

Brett N. Olmstead

Associate Judge
Room 332C
Courthouse
101 East Main Street
Urbana, Illinois 61801

Sixth Judicial Circuit
Champaign County

Telephone (217) 384-1284
Fax (217) 384-8424

Courtroom “D”

April 20, 2021

SMALL CLAIMS & MONETARY-RELIEF LMs

Revision in Light of Return of Specific-Day Summons

- I. Specific day summonses are back, with remote appearance language required. On February 10, 2021, the Illinois Supreme Court again modified [M.R. 30370 \(2/10/21\)](#) and, in changes effective April 11, 2020, vacated its earlier orders eliminating specific summons return dates for Small Claims (SC) and monetary-relief-only Law Magistrate (LM) cases ([M.R. 30370 \(8/27/20\)](#) and [M.R. 30370 \(9/23/20\)](#)), and returned Rule 101(b)(1) to its prior language requiring specific-day summonses with modifications including but not limited to the following:
 - A. “[T]he summons shall require each defendant to appear, either in person or remotely, on a day specified . . .”.
 - B. The specific return day must be “not less than 40 or more than 61 days after the issuance of the summons . . .”.
 - C. The summons “may not be served later than 21 days before the day of appearance.”
 - D. The summons must include the following language about remote appearance: “You may be able to attend this court date by phone or video conference. This is called a ‘Remote Appearance.’ Call the Circuit Clerk at (217) 384-3725 or visit their website at www.champaigncircuitclerk.org to find out how to do this.”
 - E. “The court shall make every reasonable effort to accommodate the defendant appearing via telephone or video conference.”
- II. Through timely action by authorities, the conscientious cooperation of residents, and the availability of effective vaccines, Champaign County is holding COVID-19 to a very low infection rate that is well within the capacity of the local healthcare system.
- III. The Champaign County Courthouse is employing significant safety measures to ensure proper distancing and regular sanitizing. The volume of court calls has been reduced to minimize congestion and provide as much as possible for safe in-person attendance.
- IV. Remote court appearances avoid entirely the risk of infection from attending in-person hearings and may improve access to courts by reducing the time and expense required for appearing at the Courthouse, but they are not perfect substitutes for in-person appearances, and come with their own substantial disadvantages. See [Brennan Center for Justice, “The Impact of Video Proceedings on Fairness and Access to Justice in Court” \(9/10/20\)](#) (advising caution in expanding the use of remote hearings, especially for the presentation of evidence).
- V. With the foregoing in mind, the Court has revised and entered the following:

SC AND LM (\$ only) PROTOCOL (4/20/21)

A. This Protocol applies to:

1. All Small Claims (SC) cases (for \$10,000 or less); and
2. All Law Magistrate (LM) cases (for \$10,001 - \$50,000) **EXCEPT** Eviction (Forcible Entry and Detainer) or Replevin/Detinue (requesting return of specific items)

B. Check the court record by:

1. Calling the Champaign County Circuit Clerk at (217) 384-3725; or
2. Clicking “View Public Court Records” at www.champaigncircuitclerk.org

C. “Remote Appearance is Allowed” means you may attend in any of the following three ways. Please review the “Remote Appearance Procedures” attached as an Appendix to this Protocol.

Zoom Video (internet)

1. Go to <https://www.zoom.us/>
2. Click “Join a Meeting”
3. Enter Meeting ID (**950 5932 9013**)
4. No Passcode is required

You do not need a Zoom account, but you do need a device with sound and video, and a reliable internet connection.

Sign in at least 10 minutes early, so the hearing may start on time.

Zoom Audio (telephone call-in)

1. Call (312) 626-6799 (from Midwest) or find your local number at <https://zoom.us/j/95059329013>
2. Enter Meeting ID (**950 5932 9013**)
3. No Passcode is required

Make sure you have a reliable connection and enough minutes on your phone.

Call in at least 10 minutes early, so the hearing may start on time.

In Person

You may attend your hearing in person at:

Courtroom “D”
Third Floor
Champaign County Courthouse
101 E. Main St.
Urbana IL 61801

To avoid being late, plan to arrive at least 10 minutes early.

