

Sliding Into Your DMs With a Court Summons

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On April 24, 2023, the Illinois Supreme Court announced an amended rule permitting service of summons through electronic means of communication. The new rule, effective immediately, clarifies the procedure for using this alternative means of service and reinforces the modern importance of electronic communication.

Under Illinois [Supreme Court Rule 102](#),^[1] parties can now use electronic service as a valid method of serving a court summons upon entry of an appropriate order, including email, text message, and social media. Parties must still attempt traditional methods of service — personal service, service by mail, or service through the sheriff’s office — before moving the court for use of electronic means subject to the Rule 102(f)’s provisions. The motion must include a supporting affidavit stating the reasons a party believes the respondent party has sent or received transmissions through the target email address, cellphone number, or active social media account. This amended rule represents a step forward in court procedures permitting an avenue for timely and accurate service of summons.

One recent example illustrates the benefits of this alternative means of service. Plaintiffs in a class action securities fraud claim sued FTX founder Sam Bankman-Fried and multiple celebrities for their role in offering or promoting cryptocurrency products in connection with the now-bankrupt FTX.^[2] One of those celebrities is former NBA center and current basketball announcer, Shaquille O’Neal. According to the plaintiffs, O’Neal evaded multiple attempted contacts by process servers over the course of three months. The plaintiffs moved to serve O’Neal via Twitter and Instagram direct message, but the judge denied the motion stating that neither the federal nor state rules in Florida permitted service by electronic means. While O’Neal was eventually served after [several attempts](#), the process would have been expedited if the jurisdiction had permitted service by electronic means.

By explicitly permitting a litigant to move for electronic service, the new rule will help eliminate incentives to “dodge” service and promote efficiency, while protecting the rights of all parties involved.

If you become involved in potential litigation in Illinois state court, it is important to know that service of process by email, text message, or social media is an option.

FOOTNOTES

^[1] Ill. Sup. Ct. R. 102.

^[2] Order on Motion for Miscellaneous Relief, *Edwin Garrison v. Sam Bankman-Fried et al.*, No. 1:22-cv-23753 (S.D. Fla).

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National Law Review, Volume XIII, Number 121

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