

**REPORT
OF THE
ILLINOIS JUDICIAL
CONFERENCE
2003**



2003 REPORT

TABLE OF CONTENTS

I. Membership of Judicial Conference 1

II. Members of the Executive Committee 6

III. Overview of the Illinois Judicial Conference 7

IV. Agenda for Annual Meeting of the Illinois Judicial Conference 9

V. Report of the Annual Meeting of the Illinois Judicial Conference

 (a) Address of Chief Justice Mary Ann G. McMorrow 11

 (b) Consent Calendar

 1. Memorials 17

 2. Recognition of Retired Judges 41

 3. Announcement of New Judges 47

 (c) Report of the Alternative Dispute Resolution
 Coordinating Committee 49

 (d) Report of the Committee on Criminal Law 85

 (e) Report of the Committee on Discovery Procedures 137

 (f) Report of the Study Committee on Juvenile
 Justice 141

 (g) Report of the Study Committee on Complex
 Litigation 145

 (h) Report of the Automation & Technology Committee 149

 (i) Report of the Committee on Education 155

VI. Judicial Conference Committee Charges and Rosters 195

2003 REPORT

ROSTER OF JUDICIAL CONFERENCE OF ILLINOIS

The following are members of the Judicial Conference of Illinois during the 2003 Conference year.

SUPREME COURT

Hon. Mary Ann G. McMorrow
First Judicial District

Hon. Charles E. Freeman
Supreme Court Justice
First Judicial District

Hon. Robert R. Thomas
Supreme Court Justice
Second Judicial District

Hon. Thomas R. Fitzgerald
Supreme Court Justice
First Judicial District

Hon. Rita B. Garman
Supreme Court Justice
Fourth Judicial District

Hon. Thomas L. Kilbride
Supreme Court Justice
Third Judicial District

Hon. Philip J. Rarick
Supreme Court Justice
Fifth Judicial District

Appellate Court

Hon. Alan J. Greiman
Chairman, Executive Committee
First District Appellate Court

Hon. Sue E. Myerscough
Presiding Judge
Fourth District Appellate Court

Hon. Susan F. Hutchinson
Presiding Judge
Second District Appellate Court

Hon. Terrence J. Hopkins
Presiding Judge
Fifth District Appellate Court

Hon. Mary W. McDade
Presiding Judge
Third District Appellate Court

APPOINTEES

Hon. Thomas R. Appleton
Appellate Court Judge
Fourth Appellate Court District

Hon. C. Stanley Austin
Circuit Judge
Eighteenth Judicial Circuit

Hon. Robert P. Bastone
Associate Judge
Circuit Court of Cook County

Hon. Joseph F. Beatty
Circuit Judge
Fourteenth Judicial Circuit

Hon. Amy Bertani-Tomczak
Circuit Judge
Twelfth Judicial Circuit

Hon. Preston Bowie, Jr.
Associate Judge
Circuit Court of Cook County

Hon. Robert E. Byrne
Appellate Court Judge
Second Appellate Court District

Hon. Ann Callis
Circuit Judge
Third Judicial Circuit

Hon. Joseph N. Casciato
Associate Judge
Circuit Court of Cook County

Hon. Mary Ellen Coghlan
Circuit Judge
Circuit Court of Cook County

Hon. Claudia Conlon
Circuit Judge
Circuit Court of Cook County

Hon. Eugene P. Daugherty
Circuit Judge
Thirteenth Judicial Circuit

Hon. James K. Donovan
Appellate Court Judge
Fifth Appellate Court District

Hon. Deborah M. Dooling
Circuit Judge
Circuit Court of Cook County

Hon. Timothy C. Evans
Chief Judge
Circuit Court of Cook County

Hon. Edward C. Ferguson
Chief Judge
Third Judicial Circuit

Hon. Charles H. Frank
Associate Judge
Eleventh Judicial Circuit

Hon. Vincent M. Gaughan
Circuit Judge
Circuit Court of Cook County

Hon. James R. Glenn
Circuit Judge
Fifth Judicial Circuit

Hon. Robert E. Gordon
Circuit Judge
Circuit Court of Cook County

Hon. John K. Greanias
Circuit Judge
Sixth Judicial Circuit

Hon. Alan J. Greiman
Appellate Court Judge
First Appellate Court District

	Fifth Appellate Court District
Hon. Terrence J. Hopkins Presiding Justice Fifth Judicial District	Hon. Diane M. Lagoski Associate Judge Eighth Judicial Circuit
Hon. Donald C. Hudson Circuit Judge Sixteenth Judicial Circuit	Hon. Lori R. Lefstein Circuit Judge Fourteenth Judicial Circuit
Hon. Susan F. Hutchinson Appellate Court Judge Second Appellate Court District	Hon. Vincent J. Lopinot Associate Judge Twentieth Judicial Circuit
Hon. Frederick J. Kapala Appellate Court Judge Second Appellate Court District	Hon. Tom M. Lytton Appellate Court Judge Third Appellate Court District
Hon. Lynne Kawamoto Associate Judge Circuit Court of Cook County	Hon. William D. Maddux Circuit Judge Circuit Court of Cook County
Hon. Robert K. Kilander Chief Judge Eighteenth Judicial Circuit	Hon. Lewis E. Mallott Associate Judge Third Judicial Circuit
Hon. Dorothy Kirie Kinnaird Circuit Judge Circuit Court of Cook County	Hon. Patricia Martin Bishop Circuit Judge Circuit Court of Cook County
Hon. Gerald R. Kinney Circuit Judge Twelfth Judicial Circuit	Hon. Mary Anne Mason Circuit Judge Circuit Court of Cook County
Hon. Kurt Klein Circuit Judge Sixteenth Judicial Circuit	Hon. John R. McClean, Jr. Associate Judge Fourteenth Judicial Circuit
Hon. John Knight Circuit Judge Third Judicial Circuit	Hon. Mary W. McDade Presiding Justice Third Judicial District
Hon. Randye A. Kogan Associate Judge Circuit Court of Cook County	Hon. James J. Mesich Associate Judge Fourteenth Judicial Circuit
Hon. Clyde L. Kuehn Appellate Court Judge	Hon. Colleen McSweeney-Moore Circuit Judge

