

## QUESTIONS AND ANSWERS (FAQ) ABOUT E-FILING

*Updated June 5, 2009*

***Q: I have multiple documents to file in the same case at the same time, (i.e. Appearance, Answer, and Motion to Dismiss). How do I do that?***

You can file multiple documents in the same case at the same time on File & Serve for one transaction cost. Create your documents as you normally do. Documents that require a file stamp must be uploaded as individual documents in the same Transaction ID. There are no additional charges incurred for uploading multiple pleadings into the same transaction. Filing more than one pleading as a single document may prevent the file stamp from showing or may affect updating of the case in the Circuit Clerk's Case Management System (CMS).

***Q: (Newly Updated) I used to get service for all my asbestos cases on LexisNexis. How can I view and be served with pleadings in all asbestos cases?***

A: File an entry of appearance: As long as an attorney has filed an entry of appearance on a case, s/he will continue to get service on LexisNexis. (If a lead counsel is already assigned to a party in the Clerk's system, the attorney will be entered as co-counsel.)

The attorney can file a *single* entry of appearance to represent one party on multiple cases. To do so, file the entry and list all cases in which you are counsel for a single party. The entry can be mailed or delivered in paper form, or can be e-filed for one e-filing transaction fee.

A separate entry of appearance will have to be filed for each party on multiple cases, but a single entry for multiple parties in a single case can also be filed for one transaction fee.

If no entry is filed, there are two other options you may use to access Madison County asbestos-case pleadings on LexisNexis, one of which mirrors service by creating self-directed alerts through a subscription service:

Free online access for registered users to Madison County asbestos cases through File & Serve search features, which allow access to all Madison County asbestos documents e-filed and/or e-served to all firms involved in the litigation. There is **no** additional search or document access fee. For assistance with the File & Serve search features, contact LexisNexis Customer Support at 1-888-529-7587.

Self-directed Alerts: Subscribe to alerts that identify documents of interest that are e-filed and/or e-served in Madison County asbestos cases. Alerts are user-defined and can be based on broad or narrow criteria. For example, the user can be alerted to all pleadings e-filed or e-served in the litigation, or only user-specified documents. There is a subscription fee of \$15 per month for each active alert that you define. Alerts can be shared with more than one person within the firm at no additional fee. Attorneys should call LexisNexis Customer Support at 1-888-529-7587 for additional information on these options.

***Q: Isn't the pricing high for e-filing pleadings?***

**A:** The pricing may be misunderstood. Following is a comment-and-response exchange with an attorney that may better explain costs:

***Inquiring Attorney:*** From looking at the price sheet, it appears that there is a \$7 fee for filing every document and an \$8 fee for electronic service for every document. In a case in which I might file two papers and have them served on three parties, the e-filing and service fees would be \$14 to file and \$48 for service, for a total of \$62. That seems awfully high.

***Response from Lexis Nexis:*** Pricing is predicated on the TRANSACTION - NOT the Document and NOT the number of parties. Pricing is per 'transaction' - a transaction is not defined as a document. A transaction is as many pleadings relating to one case that can be filed/served at once. Therefore, in the example you give...Filing two documents (relating to the same case) and serving three parties will cost a flat \$7 to file and \$8 to serve those 2 documents to the 3 parties. In one transaction, total cost to file 2 documents to the Court and serve those 2 documents to the 3 parties is \$15 total (NOT including the statutory filing fees that Lexis pays on the attorney's behalf and then bills for at the end of the month, which is an additional cost savings as firms need not cut separate checks for their filings. Lexis pays on the firm's behalf and bills for those statutory fees at the end of the month).

***Q. What are the different delivery options available on File & Serve?***

There are four different delivery options for users of File & Serve. The options are:

1. ***File with the court and serve selected parties*** – this is the default option and will send the document to both the court and the parties you select on the Service tab.

NOTE: Do not e-file pleadings that have already been “File Stamped”. Use the serve-only options listed below in #3 and #4. As an example, an order signed by the judge does not need to be re-filed with the court, only served. Select Serve Only instead.

2. ***File only*** – this option sends the documents only to the court and will show if you have chosen the option above and have not selected any parties for Service. A warning will appear three times to let you know that it is being sent as a File Only transaction.

3. ***Serve Only – Private*** – this option sends the documents only to those parties that you have selected on the Service tab and not to the court. Only your firm and the firms you selected for service can see this transaction.

4. ***Serve Only – Public*** – this option sends the documents only to those parties that you have selected on the Service tab and not to the court. The documents in this transaction are viewable by anyone who has access privileges into the jurisdiction or case in which this is filed.

***Q: Am I required to accept service through LexisNexis on a non-asbestos case?***

No. Unlike asbestos cases, it is up to individual attorneys to establish whether e-service is acceptable. The court does not require parties to serve one another electronically. Paper service as a practice is unchanged as a result of implementing the e-filing pilot project at Madison County. E-service is only required in asbestos cases.

