



Illinois Supreme Court Policy

On Assistance to Court Users by Circuit Clerks,

Court Staff, Law Librarians,

and Court Volunteers

(“Safe Harbor Policy”)

Amended January 2024
Amended November 2018
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**ILLINOIS SUPREME COURT POLICY ON ASSISTANCE TO COURT USERS
BY CIRCUIT CLERKS, COURT STAFF, LAW LIBRARIANS, AND COURT
VOLUNTEERS
("SAFE HARBOR POLICY")**

(a) Purpose and Scope.

This policy provides guidance to circuit clerks, court staff, law librarians, and court volunteers about services they may and may not offer to assist court users in achieving fair and efficient resolution of their cases. Staff or volunteers who are licensed lawyers are bound by the limitations of this policy when working as staff or volunteers, unless serving in a lawyer capacity, like at a court-based legal advice desk, and have a lawyer-client relationship with the court user.

Services provided to court users under this policy must be provided in a nondiscriminatory manner without regard to race, color, religion, ancestry, national origin, immigration status, ethnicity, age, sex, disability, sexual orientation, gender identity, English proficiency, military or discharge status, marital or familial status, pregnancy, income level or source of income, on the basis of being a self-represented litigant, the subject matter or the role of the court user in the case, or any category prohibited by federal or Illinois law.

(b) Definitions.

- (1) "Approved forms" mean standardized forms and related instructions approved under Supreme Court Rule 10-101; forms included in the Illinois Supreme Court Rules; forms created by the Conference of Chief Judges or other judicial offices, and local circuit court forms adopted to facilitate local case-processing procedures.
- (2) "Court user" means an individual who seeks information about court procedures, operations, or cases, including information to file, pursue, or respond to a case.
- (3) "Court volunteer" means an individual who assists court users regarding court matters and is not an employee of a court or circuit clerk's office. Volunteers may include, but not be limited to, individuals receiving training through the collaboration between the Illinois Access to Justice Community Navigator program and the Supreme Court Commission on Access to Justice, public librarians, or Illinois JusticeCorps members.
- (4) "Legal information" means general factual information about the law and the legal process. Legal information differs from legal advice, which involves giving guidance regarding an individual's legal rights and obligations in light of the particular facts and circumstances. Legal information is neutral.
- (5) "Limited English Proficient (LEP) person" means someone whose primary language is other than English and has a limited ability to read, write, speak, or understand English, as defined in the Illinois Supreme Court Language Access Policy.
- (6) "Person providing assistance" means anyone who is employed or acting as a circuit clerk, court staff, law librarian, or court volunteer.
- (7) "Self-represented litigant" means an individual who seeks information to file, pursue, or respond to a case without lawyer representation.

- (c) Permitted Services.** To assist court users, the person providing assistance may, as resources and expertise permit, provide services consistent with the intent of this policy, including but not limited to the following:

Court Access and Process

- (1) Provide information about court rules, court terminology, and court procedures, including but not limited to providing information regarding requirements for service, electronic and conventional filing, scheduling hearings, appearing remotely by video or telephone conference, and compliance with local procedure;
- (2) Assist a Limited English Proficient (LEP) person outside of court proceedings through a court interpreter, bilingual court staff, or court volunteer, assistive products such as Google Translate, “I speak” cards or LanguageLine; provide translated resources and forms; and inform court users who are limited English proficient or deaf or hard of hearing of how to request an interpreter for the court proceeding, including providing approved forms;
- (3) Inform court users of the process for requesting a reasonable accommodation due to a disability, including providing approved forms;
- (4) Inform court users of the process for requesting a waiver of court fees due to inability to pay and provide the required approved form;
- (5) Provide information about electronic filing (e-filing) including, but not limited to:
 - a. Explaining where to find and how to select an Electronic Filing Service Provider (EFSP);
 - b. Explaining how to register for an EFSP account, including but not limited to, how to set up an email to verify the EFSP account if the user does not have a working email address;
 - c. Explaining how to sign into the EFSP after creating an account or how to reset an account should the user forget the login information;
 - d. Explaining how to file in an existing case including, but not limited to, information about searching for an existing case by case number or party, creating a payment account, selecting a location, selecting a category, selecting a case type, entering party information, the format and size of the document, uploading documents to file, selecting a filing code, and differentiating between lead documents and attachments;
 - e. Explaining how to file into a new case including, but not limited to, information about creating a payment account, selecting a location, selecting a category, selecting a case type, entering party information, the format and size of the document, uploading documents to file, selecting a filing code, and differentiating between lead documents and attachments;
 - f. Explaining how to convert a paper or electronic document to the required file type (PDF), including through equipment available at the courthouse;
 - g. Explaining why a filing was rejected;
- (6) Inform court users of the exemptions from e-filing, including:
 - a. The automatic exemptions for incarceration, having a disability which prevents e-filing, filing under the Juvenile Court Act, or filing a will;
 - b. The process for obtaining a good cause exemption from e-filing due to lack of technology equipment in the home, a literacy or language barrier, filing a document of a sensitive nature such as a Petition for an Order, or unsuccessful e-filing and being unable to get assistance, including providing the approved certification form;