Circuit Court of Cook County

Hon. Sue E. Myerscough
Presiding Justice
Fourth Judicial District

Hon. Steven H. Nardulli
Associate Judge
Seventh Judicial Circuit

Hon. Lewis Nixon
Circuit Judge
Circuit Court of Cook County

Hon. Rita M. Novak
Associate Judge
Circuit Court of Cook County

Hon. Stuart A. Nudelman
Circuit Judge
Circuit Court of Cook County

Hon. Stephen R. Pacey
Circuit Judge
Eleventh Judicial Circuit

Hon. Stuart E. Palmer
Circuit Judge
Circuit Court of Cook County

Hon. Lance R. Peterson
Associate Judge
Thirteenth Judicial Circuit

Hon. M. Carol Pope
Circuit Judge
Eighth Judicial Circuit

Hon. Dennis J. Porter
Associate Judge
Circuit Court of Cook County

Hon. Ellis E. Reid
Appellate Court Judge
First Appellate Court District

Hon. James L. Rhodes
Circuit Judge

Circuit Court of Cook County

Hon. Teresa K. Righter
Associate Judge
Fifth Judicial Circuit

Hon. Stephen A. Schiller
Circuit Judge
Circuit Court of Cook County

Hon. Mary S. Schostok
Circuit Judge
Nineteenth Judicial Circuit

Hon. John P. Shonkwiler
Chief Judge
Sixth Judicial Circuit

Hon. David W. Slater
Associate Judge
Fourth Judicial Circuit

Hon. Robert B. Spence
Circuit Judge
Sixteenth Judicial Circuit

Hon. Daniel J. Stack
Circuit Judge
Third Judicial Circuit

Hon. Eddie A. Stephens
Associate Judge
Circuit Court of Cook County

Hon. Jane Louise Stuart
Circuit Judge
Circuit Court of Cook County

Hon. Mary Jane Theis
Appellate Court Judge
First Appellate Court District

Hon. Michael P. Toomin
Circuit Judge
Circuit Court of Cook County

Hon. Edna Turkington
Circuit Judge

Circuit Court of Cook County

Hon. Hollis L. Webster
Circuit Judge
Eighteenth Judicial Circuit

Hon. Grant S. Wegner
Circuit Judge
Sixteenth Judicial Circuit

Hon. Kendall O. Wenzelman
Chief Judge
Twenty-First Judicial Circuit

Hon. Milton S. Wharton
Circuit Judge
Twentieth Judicial Circuit

Hon. Walter Williams
Associate Judge
Circuit Court of Cook County

MEMBERS OF EXECUTIVE COMMITTEE

Hon. Mary Ann G. McMorrow, Chairman
Chief Justice
First Judicial District

Hon. Robert P. Bastone
Associate Judge
Circuit Court of Cook County

Hon. Joseph F. Beatty
Circuit Judge
Fourteenth Judicial Circuit

Hon. Timothy C. Evans
Chief Judge
Circuit Court of Cook County

Hon. Robert K. Kilander
Chief Judge
Eighteenth Judicial Circuit

Hon. John Knight
Circuit Judge
Third Judicial Circuit

Hon. Clyde L. Kuehn
Appellate Court Judge
Fifth Appellate Court District

Hon. Lori F. Lefstein
Circuit Judge
Fourteenth Judicial Circuit

Hon. Rita M. Novak
Associate Judge
Circuit Court of Cook County

Hon. Stuart A. Nudelman
Circuit Judge
Circuit Court of Cook County

Hon. M. Carol Pope
Circuit Judge
Eighth Judicial Circuit

Hon. Ellis E. Reid
Appellate Court Judge
First Appellate Court District

Hon. Stephen A. Schiller
Circuit Judge
Circuit Court of Cook County

Hon. John P. Shonkwiler
Chief Judge
Sixth Judicial Circuit

Hon. Robert B. Spence
Circuit Judge
Sixteenth Judicial Circuit

OVERVIEW OF THE ILLINOIS JUDICIAL CONFERENCE

The Supreme Court of Illinois created the Illinois Judicial Conference in 1953 in the interest of maintaining a well-informed judiciary, active in improving the administration of justice. The Conference has met annually since 1954 and has the primary responsibility for the creation and supervision of the continuing judicial education efforts in Illinois.

The Judicial Conference was incorporated into the 1964 Supreme Court Judicial Article and is now provided for in Article VI, section 17, of the 1970 Constitution. Supreme Court Rule 41 implements section 17 by establishing membership in the Conference, creating an Executive Committee to assist the supreme court in conducting the Conference, and appointing the Administrative Office as secretary of the Conference.

In 1993, the supreme court continued to build upon past improvements in the administration of justice in this state. The Judicial Conference of Illinois was restructured to more fully meet the constitutional mandate that “the supreme court shall provide by rule for an annual Judicial Conference to consider the work of the courts and to suggest improvements in the administration of justice and shall report thereon annually in writing to the General Assembly.” The restructuring of the Conference was the culmination of more than two years of study and work. In order to make the Conference more responsive to the mounting needs of the judiciary and the administration of justice (1) the membership of the entire Judicial Conference was totally restructured to better address business of the judiciary; (2) the committee structure of the Judicial Conference was reorganized to expedite and improve the communication of recommendations to the court; and (3) the staffing functions were overhauled and strengthened to assist in the considerable research work of committees and to improve communications among the Conference committees, the courts, the judges and other components of the judiciary.

