

Brett N. Olmstead

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

Sixth Judicial Circuit
Champaign County

Telephone (217) 384-1284
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**Courtroom “D”
September 1, 2021
SMALL CLAIMS & MONETARY-RELIEF LMs**

- I. The most recent amendment to Illinois Supreme Court [Amended Rule 10-101 \(Standardized Court Forms\)](#) is effective September 1, 2021. While it appeared at the time that the Rule’s prohibition of other forms developed by trial courts would eliminate this Court’s Notice of Remote Hearing and require no information at all about remote appearance, in June the Supreme Court promulgated a new standardized form [“Notice of Court Date for Motion”](#) that includes remote appearance information.
- II. Through timely action by authorities, the conscientious cooperation of residents, and the availability of effective vaccines, despite the Delta variant and other challenges, Champaign County is holding COVID-19 to a very low infection rate that is 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 (9/1/21)

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. Motions Call (routine “Motions” hearing on Courtroom “D” schedule)
4. 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 Summons or Notice of Hearing must advise of all three appearance options. The first two pages of the Standardized “Small Claims Summons”, showing a non-exclusive example of language the Court would accept as sufficient for the Standardized “Small Claims Summons”, “Summons”, or “Notice of Court Date for Motion”, 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:** The first two pages of the Standardized “Small Claims Summons”, showing a non-exclusive example of language the Court would accept as sufficient for the Standardized “Small Claims Summons” or “Summons”, is attached in the Appendix to this Protocol. If a non-standardized summons is used that 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 \(2/10/21\)](#) (as amended by [M.R. 30370 \(5/28/21\)](#) (“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.champaigncircuitclerk.org to find out how to do this”) will not be considered a fatal defect.
2. **You may appear remotely 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: September 1, 2021

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

APPENDIX

1. **Remote Appearance Procedures**
2. **Example of Acceptable Remote Appearance Language**

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, CIRCUIT COURT _____ COUNTY	SMALL CLAIMS SUMMONS	<i>For Court Use Only</i> _____ Case Number
Instructions ▼ Directly above, enter the name of the county where you are filing the case. Enter your name as Plaintiff. Enter the names of all people or businesses you are suing as Defendants. Enter the Case Number given by the Circuit Clerk.	_____ Plaintiff <i>(First, middle, last name)</i> v. Defendants <i>(First, middle, last name or business name):</i> _____ _____ _____ <input type="checkbox"/> Alias Summons <i>(Check this box if this is not the 1st Summons issued for this Defendant.)</i>	

IMPORTANT INFORMATION:

There may be court fees to start or respond to a case. If you are unable to pay your court fees, you can apply for a fee waiver. You can find the fee waiver application at: illinoiscourts.gov/documents-and-forms/approved-forms/.

E-filing is now mandatory with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit efile.illinoiscourts.gov/service-providers.htm to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit illinoiscourts.gov/faq/gethelp.asp or talk with your local circuit clerk's office. If you cannot e-file, you may be able to get an exemption that allows you to file in-person or by mail. Ask your circuit clerk for more information or visit illinoislegalaid.org.

Call or text Illinois Court Help at 833-411-1121 for information about how to go to court including how to fill out and file forms. You can also get free legal information and legal referrals at illinoislegalaid.org.

Plaintiff: **If you are suing more than 1 Defendant, fill out a *Small Claims Summons* form for each Defendant.**

In **1a**, enter the name and address of a Defendant/Respondent. If you are serving a Registered Agent, include the Registered Agent's name and address here.

In **1b**, enter a second address for Defendant/Respondent, if you have one.

In **1c**, check how you are sending your documents to Defendant/

In **2**, enter the amount of money owed to you.

1. Defendant/Respondent's address and service information

- a. Defendant/Respondent's primary address/information for service:
 Name *(First, Middle, Last)*: _____
 Registered Agent's name, (if any): _____
 Street Address, Unit #: _____
 City, State, ZIP: _____
 Telephone: _____ Email: _____
- b. If you have more than one address where Defendant/Respondent might be found, list that here:
 Name *(First, Middle, Last)*: _____
 Street Address, Unit #: _____
 City, State, ZIP: _____
 Telephone: _____ Email: _____
- c. Method of service on Defendant/Respondent
 Circuit Clerk
 Sheriff Sheriff outside Illinois: _____
County & State
 Special process server Licensed private detective

2. Information about the lawsuit:

Amount claimed: \$ _____

In 3, enter your complete address, telephone number, and email address, if you have one.

3. Contact information for the Plaintiff/Petitioner:

Name (First, Middle, Last): _____
Street Address, Unit #: _____
City, State, ZIP: _____
Telephone: _____ Email: _____

GETTING COURT DOCUMENTS BY EMAIL: You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

Important information for the person receiving this Small Claims Summons (Defendant): You have been sued. Read all the documents attached to this *Small Claims Summons*. You must attend court on the court date below. The judge may want to have a trial on that day. If you do not attend, you could lose the case. If you are not ready for trial on your court date, you may ask the judge for more time. The judge does not have to give you more time.

In 4, the plaintiff should enter:
•The court date and time (this will be a date 40-61 days from filing).
•The address of the courthouse.
•The call-in or video conference information for remote appearances (if applicable).
•The clerk’s phone number and website.
All of this information is available from the Circuit Clerk.
For more information about how to complete 3, see *How to File & Serve a Small Claims Complaint* at illinoiscourts.gov/documents-and-forms/approved-forms.

4. Instructions for the person receiving this Small Claims Summons (Defendant):

You must attend court on the date below:

_____ at _____ a.m. p.m. in _____
Date Time Courtroom

In-person at:

Courthouse Address City State ZIP

OR

Remotely (you may be able to attend this court date by phone or video conference. This is called a “Remote Appearance.”)

By telephone: _____
Call-in number for telephone remote appearance

By video conference: _____
Video conference website

Video conference log-in information (meeting ID, password, etc)

Call the Circuit Clerk at: _____ or visit their website
Circuit Clerk’s phone number
at: _____ to find out more about how to do this.
Circuit Clerk’s website

STOP!
The Circuit Clerk will fill in this section.

Witness this Date: _____ *Seal of Court*

Clerk of the Court: _____

STOP!
The officer or process server will fill in the Date of Service.

Date of Service: _____
(Date to be entered by an officer or process server on the copy of this Summons left with the Defendant or other person.)