*****If you have trouble connecting, call (217) 384-3815*****

D. Remote Appearance is Allowed for:

1. First Appearances (summons return dates)
2. Status Hearings
3. Default Motion Hearings
4. Motions Call (routine “Motions” hearing on Courtroom “D” schedule)
5. Any Motion or Status hearing that will not require sworn testimony

E. Remote Appearance is not Allowed for the following unless the Court grants a request for permission to appear remotely:

1. Citations
2. Rules to Show Cause
3. Jail Bond Out settings
4. Trials
5. Any Motion or other hearing that will require sworn testimony

F. Notice of Hearing requirements:

1. **Advise of Appearance Options:** If the hearing is one where Remote Appearance is allowed, the Notice of Hearing must advise of all three appearance options. A suggested form “Notice of Remote Hearing” is attached in the Appendix to this Protocol.
2. **Notice Period:** Please note Sixth Judicial Circuit Rule 2.1(f), which requires that notice of any motion hearing be made not less than 14 days prior to the hearing, unless otherwise ordered by the court.

G. For Plaintiffs:

1. **Remote Appearance Summons Language:** If the summons advises the Defendant that appearance is allowed in the three ways listed in Paragraph C above, in clear and prominent language that includes the specific remote connection information, then its failure to include the more general remote-appearance-option language specified in M.R. 30370 (2/10/21) (“You may be able to attend this court date by phone or video conference. This is called a ‘Remote Appearance.’ Call the Circuit Clerk at (217) 384-3725 or visit their website at www.champaignecircuitclerk.org to find out how to do this”) will not be considered a fatal defect.
2. **Sample Remote Appearance language attached:** The language in the Notice of Hearing attached in the Appendix to this Protocol, stating that “You may appear at this hearing in any one of the following ways” and describing the three appearance options, is acceptable for any hearing where Remote Appearance is allowed.
3. **You may use the Remote Appearance option at the summons return date, too.**

H. For Defendants:

1. **Anything you file in the case must be filed electronically (E-Filed) unless you file a Certification for Exemption from E-Filing, and it must be sent to the Plaintiff as well as filed with the Court. There also is a fee unless you apply for and obtain a waiver.**
 - a. Certification for Exemption from E-Filing and instructions: http://illinoiscourts.gov/Forms/approved/efiling_exemption/efiling_exemption.asp
 - b. Fee Waiver Application and instructions: http://illinoiscourts.gov/Forms/approved/procedures/Fee_Waiver.asp
 - c. Help is available by calling the Champaign County Circuit Clerk at (217) 384-3725 or here:
 - i. E-Filing: <http://illinoiscourts.gov/faq/gethelp.asp>
 - ii. Fee Waiver: <https://www.illinoislegalaid.org/>
2. **If you resolve the case, you do not need to appear at the Hearing.** The Court encourages you to contact the Plaintiff or the Plaintiff's attorney to resolve the case if that is possible on terms acceptable to you. If you resolve the case prior to the first Hearing date for which you are served or sent a Notice of Hearing, and the other side confirms this, you do not need to appear at that hearing.