The Judicial Conference, which formerly included all judges in the State of Illinois, with the exception of associate judges (approximately 500 judges), was downsized to a total Conference membership of 82. The membership of the reconstituted Conference includes:

Supreme Court Justices	7
Presiding judges of downstate appellate districts and chair of First District Executive Committee	5
Judges appointed from Cook County (including the chief judge and 10 associate judges)	30
Ten judges appointed from each downstate district (including one chief judge and 3 associate judges from each district)	<u>40</u>
Total Conference Membership	82

The first meeting of the reconstituted Conference convened December 2, 1993, in Rosemont, Illinois.

A noteworthy change in the Conference is that it now includes associate judges who comprise more than a quarter of the Conference membership. In addition to having all classifications of judges represented, the new structure continues to provide for diverse geographical representation.

Another important aspect of the newly restructured Conference is that the Chief Justice of the Illinois Supreme Court presides over both the Judicial Conference and the Executive Committee of the Conference, thus providing a strong link between the Judicial Conference and the supreme court.

The natural corollary of downsizing the Conference, and refocusing the energies and resources of the Conference on the management aspect of the judiciary, is that judicial education will now take place in a different and more suitable environment, rather than at the annual meeting of the Conference. A

comprehensive judicial education plan was instituted in conjunction with the restructuring of the Judicial Conference. The reconstituted judicial education committee was charged with completing work on the comprehensive education plan, and with presenting the plan for consideration at the first annual meeting of the reconstituted Judicial Conference. By separating the important functions of judicial education from those of the Judicial Conference, more focus has been placed upon the important work of providing the best and most expanded educational opportunities for Illinois judges. These changes have improved immensely the quality of continuing education for Illinois judges.

ANNUAL MEETING OF THE ILLINOIS JUDICIAL CONFERENCE

Wyndham Chicago
633 North St. Clair ☎ Chicago, Illinois

AGENDA

THURSDAY, OCTOBER 23

- 11:00 a.m. to 12:00 noon** **Registration**
- 12:00 noon to 2:00 p.m.** **Judicial Conference Luncheon & Address**
Honorable Mary Ann G. McMorrow
Chief Justice
Supreme Court of Illinois
- 2:00 p.m. to 4:30 p.m.** **Committee Meetings**
Alternative Dispute Resolution Coordinating Committee
Automation and Technology Committee
Committee on Criminal Law and Probation Administration
Committee on Discovery Procedures
Committee on Education
Study Committee on Complex Litigation
Study Committee on Juvenile Justice
- 5:00 p.m. to 6:00 p.m.** **Reception**

FRIDAY, OCTOBER 24

- 7:15 a.m. to 9:00 a.m.** **Buffet Breakfast**
- 9:00 a.m. to 11:45 a.m.** **Plenary Session:**
Call to Order by Honorable Mary Ann G. McMorrow, Chief Justice
Presentation of Consent Calendar
Presentation of Committee Reports (Questions and Comments to Follow Each Report)
Alternative Dispute Resolution Coordinating Committee
Committee on Criminal Law and Probation Administration
Committee on Discovery Procedures
Study Committee on Juvenile Justice
Break; Committee Reports Resume
Study Committee on Complex Litigation
Automation and Technology Committee
Committee on Education
Comments and Recommendations (Moderator: Hon. Ellis E. Reid)
- 11:45 a.m. to 1:00 p.m.** **Buffet Luncheon**

2003 REPORT

2003 Annual Illinois Judicial Conference
Thursday, October 23, 2003
12:00 Noon
Wyndham Chicago Hotel
Chicago, Illinois

Ladies and Gentlemen - good afternoon. My name is Mary Ann G. McMorrow and it is my distinct honor and pleasure to welcome all of you to the 2003 Annual Meeting of the Illinois Judicial Conference. I am delighted to be here this afternoon, and honored as the Chief Justice of the Supreme Court of Illinois to have the privilege — for yet a second time — to offer some opening remarks.

It is always comforting to see among the Conference attendees familiar faces ----- judges with whom I have enjoyed the opportunity to dialogue about issues important to the judiciary. Welcome to the Annual Meeting. I am as much inspired as I am comforted to see some new judges in attendance here today. I am grateful to you for your work on the Conference this past year and extend to you, as well, welcome to the culminating event of Conference Year 2003. The Judicial Conference is a wonderful example of a process that captures the knowledge and wisdom of those more tenured members who serve, while inviting and embracing the creativity of its newest members. The diversity in our Conference membership is — without a doubt — one of our greatest strengths!

If I could offer my own three things that tell me a lot about the judges here today — the first would be your service to the Supreme Court throughout this Conference year ---- the second, your contributions to your Committee's projects and, the third, your presence here today. These three things tell me and my colleagues on the Court a lot about you — particularly about your zeal and your determination to improve the administration of justice in Illinois. Thank you again, for your service — for your contributions — and for your presence here today.

I want to talk very briefly with you today about some of the events over the past Conference year, but before I do, I want to give special recognition to the distinguished members — past and present — of our Supreme Court. If you will permit me to break with protocol in the sequencing of my introductions — I would first like to recognize the Honorable Philip J. Rarick from the Fifth Judicial District. We are — all of the members of the Court — so pleased that you could be here with us today. Justice Rarick has faced some very serious challenges in the past several months. Those challenges though, have not prevented him from — more than ably — fulfilling the duties of his office. Though challenged, he is clearly not defeated. We're honored to have you here with us ---- welcome Phil.