- c. Any other bases outlined in Supreme Court Rule 9;
- (7) Provide information about security protocols at the courthouse and directions around the courthouse, including, but not limited to, photocopier and telephone locations, children's waiting room locations, and other courthouse offices;
- (8) Offer educational classes and informational materials;
- (9) Assist court users pursuing self-guided research;
- (10) Provide specific assistance as authorized by rule or law, such as additional assistance provided by domestic violence advocates or counselors;

Approved Forms

- (11) Assist court users in identifying approved forms and related instructions based on the court user's description of what the user wants to request from the court. When necessary, explain the nature of the information required by the approved forms. When appropriate, share information about approved and translated forms and instructions. Where no approved form exists to accomplish the court user's request, inform the court user of that fact and provide other legal resources;
- (12) Record verbatim information provided by the court user on approved forms:
 - a. When a statute or rule allows or requires, such as under the Illinois Domestic Violence Act; or
 - b. If the court user is unable to complete the forms due to:
 - i. A permanent or temporary disability. A disability is any physical or mental impairment substantially limiting a major life activity. The person providing assistance should not request information about the nature of the disability;
 - ii. A literacy barrier (difficulty reading or writing in English);
 - iii. Limited English proficiency and the information is provided by a court interpreter or bilingual court staff from the court user.
- (13) Review finished forms and documents to determine whether forms are complete, including checking for signature, correct county name, and case number;

Referrals

- (14) Inform court users of legal resources and referrals if available, including but not limited to:
 - a. *Pro bono* (free) legal services or lists of lawyers or firms that may handle cases *pro bono*;
 - b. Low-cost or sliding-scale legal services;
 - c. Limited scope legal services;
 - d. Legal aid programs and hotlines;
 - e. Law and public libraries;
 - f. Non-profit alternative dispute resolution services;
 - g. Lawyer referral services;
 - h. Internet-based resources;
 - i. Illinois Court Help;
 - h. Court-sponsored or -affiliated educational classes, including but not limited to, parenting education and traffic safety classes;
 - i. Alternative dispute resolution services;
 - j. Units or departments of government;
 - k. Domestic violence resources;
- (15) Encourage self-represented litigants to obtain legal advice from a lawyer;

Court Records

- (16) Provide docket information, including but not limited to:
 - a. Stating whether an order has been issued;
 - b. Explaining how to get a copy of an order or other filing;
 - c. Reading filings or orders to the individual if requested;
 - d. Providing instructions about how to access such information;
- (17) Provide a court user with access to a case file that has not been restricted by statute, rule, or order, or instructions about how to obtain such access, including through online means such as reSearchIL.

- (d) **Information Provided by the Court User.** The person providing assistance provides services based on the assumption that the information provided by the court user is accurate and complete. There is no responsibility to verify that the information provided is accurate.
- (e) **Unauthorized Practice of Law.** Services provided under section (c) of this policy do not constitute the unauthorized practice of law.
- (f) **No Privilege, Lawyer-Client Relationship, or Conflict.** Information exchanged under this policy is neither confidential nor privileged except as otherwise protected by law. Services provided do not create a lawyer-client relationship. Providing services and information under this policy to one party does not create a lawyer-client relationship or conflict that would preclude providing the same information to the other party in the same case. The person providing assistance should inform court users of this verbally and/or through signage.
- (g) **Rules of Professional Conduct.** Persons providing assistance who are licensed lawyers, law students or graduates licensed under Rule 711, or persons working under the supervision of lawyers must abide by all applicable Rules of Professional Conduct when providing services and information under this policy.
- (h) **Prohibitions.** The person providing assistance cannot:
 - (1) Recommend whether a case should be filed or comment on the merits of a pending case;
 - (2) Give an opinion about what will happen if a case or document is filed, or act on a personal opinion about whether a filing is legally sufficient or meritorious (*i.e.* reject a filing or discourage someone from filing);
 - (3) Refer a court user to a specific lawyer or law firm for fee-based representation unless allowed in section (c)(14);
 - (4) Represent litigants in court;
 - (5) Provide legal analysis, strategy, or advice to a court user or perform legal research other than assisting a court user with self-guided legal research;
 - (6) Engage in the unauthorized practice of law as prohibited by law;
 - (7) Disclose information in violation of a court order, statute, rule, case law, or court directive;
 - (8) Tell a court user anything the person providing assistance would not repeat in the presence of any other party involved in the case.