Plead.

A party who appears without having been served with summons is required to plead within the same time as if served with summons on the day he or she appears pursuant to Supreme Court Rule 13(b).

4. Appearance Fees

a. Number of Fees.

If a single appearance is filed for several parties, a single appearance fee shall be paid. If separate appearances are entered for several parties, either by the same or different attorneys, a separate appearance fee shall be paid.

b. Supplementary Proceedings.

No appearance fee shall be paid when the appearance is filed.

c. Time of Payment.

The appearance fee shall be paid when the appearance is filed.

5. Application for Waiver of Fees. An Application for Waiver of Court Fees in a civil action shall be in writing, on the form adopted by the Illinois Supreme Court, and signed by the applicant or, in the case of a minor or an incompetent adult, by another person having knowledge of the facts, and shall be e-filed in accordance with the Rules, unless e-filing is excused by the Court. If an applicant must personally appear to present the application and any supporting evidence to the Court, the Clerk shall inform the applicant of the time and place of the appearance when the applicant files the application.

B. General Rules

1. Any judge in the Twenty-Third Judicial Circuit has the discretion to create and maintain a remote hearing docket to address safety or health concerns, provide cost or time savings to the court or parties, or improve efficiency of court operations. In the creation and scheduling of such hearings, judges and courthouse personnel should strive to utilize technology which is readily available to the public and attorneys and is available at either no cost or low cost to participants and is otherwise safe and secure.

2. Nothing in this rule requires a judge to hold a remote hearing in any proceeding unless otherwise mandated by law or other established court procedure – see Section D below. Those proceedings allowed to be conducted by video or telephone under SCR 45(c) - 45(e) may be required

to be in person if the judge determines, in his or her discretion, that the nature of the hearing, the conduct of the parties or attorneys in the case or the need to allow parties and their attorneys to communicate and negotiate effectively to facilitate resolution or case management pursuant to applicable Supreme Court Rule 218 make it necessary.

3. When a remote hearing involves a defendant in custody, the judge may provide a reasonable opportunity for counsel to communicate privately with said defendant prior to, during and immediately after the proceeding.

4. A judge may direct an attorney to initiate a remote hearing in an individual case as necessary.

5. Persons who appear remotely shall conduct themselves in the same manner and in accordance with the same standards as the Illinois Code of Civil Procedure, Illinois Supreme Court Rules, and Twenty-Third Judicial Circuit Court Rules. The same rules regarding being on time, dress, conduct, demeanor, language and respect for the Court and staff apply as if the participants were physically present in the courtroom.

6. In addition to paragraph 4 herein, remote hearing instructions and information will be made available to the bar associations of the Twenty-Third Judicial Circuit.

**C. How to join a remote proceeding in the Twenty-Third Judicial Circuit.**

DeKalb County: [circuitclerk.org](http://circuitclerk.org)

Kendall County: [kendallcountyil.gov](http://kendallcountyil.gov) (follow “Offices”, “Judiciary”, “Remote Court Appearances” tabs)

**D. Where to find information and assistance for remote proceedings**

1. DeKalb County Circuit Clerk: 815-895-7131 or 815-895-7138
2. Kendall County Circuit Clerk: 630-553-4183

**E. Proceeding types exempted from remote proceedings by case category pursuant to Rule 45(b)(1).**

**1. Criminal Felony and Criminal Misdemeanor**

- a. Recall of a warrant
- b. Evidentiary hearings
- c. Plea of guilty
- d. Sentencing
- e. Jury or bench trial
- f. Hearing to revoke probation
- g. Hearings conducted under the Sexually Dangerous Persons Act
- h. All specialty court proceedings, including, but not limited to Drug Court (unless waived by the Court)
- i. All contempt of court proceedings

**2. Civil (all subcategories)**

- a. Evidentiary hearings
- b. Settlement conferences
- c. Jury or bench trial

- d. Final Pretrial before the commencement of a trial
- e. All contempt of court proceedings

### 3. Family

- a. Evidentiary hearings
- b. Settlement conferences
- c. Bench trials
- d. GAL reports to the court
- e. Recall of a warrant (unless represented by an attorney)
- f. All contempt of court proceedings

### 4. Juvenile Delinquency

- a. Recall of a warrant (unless represented by an attorney)
- b. Evidentiary hearings
- c. Plea of guilty
- d. Sentencing
- e. Jury or bench trial
- f. Hearing to revoke probation
- g. Hearings conducted under the Sexually Dangerous Persons Act
- h. All contempt of court proceedings

### 5. Juvenile Abuse & Neglect Hearing

- a. Evidentiary hearings
- b. Adjudication hearings
- c. Permanency hearings

- d. Disposition hearings
  - e. Termination of Parental Rights
  - f. All specialty court proceedings
  - g. All contempt of court proceedings
6. Major Traffic, Minor Traffic, DUI, Ordinance Violations
- a. Recall of a warrant (unless represented by an attorney)
  - b. Evidentiary hearings
  - c. Plea of guilty (unless waived by the Court)
  - d. Sentencing (unless waived by the Court)
  - e. Jury or bench trial
  - f. Hearing to revoke probation
  - g. All specialty court proceedings
  - h. All contempt of court proceedings

**F. How to request a remote proceeding**

1. Parties who wish to appear remotely for a future court appearance where the proceeding is otherwise scheduled to be in-person shall be entitled to do so only upon advance approval of the court. Notice of this request shall be provided to the other party or attorney of record at least three business days prior to the court proceeding. The other party or attorney may make written objection to the request. It is within the discretion of the Court whether to grant any request where an in-person appearance is otherwise required.

2. Attorneys who wish to appear remotely must follow the steps outlined in section 6. A. above and must notify their client of any such request. If the party is required to attend the proceeding in person, the attorney shall be so required unless their appearance is waived by the Court. The other party or their attorney may make written objection to the Court of said request. It is within the discretion of the Court whether to grant any request where an in-person appearance is otherwise required.
3. In its discretion, the Court may convert an in-person proceeding to a remote proceeding for the health, safety or welfare of the parties or attorneys, or efficiency of the Court. The decision of the Court to convert to a remote proceeding is not determinative of how future court hearings will be held.
4. Remote proceedings involving juveniles require that the juvenile be located in a private location and/or room without anyone else at the location and/or in the room, except for the juvenile's parent(s), guardian, and or attorney.
5. Attorneys and/or self-represented litigants shall submit an order as directed by the Judge presiding by 3:00 pm on the day of the hearing, failure to do so may result in revocation of future remote appearances in that case.