To my far right is former Supreme Court Justice Seymour Simon. While I did not have the privilege of serving on the Court at the same time as Justice Simon, I have had the honor of knowing him for a great many years. He has continued his interest in the work of the judiciary, taking part in this Conference annually. I wish to publicly thank him and acknowledge his distinguished career in Illinois public service. Immediately next to Justice Simon is former Supreme Court Justice John L. Nickels, with whom I did have the privilege to serve — but

regrettably, for only seven short years before his retirement from the Court in 1998. Justice Nickels — welcome, it's good to have you with us. Also seated to my right, just next to Justice Nickels, is Justice Robert Thomas from the Second Judicial District. Justice Thomas contributes significantly to the work of the court and is the Justice who brings humor to the Court. And to my immediate right is the most senior member of our Court — in tenure only, of course, and who served ably as the Court's Chief Justice — the Honorable Charles E. Freeman of the First Judicial District. Justice Freeman is one of the pillars of the Court. His insights and guidance have been illuminating and of invaluable assistance to the Court. I am pleased that both of you were able to be present at the Conference today.

To my far left is the Honorable Benjamin Miller. Justice Miller is also a former Chief Justice and while on the Court, served with distinction — making many extraordinary contributions to the law as well as to the administration of justice in Illinois. Justice Miller recently joined the law firm of Jenner and Block, and will, no doubt, continue his service of excellence to those who will now encounter him, not as a judge, but as an attorney at law. It's good to see you Ben — welcome. Next to Justice Miller, again, is Justice Rarick. The last introduction of those who join me here on the dais is that of my long time friend and colleague — seated immediately to my left --- Justice Thomas R. Fitzgerald. Justice Fitzgerald performs his duties with distinction and admiration. I would like also to acknowledge two other members of the Court who are not able to be here with us today — Justice Thomas L. Kilbride and Justice Rita Garman. To all of my colleagues — welcome and thank you all for being here today.

Finally, I would be remiss if — in my acknowledgments — I failed to recognize the contributions of the Administrative Office of the Courts and Director Cynthia Cobbs. The Administrative Office facilitates the work of the Committees and assists in the coordination of the Conference events. To all of the committee liaisons, Mike Tardy, Lisa Jacobs, Jan Zekich — to Ms. Karen Reynertson — who ably serves as conference coordinator, and all of the other members of the Administrative Office staff who participate in the planning of this Annual event — thank you. It is difficult to adequately thank our very able Director, Cynthia Cobbs. She is knowledgeable and always willing and present to assist the Court in its administrative responsibilities. My special thanks to Director Cobbs.

Although the Illinois Constitution provides the purpose and framework for the Judicial Conference — it is — of course — the vision — and the commitment of the members and the chairpersons of the Conference Committees and the staff which brings the Conference to life. In preparation for this meeting, I have reviewed the Committee reports and I look forward — not only to tomorrow's presentations — but to the work of the Committees in the next Conference years to come.

At the 2002 Annual Illinois Judicial Conference, my first as Chief Justice, I reflected on the profound changes that our society was experiencing in the one year following the attacks of September 11th. The pace of change has not slowed — in fact — quite the opposite has occurred — it has become more rapid. More than ever, we are challenged and shaped by — not only those events which occur within our own state— but by those events that happen nationally and even globally.

While a decisive military victory has been achieved in Iraq, the lives of our nation's soldiers remain at risk. We are continually challenged to change the current lawlessness of Iraq to an

ordered, safe and free society. Allegations of a White House leak threaten the security of those very persons who are charged to keep the White House and our nation secure. For the first time since 1905, the United States Treasury Department is introducing a new, color version of the twenty dollar bill.

Political change in our nation is perhaps more rapid, and potentially more divisive, than we have experienced in some time. Our nation's most populous state, and the world's sixth largest economy, California, initiated a recall of its executive officer — Governor Gray Davis — less than three months after he was elected to a four year term. Approximately three weeks ago, the people of the State of California elected a man — known to action movie buffs as the Terminator— to take his place. In every state across this great nation, governments are struggling to deliver quality services with an inadequate quantity of money. Finally, as a life-long Chicago resident, I need only look as far as Wrigley Field to see that our world is truly different from previous years. This year — for the first time in nearly a hundred years, the Chicago Cubs were playing baseball well into the middle of October.

Although many of the changes with which we are confronted challenge us — they need not and have not immobilized us. We must remain open to change — because often — it is the element of change which bears the fruit of opportunity and growth. Senator Robert Kennedy, presidential hopeful in the late 1960's, once commented that “great change dominates the world, and unless we move with change we will become its victims.” As the third branch of government, we must not only embrace — we must be the catalyst — the agents of change. As judges — we are often the focal point in our court system. Thus, it is incumbent upon us to utilize our leadership to effectuate change both within and outside of the courtroom. Only then are we able to mold and to shape our identity, but more importantly — to determine our destiny. And while there may be some who believe that our destiny is determined by fiat or accident — I would disagree. It is — I think more aptly a matter of conscious control. I hold firm the belief of Mr. William Bryan Jennings who once said that “[d]estiny is not a matter of chance, it is a matter of choice; it is not a thing to be waited for, [but] a thing to be achieved.”

I am pleased to announce that in Illinois, we as judges have capitalized on opportunities to bring about change. In just one 12-month period —throughout this short Conference year — we as a judiciary have been actively engaged in a broad array of activities, strategies, and decisions — activities which demonstrate our mission, our foresight and our leadership ability. We have demonstrated that we possess the high caliber of leadership to bring about and then to successfully manage change. Leadership — the legacy of which will withstand the challenges of an increasingly complex society.

