

Pro Se Guide for Shelby County, Illinois

Resources for Litigants without an attorney in Shelby County Circuit Court

Sponsored by the Shelby County Bar Association

If you are representing yourself in court, you are “pro se”. This guide is designed for you to give you a starting point for understanding how the Shelby County Circuit Court works. This information is not legal advice. However, it may help you to better navigate the Shelby County Circuit Court and understand where you might be able to go for additional help.

Navigating the Shelby County Courthouse

The Shelby County Courthouse is located at 301 E. Main St. Shelbyville, IL 62565. There are two courtrooms - a main courtroom on the 3rd floor and an additional courtroom on the 2nd floor of the building. The offices for the County Clerk and Recorder, the Supervisor of Assessments, the Board of Review, and the County Treasurer are all also located on the 2nd floor. The Clerk of the Court (also known as Circuit Clerk) is in Room 1 on the 3rd floor. The Public Defender’s office, Pretrial Services, and Probation are on the basement level.

You do not enter the courthouse on the front near the large steps; instead, you will enter the courthouse at the back. You will be asked to go through security at that time. There is free parking on both sides of the courthouse.

Tips for Attending Court

In Person

- **Arrive Early**
To ensure you are on-time for court, plan for the possibility of delays due to traffic, parking, security screening, or any other unforeseen circumstances.
- **Show Respect**
Demonstrate your respect for the Court by dressing in clean and neat attire, turning off your cell phone, and refraining from talking, eating, or chewing gum in court. Refer to the judge as “Your Honor” or “Judge”. Do not interrupt the Judge.

- **Be Patient**

The Court generally schedules several cases at the same time, so you may have to wait for your case to be called. Carefully follow all instructions to check-in with the clerk when you arrive and then sit down in the courtroom and wait for your case to be called.

- **Follow Court Policy on Use of Electronic Devices**

If you bring a cell phone or other electronic device to the courthouse, it must be off or on silent at all times in the building. You may not use devices in a courtroom unless specifically permitted by the Presiding Judge for a purpose related to your case. For the full policy on Portable Electronic Devices, please refer to Administrative Order 2022-1, available at <https://fourthcircuitil.com/wp-content/uploads/2023/08/Shelby.pdf>.

- **Come Prepared**

When your case is called, you will step up to a desk in front of the Judge. Make sure you are prepared with any documents and witnesses that you may need. You should also be prepared with what you want to tell the judge. Arriving prepared will help you better present your case and help you to maintain a calm demeanor during court.

Via Zoom (Remote)

The same guidelines for in-court appearances apply when you attend court via Zoom. Here are a few additional tips if you are attending court online.

- **Login Instructions**

Before the court date, ensure you know how to access the Zoom courtroom. The Zoom meeting ID depends on the day and time of your hearing.

	Monday - Thursday	Friday
Morning	851 7887 8581	851 7887 8581
Afternoon	815 9222 8719	815 9222 8719 Drug Court: 844 7871 8821

If you have a special setting, the judge may give you an alternative Zoom code.

- **Have Working Equipment**

Make sure that your computer or phone is working properly, including audio and video.

- **Know How to Use Zoom**

You can find complete, step-by-step instructions for how to join a Zoom meeting through the Illinois Access to Justice Commission at <https://atjil.org/going-to-court-using-zoom-on-your-phone-or-computer/>.

- **Be in a Suitable Environment**

Identify a physical space that is conducive to attending court - you should find a private, quiet space at a desk or table with a professional-looking background. Do not drink or smoke while you are appearing remotely. Remember to dress appropriately.

- **Call in Early**

Plan to join the Zoom before your scheduled time so that you have plenty of time to troubleshoot any technical issues that may arise. If you have issues joining Zoom on the computer, you may also be able to use the Zoom app on your smartphone or you can call in at 1-312-626-6799.

Typical Overview of Civil Court Process

Step 1: Filing Complaint/Petition

The process begins when the Plaintiff or Petitioner files a complaint or petition with the Shelby County Circuit Court that states the legal basis for their claims and asks the Court to award them something (usually, but not always, money damages).