DATE: April 20, 2021

/s/ Brett N. Olmstead
Brett N. Olmstead, Associate Judge

APPENDIX

- 1. Remote Appearance Procedures**
- 2. Notice of Remote Hearing**

COURTROOM “D” REMOTE APPEARANCE PROCEDURES

1. **Practice Zoom.** Courtroom “D” remote appearance hearings use Zoom. You should become familiar with the Zoom application before trying to attend your hearing with it. You can obtain the application and watch demos and training videos at <https://zoom.us/>.
2. **Minimize background noise.** Please use a quiet location.
3. **Connect 10 minutes early.** This gives time to overcome initial connection glitches and to check in with the Court clerk, so the hearing can start on time for everyone. If you are not connected by the time the hearing starts, the Court may find that you have failed to attend.
4. **The Court clerk will check you in.** When you connect, you will be in a “Waiting room” and the Court clerk will check you in. You may be kept in the Waiting room until your case is called.
5. **Be prepared to “unmute” yourself when requested.** After you are checked in, you will be muted until your hearing begins. Zoom’s software will not let the Court unmute someone attending the hearing unless that person grants permission for the host to unmute, so when your case is called, the Court will request that you unmute (press “Unmute” if attending by video, press *6 if attending by phone). If you do not unmute when requested, the Court may find that you have failed to attend.
6. **Say your name first when you speak.** Every time you speak during your hearing, first say your name so it is clear for the record who is speaking.
7. **Speak slowly and clearly, and do not talk over anyone else.** Please speak more slowly and clearly than you usually do, so you can be heard, and wait your turn to speak, so everyone can be heard.
8. **Recording is prohibited.** The Court is audio recording the hearing for the official record, and the law strictly prohibits any other recording, unless the Court permits it.
9. **Attending by Video:**
 - a. Make sure your internet connection is dependable and your audio is enabled.
 - b. Position yourselves so that everyone attending is visible.
 - c. Position your camera so it rests still and does not move. Please do not hold it in your hand.
 - d. Wear appropriate clothing. While this is a remote hearing and you may be in your home, it still is a court proceeding and you must dress accordingly.
 - e. Do not use a virtual background.
 - f. Use a screen name that is the same as your name in the case, to ensure that there is no delay in starting your part of the hearing. If the name on the Zoom account you are using is different, you can rename yourself after you connect, for purposes of the hearing, by clicking “Rename”.
10. **Attending by Phone:**
 - a. Make sure your phone is charged, you have a clear connection, and you have enough minutes.
 - b. Listen carefully throughout the hearing, so you do not miss when your case is called.
11. **Attorneys:**
 - a. You may share the connection information with your clients so they may attend, but they should not address the Court directly unless specifically permitted to do so.
 - b. Once unmuted, you may be left unmuted while all your cases are called.
 - c. Please send these procedures to any self-represented litigants in your case, to ensure as much as possible that the hearing proceeds smoothly.
12. **You should speak with the other side before your hearing, to avoid delays and perhaps eliminate the need for a hearing.** You will not have an opportunity to negotiate or have a private conversation with the other side during the hearing, so you should speak with the other side beforehand. **If the case is resolved and you confirm this with the other side, you do not need to appear for your hearing.**
13. **Please be patient.** Remote hearings can present challenges, but we are all trying our best to make it work so you do not need to come to the Courthouse.
14. **Technical difficulties?** Contact Angela Lusk at alusk@co.champaign.il.us or (217) 384-3815.

STATE OF ILLINOIS, 6 th JUDICIAL CIRCUIT CHAMPAIGN COUNTY	<u>NOTICE OF REMOTE HEARING</u>	FOR COURT USE ONLY
<hr/> Plaintiff v. <hr/> Defendant		<hr/> Case Number

THIS MATTER is set for a hearing on the ____ day of _____, 2021, at _____ o'clock __m, in Courtroom "D", for this purpose: _____.

If you fail to appear, the case may be dismissed if you are a Plaintiff, or a default judgment may be entered against you for the relief the Complaint requests if you are a Defendant.

You may appear at this hearing in any one of the following ways:

<u>Zoom Video</u>	<u>Zoom Audio</u>	<u>In Person</u>
Go to https://www.zoom.us/ Click "Join a Meeting" Meeting ID: <u>950 5932 9013</u> Passcode: <u>None needed</u> You do <u>not</u> need a Zoom account, but you <u>do need</u> a device with sound and video, and a reliable internet connection. Sign in at least 10 minutes early.	Call (312) 626-6799 (from Midwest) or your local number at https://zoom.us/j/95059329013 Meeting ID: <u>950 5932 9013</u> Passcode: <u>None needed</u> Make sure you have a reliable connection and enough minutes on your phone. Call in at least 10 minutes early.	You may attend your hearing in person at: Courtroom "D" Third Floor Champaign County Courthouse 101 E. Main St. Urbana IL 61801 Appear at least 10 minutes early.

TROUBLE CONNECTING? CALL: (217) 384-3815

Proof of Service

The undersigned certifies under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure that a true and correct copy of the foregoing Notice of Remote Hearing was sent at _____, Illinois, on _____, 2021, to the person(s) listed below at the address(es) indicated, by placing in the U.S. mail, proper postage prepaid and legibly addressed, or via e-mail (if e-mail address filed with the Court) to the address(es) indicated:

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DATED: _____

SIGNED: _____

Address: _____

Telephone: _____

Email: _____