

JUDICIAL CONFERENCE COMMITTEE ACTIVITIES

The Judicial Conference of Illinois, consisting of eighty-two judges, is responsible for suggesting improvements in the administration of justice in Illinois. The Executive Committee, composed of the chief justice and fourteen members of the Judicial Conference, reviews recommendations of the various committees and makes recommendations to the Supreme Court, resolves questions of committee jurisdiction, acts on behalf of the Judicial Conference between annual meetings, and performs other duties delegated by the Supreme Court. The Administrative Office of the Illinois Courts serves as Secretary of the Conference.

Alternative Dispute Resolution Coordinating Committee *Judge David E. Haracz, Chair* *Cook County Circuit Court*

The Alternative Dispute Resolution Coordinating Committee monitors and assesses both court-annexed mandatory arbitration programs and mediation programs approved by the Supreme Court. During Conference Year 2012, the Committee continued to track mandatory arbitration statistics to determine program efficacy. In the area of mediation, the Committee continued to monitor the activities of the court-annexed major civil case mediation programs operating in eleven judicial circuits pursuant to Supreme Court Rule 99. The Committee undertook many initiatives prescribed by the Court during the Conference year. During Conference Year 2011, the Committee disseminated a survey, along with explanatory correspondence, to all arbitration programs for circulation to the targeted arbitration program constituents of arbitrators, attorneys, and litigants. In Conference Year 2012, the completed surveys were tabulated and synthesized which revealed that the participants in the court-annexed mandatory arbitration proceedings are generally satisfied with the current arbitration system. The Committee was also charged with considering the perceptions of judges and attorneys surrounding assignment of cases to civil mediation. The Committee concluded that two perceptions existed: (1) parties in civil cases were being forced into mediation even after the parties had determined mediation was not feasible; and (2) if the parties had agreed to mediation but could not choose a mediator, the trial judges were either appointing or strongly recommending use of particular mediators. After discussions with stakeholders, judges, and others, the Committee concluded that the two perceptions were false. Discussion began on how to implement a positive perception for the use of mediation in Illinois. The Committee will be continuing this topic in

2013. Finally, the Committee was charged with considering development of a “train-the-trainer” curriculum in conjunction with the Uniform Arbitrator Reference Manual and Arbitrator Training Video. After discussing this topic at its annual meeting with the arbitration administrators, it was determined that the current method of live training of arbitrators is still the best approach and that a specific curriculum to train-the-trainer was not required.

Automation and Technology Committee *Judge Adrienne Albrecht, Chair* *21st Judicial Circuit*

In 2012, the Supreme Court charged the Automation and Technology Committee to continue monitoring the electronic filing and access initiatives in the trial courts. The Committee was charged with gathering, via the chief circuit judges, existing and planned electronic business/commerce projects in the circuit courts and identifying their purpose, the technology they use, and the implementation plans and process. The Committee was also asked to study the use of standard forms, how they might be automated, and what local rules might be needed to govern their use. To aid in fulfilling this charge, the Automation and Technology Committee has divided into groups to focus on three general areas. 1) case management systems, electronic filing systems and technology equipment and workflows, 2) electronic orders, and 3) e-mail protocols. As well, the Committee continues to discuss and reinforce the need for judges to be involved in developing a judicial interface in their trial court case management systems, which initially may only focus on record keeping requirements. A judicial interface would include the development of screens and workflows in the case management system which allow the judge to access and use electronic records/documents from the bench or chambers. This concept is critical as more trial courts move towards electronic filing and the use of electronic files/records.



Committee on Criminal Law and Probation Administration

*Judge Leonard Murray, Chair
Cook County Circuit Court*

During the 2012 Conference Year, the Committee on Criminal Law and Probation Administration continued to address the charge of updating the 2007 Specialty Court Survey by developing and distributing a detailed survey instrument to the trial court administrators. All responses to the survey have been received and the Committee will report on the survey results in 2013. The Committee, per request of the Rules Committee, commented on a proposed new Supreme Court Rule which would authorize a criminal defendant to enter a plea of guilty conditioned upon the ability to have the adverse pretrial suppression motion reviewed by the appellate court. The Committee is securing input from the various stakeholders and will finalize its recommendation in 2013. Additionally in 2012, the Committee was asked to further comment on newly enacted amendments to Supreme Court Rule 402(d) which were adopted by the Court in April 2011. This request is due to a concern of whether or not the rule should require the defendant to be present during the plea negotiations. Discussion of these concerns with the amendments will begin in 2013.

Committee on Discovery Procedures

*Judge Maureen E. Connors, Chair
1st District Appellate Court*

During Conference Year 2012, the Committee considered two proposals that were forwarded from the Supreme Court Rules Committee. First, the Committee considered concerns raised by an attorney about a conflict in Rule 216 (Admission of Fact or of Genuineness of Documents) for time periods (14 or 28 days) in responding to requests depending on whether the document is a public record. The Committee determined that there should not be a different time frame for responding when a public record is involved. Therefore, the Committee proposed amending Rule 216(d) to incorporate a 28-day time frame. Next, the Committee considered correspondence from the Illinois Association of Defense Trial Counsel regarding its former proposal to amend Rule 204(c) (Compelling Appearance of Deponent) to place a limit of \$400 per hour on the fee that physicians may charge for giving deposition testimony. The Committee decided to maintain its prior position rejecting the proposed amendment since trial courts have authority under Rule 204 to apportion deposition fees for doctors if necessary. The Committee, during the 2012 Conference Year, primarily focused its attention on the issue of e-Discovery. After surveying other state and federal discovery rules,

examining case law and discussing articles on electronic discovery, the Committee determined that certain current discovery rules should be amended to address three key issues: (1) scope of electronic discovery to include and define electronically stored information (ESI); (2) cost allocation/proportionality to permit the trial court to examine the likely burden or expense of producing certain ESI; and (3) pretrial conference to require early discussion of any issues regarding the production of ESI. The Committee continues to debate the issue of when the duty to preserve ESI arises and the potential sanctions for failure to preserve ESI. The Committee next will focus on drafting Committee Comments to accompany its proposed rule amendments.