Step 2: Service of Process

Service is the way that the Court can ensure that any Defendant or Respondent can be notified of a lawsuit pending against them. This is typically done by the Sheriff, but can also be done in other ways. More information on Service is available at www.illinoislegalaid.org/legal-information/serving-summons.

Step 3: Response

Once a Defendant or Respondent has been served, they have a limited amount of time that they can file their answer. This is the way that they admit or deny any allegations that the Plaintiff or Petitioner has made against them. The Response may also include counterclaims or affirmative defenses.

Step 4: Discovery

Discovery is the point during a court case where the parties exchange information between each other. It can include interrogatories (written questions), depositions (oral testimony), requests to admit, and requests for production (document requests). It is also possible to obtain written records from non-parties through a subpoena, with an associated notice of subpoena.

Step 5: Status Conferences

To ensure that cases are progressing, the Judge may periodically set your case for a status conference. At this time, the parties will report back to the Court about how the case is progressing.

Step 6: Motions

During the court process, a party may need the Judge to make a decision on a specific request. These formal requests are Motions. Some motions are routine (like asking the Court to continue a court date) and other motions may decide the outcome of a case (like a Motion for Summary Judgment asking the Court to decide the case without a trial).

When a party files a Motion, they must also give notice of that Motion to any other party. This notice will need to indicate the date, time, and location of any hearing on that Motion and be served to any other party. A Notice of Court Date for Motion form is available at www.ilcourts.info/forms. You can also follow a guided interview to create a Motion and associated Notice at www.illinoislegalaid.org/legal-information/motion.

Step 7: Settlement Negotiation and/or Mediation

The vast majority of cases will not go to trial. Instead, parties typically negotiate with each other to reach a mutually agreeable settlement. Once the parties reach an agreement – and the Court accepts that agreement – the case will be dismissed.

Mediation may be done at the request of the parties or the Court may order the parties to engage in mediation. In mediation, each side will sit down with a trained mediator who will attempt to help the parties reach a settlement agreement.

Step 8: Pre-Trial Conference

A pre-trial conference is a meeting between the parties and the judge before a trial begins. Various aspects of the case may be discussed, including potential settlement, narrowing issues in dispute, and addressing any procedural issues. The pre-trial conference can be a way to help both sides reach an agreement, and streamline the trial process if the case proceeds to trial.

Step 9: Trial

During trial, both sides may present evidence, call witnesses, and make their legal arguments. Trials can happen in front of a judge or a jury.

Step 10: Judgment

After a trial, the parties will learn the judgment - the formal decision about the outcome of the case. If either side disagrees with the judgment, they may be able to appeal to a higher court by presenting an argument that the Court made legal errors that changed the outcome.

Getting Help

Finding an Attorney

There are a few programs that can provide free or low-cost legal advice in a limited number of cases. Those organizations include:

- **Land of Lincoln Legal Aid** – civil legal assistance for low-income people, focused on housing, family law, elder law, and disability rights (www.lincolnlegal.org)
- **The Immigration Project** – immigration assistance for those that financially qualify (www.immigrationproject.org)
- **Illinois Armed Forces Legal Aid Network** – assistance in civil matters for veterans and active duty service members, and their families (www.ilafan.org)
- **Illinois Free Legal Answers** – brief civil legal answers available online (il.freelegalanswers.org)

If you wish to hire a private attorney, referrals are available through the Illinois State Bar Association (www.isba.org/public/illinoislawyerfinder). In some cases, private attorneys may be available on a pro bono basis or offer sliding scale fees. You can also find attorneys through a variety of online directories, including Avvo, Lawyers.com, Martindale Hubble, Justia, SuperLawyers, and Nolo. The Shelby County Bar Association also has members available to be privately retained.