We are the “Third Branch” — equal not only in authority but also in responsibility. While maintaining our independence, we are also interdependent on the State's Executive and Legislative branches. We have an obligation, that we clearly are meeting, in partnership and collaboration with the other branches of government, to contribute to the fiscal well-being of this great state. While this stewardship may, to some, seem a new found responsibility, existing only during these economically difficult times, the fact of the matter is that our fiscal philosophy and practices have always been marked by restraint and accountability. We share in the responsibility of budget “belt-tightening”, but in the sharing, we must not and have not, compromised our high standards in the efficient administration of the judiciary or in the delivery of justice. To do so would compromise our judicial independence.

That independence is the very foundation of our system of justice and the unequivocal required value for public trust. As a value, judicial independence comes to life through the professional competence of Illinois' more than 900 judges who sit in court rooms across this state daily. It is through our consistent demonstration of competence that we have been able to sustain our independence — and it will be through our constant training and professional development that we will be able to sustain our competence. During state fiscal 2003, which ended on June 30th of this year, more than 800 hundred judicial training slots were filled by judges attending one or more of the many Judicial Education Programs or Seminars developed and offered through the Committee on Education. Illinois' judges are to be commended for their teaching and their commitment to so comprehensive a model of learning and professional development. I want to particularly note the success of the 2003 Advanced Judicial Academy — *“Taking Facts Seriously”*. More than 40 of our colleagues attended the week long Academy held at the University of Illinois this past June.

Speaking on behalf of my colleagues on the Supreme Court, we are especially proud of the work being performed by the Committee on Professionalism. Work which, by design, will raise the collective consciousness of the bench and bar to promote respectful conduct, as the norm, within the legal profession. If competency is a cornerstone to public trust in the judiciary, then a tenor of professional civility within the legal profession is one of the pillars that we must use to continue to build on that model of trust. The Committee on Professionalism has provided forums for many of us, in our leadership capacities, to meet with the next generation of the legal profession. We have visited and met with first year law students at Illinois' law schools and have participated in orientations as to what is expected of each of us fortunate enough to practice the noble profession of the law. Additionally, “Town Hall Meetings” will provide additional opportunities throughout Illinois which will permit members of the local legal community to come together to share concerns and find answers to difficult problems.

The Judicial Branch continues to successfully implement and integrate technology into our daily work in order to respond to the many challenges of effectively administering and delivering justice. Some of our circuit courts are just on the brink of implementing pilot programs for electronic filing of pleadings. The scope and use of the Supreme Court's web site continues to expand, with over 50,000 visits per month. In addition to some of the traditional information, such as court structure, the web site now includes the Annual Report, public hearing notices and agendas for Supreme Court Committees and Commissions, with future enhancements already being planned. Many of our committees now communicate through the use of an electronic list serve, eliminating the need for costly mailing and making more efficient the exchange of information.

Finally, but with no less priority or emphasis than the other updates that I have provided, I want to comment on the participation of the judicial branch in the recently completed federal review of Illinois' child and family services system. With heightened attention to the protection and welfare of children and to juvenile justice issues, it is appropriate that the judiciary have a voice in the future planning to address the needs of our most vulnerable citizens. We have increased our involvement in this arena, not simply because we wish to do so, but because we need to do so. From the administration of our court improvement grant to the work of the Committee on Child Custody, we continue to explore ways that the Illinois courts can contribute to “best practices” in

the child welfare arena.

This annual Conference is the culmination of a year long dialogue among different levels of members of the bench, as well as some participating members of the bar. Because of your efforts, much has been accomplished to meet the challenges that confront us. We must remain committed to our core values and to the attainment of the goals and ideals that we as jurists hold in high esteem. Only through our collective efforts can we demonstrate our readiness to confront challenges and to bring about changes. Changes which — because of your efforts — will ultimately build upon improvements already realized in the administration of justice.

I encourage you — as you meet today and in the weeks and months to come — to review the work of this Conference year and then to begin anew to develop ideas and strategies to achieve our common goals. In the words of the late John Fitzgerald Kennedy, “[o]ur task is not to fix the blame for the past, but to fix the course for the future.” I look forward to hearing the committee reports tomorrow which, I am confident, will evidence your hard work and commitment to improving the administration of justice in Illinois. On behalf of the entire Supreme Court, I wish to again welcome you to the Annual Judicial Conference and to express my gratitude for your efforts on behalf of Illinois’ judiciary.

2003 REPORT

RESOLUTION

IN MEMORY OF

THE HONORABLE LEO J. ALTMIX

The Honorable Leo J. Altmix, former magistrate in the Eighth Judicial Circuit, passed away February 18, 2003.

Judge Altmix was born April 12, 1917 in Quincy, Illinois. He served as an Alderman, Fifth Ward, Quincy, Illinois, as a Justice of the Peace for Adams County, and as a magistrate from 1965 until his resignation in 1979.

The Illinois Judicial Conference extends to the family of Magistrate Altmix its sincere expression of sympathy.

2003 REPORT

RESOLUTION

IN MEMORY OF

THE HONORABLE L. SHELDON BROWN

The Honorable L. Sheldon Brown, former Circuit Judge in Circuit Court of Cook County, passed away July 12, 2003.

Judge Brown was born January 13, 1911, in Wheeling, West Virginia. He graduated from Northwestern University School of Law and was admitted to the bar in 1936. He became a circuit court judge in 1966, and resigned from that position in 1982.

The Illinois Judicial Conference extends to the family of Judge Brown its sincere expression of sympathy.