Committee on Education

*Judge Lisa Holder White, Chair
6th Judicial Circuit*

The Supreme Court has given the Committee on Education a charge to develop and recommend a "core" judicial education curriculum for Illinois judges which identifies key judicial education topics and issues to be addressed through judicial education activities each Conference year. This charge includes the identification of emerging legal, sociological, cultural and technical issues that may impact judicial decision making and court administration. Based upon this core curriculum, the Committee develops, in coordination with the Administrative Office Judicial Education Division, seminars, conferences and workshops, for new and experienced judges, that include the annual *Seminar Series* and *New Judge Seminar*, and the biennial *Advanced Judicial Academy, Education Conference* and *Faculty Development*. The Committee reviews and recommends to the Court, non-judicial conference judicial education programs for the award of judicial education credit. In addition, the Committee works with the Administrative Office Judicial Education Division to produce and update the following six Illinois Judicial Benchbooks: *Criminal Law and Procedure, Civil Law and Procedure, DUI/Traffic, Family Law and Procedure, Evidence and Domestic Violence*. The benchbooks are available to Illinois judges in hard copy, CD and on the Illinois Judicial Portal.

Study Committee on Complex Litigation

*Judge Carolyn Quinn, Chair
Cook County Circuit Court*

This Conference year, the Study Committee on Complex Litigation embarked on an intensive review and revision of the current *Manual on Complex Criminal Litigation*. The Committee's efforts were directed at creating an updated version of the *Criminal Manual* that would

eliminate outdated information as well as content duplicative of that which is contained within the *Criminal Law and Procedure Benchbook*. During Conference Year 2011, a subcommittee was formed to determine the information and topics that needed to be omitted, and also to determine what topics and areas of criminal law and procedure should be introduced to the *Criminal Manual* to reflect current and emerging issues faced by judges presiding over complex criminal litigation. A revised table of contents was tendered by the subcommittee and approved by the full Study Committee. Individual chapters were assigned to Committee members to either review or renew the content, or in many cases, to introduce topics and content that were not included in the previous edition of the *Criminal Manual*. Along with the content revisions, the Committee reshaped the structure of the *Criminal Manual* to reflect a more streamlined, user-friendly reference guide to assist judges presiding over complex criminal matters. This Conference year, members of the Committee who deal predominantly with criminal litigation collected sample orders, ranging from scheduling orders to orders pertaining to the media, for inclusion in the updated *Criminal Manual*. Similar to the format of the latest edition of the *Manual on Complex Civil Litigation*, which was completed at the close of Conference Year 2011, the updated *Criminal Manual* will contain fewer footnotes, and will include downloadable form orders and topic checklists. The goal in revising the content and structure of the *Criminal Manual* is to provide judges with an information-rich, yet concise, practical reference guide for judges. For Conference Year 2013, the Committee will continue the comprehensive editing and drafting required for the updated version of the *Criminal Manual*. Several new members with deep experience in criminal law were appointed to the Committee for Conference Year 2013 and will provide an invaluable resource in the revision and drafting process. The Committee anticipates that the revisions and updates

to the *Criminal Manual* will be completed in late 2013. Additionally, the Committee will continue to track changes in the law to be included in future updates or supplements to the latest edition of the *Manual on Complex Civil Litigation*.

Study Committee on Juvenile Justice

Judge Elizabeth A. Robb, Chair
11th Judicial Circuit

During Conference Year 2012, the Committee updated Volume II of the *Illinois Juvenile Law Benchbook*, which addresses juvenile court proceedings involving allegations of abused, neglected and dependent minors. The Committee reasonably anticipates that an update to Volume II will be available for the New Judge Seminar in January 2013. The Committee also continued its study of the issue of disproportionate minority representation in juvenile justice and abuse and neglect cases. After examining various resources, the Committee determined that suggested changes in the areas of data collection, judicial training, judicial tenure and legislation can assist in addressing the issue of disproportionate minority representation of juveniles. Specifically, the Committee recommends that the Court require all trial courts to require the collection and reporting of the race and ethnicity of all juveniles in juvenile abuse & neglect, juvenile delinquency and all other juvenile cases filed in the trial court. Second, the Committee recommends that the Court require judges who hear juvenile abuse & neglect, juvenile delinquency and other juvenile cases receive training on disproportionate minority representation, evidence-based practices in juvenile court and cultural competency by incorporating these topics as a part of the biennial Education Conferences and New Judge Seminars. Next, the Committee recommends that judges be assigned to juvenile court for a significant amount of time. Finally, the Committee recommends that the Court encourage the legislature to amend noted provisions of the Juvenile Court Act and the Sex Offender Registration Act as delineated by the Committee.



Members of the Executive Committee of the Illinois Judicial Conference During 2012

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Michael J. Tardy, Secretary

James Jeffrey Allen, Circuit Judge, 12th Circuit
Robert L. Carter, Appellate Judge, 3rd District
Mark H. Clarke, Chief Circuit Judge, 1st Circuit
Mary Ellen Coghlan, Circuit Judge, Circuit Court of Cook County
Lynn M. Egan, Circuit Judge, Circuit Court of Cook County
Timothy C. Evans, Chief Circuit Judge, Circuit Court of Cook County
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Susan Fox Gillis, Associate Judge, Circuit Court of Cook County
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