Independent Legal Research & Forms

Even if you can't afford to hire an attorney, there are many options for learning more about your rights and the legal system. Some trusted resources include:

- **Illinois Legal Aid Online** – legal information and forms on a variety of topics, including eviction, debt, domestic abuse, immigration, and divorce (www.illinoislegalaid.org)
- **Illinois Supreme Court Standardized Forms** – templates for many forms that you may need to file with the Court, available in English and Spanish (www.illinoisCourts.gov/documents-and-forms/approved-forms)
- **Law Library** – located on the third floor of the Shelby County Circuit Courthouse, the Law Library has electronic access to legal research software for your use.
- **Shelbyville Public Library** – The public library has public computers equipped with software that allows pro se litigants to fill out court forms and pleadings. Public Wi-Fi is also available. The Shelbyville Public Library is located at 154 N. Broadway St.
- **Fourth Judicial Circuit Court Rules of Practice** – a complete set of the Rules of Practice that apply to the Shelby County Circuit Court is available for download at <https://fourthcircuitil.com/rules-of-practice/>.

Domestic Violence Resources

- **Hope of East Central Illinois** – free and confidential services including shelter, transitional housing, legal assistance, counseling, and referrals (www.hope-eci.org; 24/7 crisis line: 1-888-345-3990)
- **Dove, Inc.** – offering support groups, residential shelter (Decatur), counseling, legal advocacy, children’s services, and referral to other services (www.doveinc.org; 217-423-2238; walk-in at 302 S. Union St. Decatur, IL 62522)
- **Illinois Domestic Violence Hotline** – 1-877-863-6338
- **National Domestic Violence Hotline** – Live Chat at www.thehotline.org

Court Filings

In order to start a court case, it is necessary to **File** with the court. You may also need to file other documents with the court, like answers or motions. In Shelby County Circuit Court, filing is electronic.

If you need access to a computer or scanner for e-filing, there are two available in the courthouse and free to use. One is in the hallway on the third floor of the courthouse and the other is located in the Law Library.

The basic steps are:

1. Prepare your document(s) to file.
2. Save your document(s) as PDFs.
3. Register for e-filing at illinois.tylerhost.net.
4. Add payment information.

Note: Fees vary based on the type of matter, and may be waived based on income. Judges must grant full fee waivers for applicants who receive means-based public benefits, including SSI, TANF, and SNAP. Others who earn less than 200% of the Federal Poverty Line will qualify for a full or partial fee waiver. Judges may also grant a fee waiver if the applicant shows that paying court fees would be a substantial hardship for them or their family. Fee waiver forms are available at www.illinoislegalaid.org/legal-information/fee-waiver.

5. Start a new case (or file into an existing case if a case number has already been assigned).

Court Forms

There are many approved statewide forms that all Illinois Courts must accept. Along with many of the forms is a ‘getting started guide’ that offers information about how and when the form may be used. A variety of court forms are available for many situations, including but not limited to:

- Appearance
- Answer/Response

- Court Fee Waiver
- Divorce, Child Support, and Maintenance
- Eviction
- Expungement and Sealing
- Foreclosure
- Identity Theft
- Name Changes
- Order of Protection
- Small Claims Complaint
- Summons

Fillable PDF forms are available at <https://www.illinoiscourts.gov/documents-and-forms/approved-forms/>.

Guides to E-Filing

For a step-by-step tutorial of how to e-file, go to illinoisCourts.gov/self-help/how-to-e-file/.

Rincker Law, PLLC has also prepared a Guide to Illinois E-Filing for Self-Represented Litigants. It is available at: https://rinckerlaw.com/wp-content/uploads/2023/07/RinckerLawBookletforE-Filing_New2023.pdf (last visited October 7, 2023).

E-Filing Exemptions

If you cannot e-file due to a disability or for other good cause, you can generate e-filing exemption forms at www.illinoislegalaid.org/legal-information/e-filing-exemption-circuit-Court. You can also visit the Clerk of the Court (Circuit Clerk's Office).

Obtaining Case Records

Most case filings are public record and are searchable online. To review the docket for your case, go to www.judici.com. Select Shelby County, IL under 'public access' and search by name or case number.

You also may be able to view filings in your case through re:SearchIL at www.researchil.tylerhost.net or by going in-person to the Clerk of the Circuit Court of Shelby County on the third floor of the courthouse. If you need certified copies of any court order, this must be requested in-person from the Clerk.

Glossary

Affirmative Defense

Legal arguments that a Defendant may make to show that, even if Plaintiff's claims are true, the Defendant is not responsible or liable. A Respondent can also raise affirmative defenses against a Petitioner.