***Q: I filed a document with the Circuit Clerk's office and received a message that it was rejected. How can I find out the reason for the rejection?***

You can learn the reason for the rejection by going into the Rejected Items folder on File & Serve and clicking on your Transaction ID number. Once the transaction screen opens you will see a link entitled **Document History** under the *Document List* section. Click on the link and you will see the reason for the rejection listed there.

***Q: I have some documents that I have filed with the Court but have not served. Do I need to file again when I serve them?***

No, if you have file-stamped copies of your documents, do NOT re-file them. If you wish to serve them electronically, choose one of the Serve Only options on the Review and Submit tab in File & Serve.

***Q: I'd like training on how to use File & Serve. Are there classes available?***

There are several Madison County training classes with openings. Go to [www.lexisnexis.com/fstraining](http://www.lexisnexis.com/fstraining) and select "Illinois" at the For Attorneys and Law Firm Staff option. Scroll to Madison County Introduction or Transition Class listings. If the first options do not suit your schedule, continue scrolling to future listings. Click on the class you want and complete the registration information.

Classes listed as of April 8 are:

4/15/2009, 9:00 am CST - Madison County: Transition from E-Service to E-Filing  
4/16/2009, 1:00 pm CST - Madison County: Introduction to Electronic Filing

If you are already registered with LexisNexis, you can register online by signing into File & Serve and clicking on the Resource Center link at the top right hand side of the screen. Scroll to the Education and Training section and select Illinois from the drop-down list. Choose the class you would like to attend and fill in the requested information. Once you have registered, you will receive a confirmation email.

***Q: I practice Asbestos litigation. When I go to the Service tab on File & Serve for a new case, I see no parties listed. Why?***

The File & Serve system is now integrated with the Circuit Clerk's case-management system (CMS). As a result all case-party information on File & Serve comes directly from the CMS. If a party is not represented by counsel in the CMS, it will show as No Answer on File in File & Serve.

On the Service tab, asbestos cases display only those parties who are both represented by counsel and able to receive electronic service. If you wish to use LexisNexis to send documents via U.S. mail to unrepresented parties, change the **Viewing** option on the Service tab from **E-Service only** to **All Active Participants**. You will then be able to see all parties listed in the case. Note that there is an additional fee to use the U.S. Mail option. (U.S. mail fees are outlined on the Optional Services Pricing Sheet on the File & Serve Resource Center.)

***Q: In the past, I was able to use Case & Party Management in File & Serve to update my Asbestos cases in order to add or remove myself or parties I represent. Can I still do that?***

No, Case & Party Management is no longer available now that File & Serve is integrated with the Circuit Clerk's CMS. All changes relating to party status (e.g., dismissed or substituted) will be done by the court.

If you are filing on behalf of a party who is listed as "No Answer on File", select the party you represent and proceed with your filing. Make sure you include one of the following documents in your first transaction:

APPEARANCE  
ENTRY OF APPEARANCE – PRO SE  
SPECIAL AND LIMITED APPEARANCE  
MOTION FOR SUBSTITUTION OF ATTORNEYS  
STIPULATION TO SUBSTITUTE ATTORNEYS  
SUBSTITUTION OF ATTORNEYS

To add yourself as additional counsel for a party, you may use the Add Party option on the Sending Parties tab as long as you are uploading one of the documents listed above as part of your transaction.

***Q: Why should I sign an e-filing consent form? How will we know if everyone has consented to e-filing in a pending case?***

**A:** You are welcome to sign and submit a consent form. However, the Local Rule requiring signing of consent has been suspended due to the confusion that it generated.

Signing the consent form was designed to create a permissive environment for parties in a case to electronically file pleadings with the clerk – if they elect to do so.

If the Principal Consent Form is signed, it covers all attorneys with the firm – present and future, thereby simplifying the consent process.

If co-counsel wishes to file a pleading electronically and you have not signed consent, the Court's Rule prevents your co-counsel from having the option. If a filing deadline is imminent, the ability to e-file pleadings is most useful – particularly if you have registered with LexisNexis for e-filing (which is free of charge to do).

**A:** All asbestos cases are eligible for e-filing.

To learn if other Law cases – and soon Arbitration cases -- are eligible, you can call the clerk's office or check public access terminals at the clerk's office. If you have a subscription to eMagnus Multicourt you can check online.

When checking yourself, from the case index screen click on the case and select the tab "Docket Sheet." At that screen, look for "Related Field." If there is an "EF" in the field, the case is eligible for e-filing.

***Q: Why doesn't the Clerk's office pay the cost of electronic filing?***

**A:** Electronic filing is a means of delivering pleadings to the clerk. A party filing pleadings in state court has always been responsible for delivery costs, whether by regular mail or courier – or now electronically. Costs of e-filing can be offset by savings from postage, courier and printing costs. When it is the last day to file on a case, electronic filing will often be the only means by which the filing can meet the statutory deadline.