RESOLUTION

IN MEMORY OF

THE HONORABLE NICHOLAS J. BUA

The Honorable Nicholas J. Bua, former judge in the U. S. District Court for the Northern District of Illinois, passed away November 1, 2002.

Judge Bua was born February 9, 1925, in Chicago, Illinois. He received his law degree from DePaul University College of Law in 1953. After practicing law for more than a decade, Judge Bua was elected village court judge in Melrose Park in 1963. In 1976, he was elected to the Illinois Appellate Court. In 1977, President Jimmy Carter nominated Judge Bua to the federal bench. He retired from the federal bench in 1991, and returned to private practice.

The Illinois Judicial Conference extends to the family of Judge Bua its sincere expression of sympathy.

**2003 REPORT
RESOLUTION
IN MEMORY OF
THE HONORABLE HENRY X. DIETCH**

The Honorable Henry X. Dietch, former associate judge in the Circuit Court of Cook County, passed away March 21, 2003.

Judge Dietch was born November 13, 1913, in Brooklyn, New York. He received his law degree from The John Marshall Law School in 1937. He became an associate judge in 1977, assigned to the First Municipal District, and served until 1984.

The Illinois Judicial Conference extends to the family of Judge Dietch its sincere expression of sympathy.

RESOLUTION

IN MEMORY OF

THE HONORABLE LESTER D. FOREMAN

The Honorable Lester D. Foreman, circuit judge in the Circuit Court of Cook County, passed away March 28, 2003.

Judge Foreman was born July 17, 1928, in Aurora, Illinois. He received his law degree from Chicago - Kent College of Law, and was admitted to the bar in 1953. Judge Foreman worked in the private sector until 1977, when he was appointed to the Circuit Court of Cook County as an associate judge. In 1980, he was elected a circuit judge and remained in that position until his death.

The Illinois Judicial Conference extends to the family of Judge Foreman its sincere expression of sympathy.

2003 REPORT
RESOLUTION
IN MEMORY OF
THE HONORABLE RENE GOIER

The Honorable Rene Goier, circuit judge in the Circuit Court of Cook County, passed away January 2, 2003.

Judge Goier was born June 1, 1924, in Bisbee, Arizona. He received his law degree from Loyola University School of Law in 1956, and was admitted to the bar that same year. He was a sole practitioner in Berwyn from 1956 until his appointment as an associate judge in 1977. Judge Goier retired in 1997.

The Illinois Judicial Conference extends to the family of Judge Goier its sincere expression of sympathy.

RESOLUTION

IN MEMORY OF

THE HONORABLE EVERETT E. LAUGHLIN

The Honorable Everett E. Laughlin, former judge in the Fifteenth Judicial Circuit, passed away June 28, 2003.

Judge Laughlin was born September 2, 1915. He was admitted to the bar in 1939. Judge Laughlin became a judge in the Fifteenth Judicial Circuit in 1974 and resigned from that position in 1977.

The Illinois Judicial Conference extends to the family of Judge Laughlin its sincere expression of sympathy.

2003 REPORT
RESOLUTION
IN MEMORY OF
THE HONORABLE F. LAWRENCE LENZ

The Honorable F. Lawrence Lenz former judge in the Fifteenth Judicial Circuit, passed away September 8, 2002.

Judge Lenz was born July 9, 1925, in Beaver Dam, Wisconsin. He received his law degree from the University of Notre Dame Law School. Judge Lenz served as an assistant states attorney and State's Attorney for Stephenson County from 1969 to 1973. He became a judge in 1973, and declined to seek retention in 1992.

The Illinois Judicial Conference extends to the family of Judge Lenz its sincere expression of sympathy.

RESOLUTION

IN MEMORY OF

THE HONORABLE JEROME F. LOPINOT

The Honorable Jerome F. Lopinot former circuit judge in the Twentieth Judicial Circuit, passed away September 28, 2002.

Judge Lopinot was born March 29, 1925, in East St. Louis, Illinois. He received his law degree from St. Louis University School of Law in 1950. Judge Lopinot worked in the private sector, and was an assistant attorney general from 1961 through 1969. He became an associate judge in 1986, and a circuit judge in 1989. He remained in that position until his retirement in 1998.

The Illinois Judicial Conference extends to the family of Judge Lopinot its sincere expression of sympathy.

2003 REPORT**RESOLUTION****IN MEMORY OF****THE HONORABLE JACK M. MICHAELREE**

The Honorable Jack M. Michaelree, former associate judge in the Fourth Judicial Circuit, passed away September 13, 2002.

Judge Michaelree was born September 6, 1925, in Effingham, Illinois. He received his law degree from the University of Notre Dame Law School in 1951, and was admitted to the bar that same year. He served as a county court judge in Effingham County from 1958-1963, becoming an associate judge in 1964. Judge Michaelree retired in 1984.

The Illinois Judicial Conference extends to the family of Judge Michaelree its sincere expression of sympathy.

RESOLUTION

IN MEMORY OF

THE HONORABLE JOSEPH C. MOORE

The Honorable Joseph C. Moore former associate judge in the Fifth Judicial Circuit, passed away October 15, 2002.

Judge Moore was born June 1, 1928, in Kansas City, Missouri. He received his law degree from the University of Missouri School of Law in 1952. Judge Moore worked in the private sector before becoming an associate judge in 1984, returning to private practice in 1991. He again served as an associate judge from 1995 -1997.

The Illinois Judicial Conference extends to the family of Judge Moore its sincere expression of sympathy.

2003 REPORT
RESOLUTION
IN MEMORY OF
THE HONORABLE DONALD W. MORTHLAND

The Honorable Donald W. Morthland, former Appellate Court Justice in the Fourth District, passed away September 29, 2002.