Appeal

A request to a higher Court to review the lower Court decision. Cases are not re-tried on appeal, but instead the Appellate Court may review for legal mistakes by the trial Court.

Answer

A formal written response to a lawsuit, admitting or denying the allegations made in the Complaint.

Bailiff

A bailiff is a court officer who is responsible for maintaining order and security in a courtroom. Litigants must abide by the directions of the bailiff.

Counterclaim

When a Defendant (or Respondent) believes that the Plaintiff (or Petitioner) actually harmed them, they can raise a counterclaim. This will ask the Court to decide both sides' claims against each other.

Cross Examination

During cross-examination, a litigant asks questions to a witness that the other side called to testify. The goal of cross examination is to challenge the testimony or credibility of the witness.

Defendant (or Respondent)

Both "Defendant" and "Respondent" refer to the party who is on the receiving end of a legal action. Typically, Defendant is used in civil and criminal cases. Respondent is often used in other situations, often including family law cases, administrative matters, arbitration, or appeals.

Deposition

A formal interview under oath, usually by the opposing party's lawyer. Depositions are generally recorded and may be able to be used as evidence.

Direct Examination

When an attorney or pro se litigant questions a witness in order to support their case, they are engaging in direct examination. The goal is to elicit testimony that bolsters the party's argument.

Dismissal (with Prejudice)

Indicates that a case has ended and the Plaintiff cannot bring the same claim again against the defendant. Typically, a dismissal with prejudice is done following a settlement or judgment.

Dismissal (without Prejudice)

Indicates that the case has ended, but the Plaintiff can bring the same claim again against the defendant. This typically occurs if there is a technical issue with the case, but no decision on the merits of the dispute.

Evidence

Evidence in a legal case is any information, materials, or facts presented to a court to support the argument the party is making to a judge or jury. All evidence considered in a case must comply with the Illinois Rules of Evidence. A summary of the basic rules of evidence is available through Illinois Legal Aid Online at <https://www.illinoislegalaid.org/legal-information/rules-evidence-basics>.

File

Submitting official documents related to a court case to the Clerk of the Court (also known as Circuit Clerk).

Guardian Ad Litem (GAL)

An attorney that the Court appoints to represent the best interests of a child or incapacitated adult in a legal proceeding. In some cases, the court may appoint a "Limited Guardian ad Litem," where the LGAL simply has a narrower role.

Interrogatories

Written questions from one party to another, typically sent during the discovery process. Interrogatories are answered in writing, under oath.

Judgment

The official decision or ruling at the conclusion of a matter. The judgment determines who wins and what damages, if any, are awarded.

Mediation

Mediation is a method for helping the parties negotiate contested issues amicably, with the hope of reaching an agreement. Mediation for child related issues must be through an approved mediator for the Fourth Judicial Circuit. A list of approved mediators is available at <https://fourthcircuitil.com/programs-and-services/mediation-child-related-issues/>.

Motion

A formal request to the Court by a party to a case, asking the Court to make a specific decision. It can be procedural or may determine the outcome of the case.

Petition

A written document that starts a legal case.

Plaintiff (or Petitioner)

“Plaintiff” and “Petitioner” both refer to the party who initiated a legal action. Plaintiff is generally used in civil cases where the party is asking for compensation or specific actions from the defendant. Petitioner, on the other hand, is commonly used in family law or administrative law cases. In divorce cases, the spouse filing the case is typically referred to as the Petitioner.

Pro Se Litigant

Someone who represents themselves in court without professional legal representation.

Request to Admit

A discovery tool in which one party may formally ask the other to admit to specific statements related to the case. The responding party must either admit or deny the request to admit, giving the reason for any statements that they deny.

Request for Production

Formal request during discovery between the parties, asking for specific documents, records, or items that are relevant to the case.

Service of Summons

Delivery of legal documents to notify the recipient that a legal case has been brought and giving them a set amount of time to respond.

Subpoena

A legal order telling someone that they must provide specific documents, records, or testimony.

Trial

The phase of a legal case when both sides present arguments and evidence to a judge or jury.