Judge Morthland was born December 24, 1926, in Decatur, Illinois. He received his law degree from the University of Illinois College of Law. Judge Morthland served as a circuit court judge for 22 years before becoming an appellate court judge. He retired in 1986.

The Illinois Judicial Conference extends to the family of Judge Morthland its sincere expression of sympathy.

RESOLUTION

IN MEMORY OF

THE HONORABLE DUANE J. O'CONNOR

The Honorable Duane J. O'Connor, associate judge in the Twenty First Judicial Circuit, passed away October 9, 2002.

Judge O'Connor was born November 2, 1943. He received his law degree from The John Marshall Law School in 1973, and was admitted to the bar that same year. Judge O'Connor served as legal counsel for the city of Kankakee before entering into private practice. He was appointed an associate judge in 1997, and remained in that position until his death.

The Illinois Judicial Conference extends to the family of Judge O'Connor its sincere expression of sympathy.

2003 REPORT
RESOLUTION
IN MEMORY OF
THE HONORABLE CLARENCE ECK PARTEE

The Honorable Clarence Eck Partee former associate judge in the Second Judicial Circuit, passed away May 6, 2003.

Judge Partee was born December 13, 1913, in Mt. Carmel, Illinois. He received his law degree from the University of Illinois College of Law in 1937, and was admitted to the bar that same year. Judge Partee served as a county court judge in Wabash County from 1938 through 1942. He became an associate judge in the Second Judicial Circuit in 1962, and remained in that position until resigning in 1979.

The Illinois Judicial Conference extends to the family of Judge Partee its sincere expression of sympathy.

RESOLUTION

IN MEMORY OF

THE HONORABLE ALFRED L. PEZMAN

The Honorable Alfred L. Pezman, former circuit judge in the Eighth Judicial Circuit, passed away November 20, 2002.

Judge Pezman was born January 23, 1918, in Quincy, Illinois. He received his law degree from the University of Illinois College of Law and was admitted to the bar in 1946. Judge Pezman served as States Attorney for Brown County, hearing officer in the Court of Claims, and as Public Defender for Adams County, before becoming an associate judge in 1971. He was elected a circuit judge in the Eighth Judicial Circuit in 1974, and remained in that position until his retirement in 1995.

The Illinois Judicial Conference extends to the family of Judge Pezman its sincere expression of sympathy.

2003 REPORT
RESOLUTION
IN MEMORY OF
THE HONORABLE MAURICE D. POMPEY

The Honorable Maurice D. Pompey, former associate judge in the Circuit Court of Cook County, passed away August 14, 2002.

Judge Pompey was born May 14, 1923, in South Bend, Indiana. He received his law degree from DePaul University College of Law in 1951, and was admitted to the bar that same year. Judge Pompey served as an assistant corporation counsel, a judge's trial assistant for the municipal court, and a magistrate for the Circuit Court of Cook County, until becoming an associate judge in 1970. He remained in that position until resigning from the bench in 1983.

The Illinois Judicial Conference extends to the family of Judge Pompey its sincere expression of sympathy.

RESOLUTION

IN MEMORY OF

THE HONORABLE EVERETT PROSSER

The Honorable Everett Prosser, former associate judge in the First Judicial Circuit, passed away November 26, 2002.

Judge Prosser was born August 19, 1916, in Cairo, Illinois. He received his law degree from the University of Michigan Law School in 1941, and was admitted to the bar that same year. Judge Prosser served as a judge in city court, Carbondale, IL and in county court for Jackson County, before becoming an associate judge in the First Judicial Circuit. He remained in that position until resigning in 1976.

The Illinois Judicial Conference extends to the family of Judge Prosser its sincere expression of sympathy.

2003 REPORT
RESOLUTION
IN MEMORY OF
THE HONORABLE ALBERT PUCCI

The Honorable Albert Pucci former associate judge in the Tenth Judicial Circuit, passed away May 21, 2003.

Judge Pucci was born February 4, 1910, in Mark, Illinois. He was admitted to the bar in 1938. Judge Pucci served as a judge in Putnam County Court from 1942 until 1963. He became an associate judge in 1964 and retained that position until 1978.

The Illinois Judicial Conference extends to the family of Judge Pucci its sincere expression of sympathy.

RESOLUTION

IN MEMORY OF

THE HONORABLE THOMAS G. ROADY, JR

The Honorable Thomas G. Roady, Jr., former circuit judge in the Seventh Judicial Circuit, passed away March 30, 2003.

Judge Roady was born April 27, 1918, in Kane, Illinois. He received his law degree from the University of Illinois College of Law in 1948, and was admitted to the bar that same year. Judge Roady served as city attorney of Carrollton, Illinois and as village attorney of Kane, Illinois from 1952 - 1956. He was appointed a circuit judge in 1983, and remained in that position until resigning in 1989.

The Illinois Judicial Conference extends to the family of Judge Roady its sincere expression of sympathy.

2003 REPORT**RESOLUTION****IN MEMORY OF****THE HONORABLE ARTHUR ROSENBLUM**

The Honorable Arthur Rosenblum, former associate judge in the Circuit Court of Cook County, passed away April 12, 2003.

Judge Rosenblum was born November 19, 1916, in Chicago, Illinois. He received his law degree from DePaul University College of Law in 1940, and was admitted to the bar that same year. Judge Rosenblum worked in the private sector until becoming an associate judge in the Circuit Court of Cook County in 1983. He retired from that position in 1987.

The Illinois Judicial Conference extends to the family of Judge Rosenblum its sincere expression of sympathy.

RESOLUTION

IN MEMORY OF

THE HONORABLE RANDOLPH R. SPIRES

The Honorable Randolph R. Spires, associate judge in the Eleventh Judicial Circuit, passed away February 27, 2003.

Judge Spires was born April 5, 1951, in Streator, Illinois. He received his law degree from The John Marshall Law School in 1977, and was admitted to the bar that same year. He served as an assistant state's attorney in Livingston County. Prior to becoming a judge, he worked in the private sector. Judge Spires was appointed to serve as an associate judge in the Eleventh Judicial Circuit in 1998, and remained in that position until his death.

The Illinois Judicial Conference extends to the family of Judge Spires its sincere expression of sympathy.

2003 REPORT
RESOLUTION
IN MEMORY OF
THE HONORABLE CARL A. SWANSON, JR.

The Honorable Carl A. Swanson, Jr., former circuit judge in the Sixteenth Judicial Circuit, passed away April 26, 2003.

Judge Swanson was born March 1, 1918, in DeKalb, Illinois. He received his law degree from Northwestern University School of Law in 1948, and was admitted to the bar that same year. Judge Swanson served as city and state's attorney from 1953 - 1963. He became a judge in city court in 1963, and an associate judge in 1964. He became a circuit judge for the Sixteenth Judicial Circuit in 1970, and served there until 1982.

The Illinois Judicial Conference extends to the family of Judge Swanson its sincere expression of sympathy.

RESOLUTION

IN MEMORY OF

THE HONORABLE WILLIAM R. TODD

The Honorable William R. Todd, former circuit judge in the Fourth Judicial Circuit, passed away November 9, 2002.

Judge Todd was born March 10, 1927, in Johnston City, Illinois. He received his law degree from the University of Illinois College of Law in 1953, and was admitted to the bar that same year. Judge Todd was assistant corporation counsel for the City of Flora from 1955-1962. He was appointed a circuit judge in 1978, and elected in 1980. He remained in that position until his retirement in 1996.

The Illinois Judicial Conference extends to the family of Judge Todd its sincere expression of sympathy.

2003 REPORT

RESOLUTION

IN MEMORY OF

THE HONORABLE THOMAS YOCKEY

The Honorable Thomas Yockey, former county judge, passed away February 11, 2003.

Judge Yockey was born December 25, 1922, in Chicago, Illinois. He was in private practice in Newton, Illinois before serving as a Jasper County judge from 1956 - 1958.

The Illinois Judicial Conference extends to the family of Judge Yockey its sincere expression of sympathy.

RECOGNITION OF RETIRED JUDGES

BAKAKOS, Peter was born in 1926, in Chicago, Illinois. He received his law degree from The John Marshall Law School in 1951, and was admitted to the bar that same year. While working in the private sector, Judge Bakakos also was a justice of the peace and magistrate for the Circuit Court. He became an associate judge in 1971. In 1978, he was elected to the Circuit Court of Cook County. He retained that position until his retirement December 2, 2002.

BART, Edmund P. was born in 1942. He received his law degree from DePaul University College of Law in 1970, and was admitted to the bar that same year. Judge Bart worked in the DuPage County State's Attorneys Office and in private practice, until becoming an associate judge in 1982. Judge Bart served as an associate judge in the Eighteenth Judicial Circuit until his retirement December 31, 2002.

BOHARIC, Robert was born July 7, 1945, in Chicago, Illinois. He received his law degree from the University of Illinois College of Law in 1973, and was admitted to the bar that same year. Judge Boharic was an assistant state's attorney and felony trial supervisor from 1973 - 1981. He was in private practice from 1981 until being elected to the Circuit Court of Cook County in 1984. He retained that position until his retirement December 2, 2002.

BRESLIN, Peg McDonnell was born July 11, 1946, in Ottawa, Illinois. She received her law degree from Loyola University School of Law in 1971, and was admitted to the bar that same year. Judge Breslin was in private practice until 1992, when she became the first woman elected to the Appellate Court outside of Cook County. She remained in that position until her retirement December 2, 2002.

BUCKLEY, Robert Chapman was born August 14, 1923, in Canton, Illinois. He received his law degree from Georgetown University Law Center in 1951, and was admitted to the bar that same year. Judge Buckley worked in the public and private sectors until he became an associate judge in 1970. In 1973, he became a full circuit court judge by Supreme Court appointment. In 1978, he was assigned to the First District Appellate Court, and elected to that position in 1982. He remained in that position until his retirement December 2, 2002.

CARR, Jr. Fred S. was born August 28, 1936, in Kingston, New York. He received his law degree from The John Marshall Law School in 1987, and was admitted to the bar that same year. Judge Carr was in private practice until being appointed to the bench in 1993. He was elected in 1994, retained in 2000, and continued to serve as a circuit judge in the Twenty First Judicial Circuit until his retirement December 2, 2002.

CERDA, David was born in 1927, in Chicago, Illinois. He received his law degree from DePaul University College of Law in 1955, and was admitted to the bar that same year. Judge Cerda worked in the private sector until being elected an associate judge in 1966. He was elevated to circuit court judge five years later. In 1989, he was assigned to the Appellate Court in the First District, and remained in that position until his retirement December 2, 2002.

CERRI, Vincent J. was born in 1945, in Freeport, Illinois. He received his law degree from The John Marshall Law School, and was admitted to the bar in 1970. Judge Cerri served as an assistant Cook County public defender and was in private practice until joining the Twelfth Judicial Circuit as an associate judge in 1979. He remained in that position until his retirement December

2, 2002.

CERVINI, Donna L. was born August 14, 1941, in Pittsburgh, Pennsylvania. She received her law degree from Northwestern University School of Law in 1975, and was admitted to the bar that same year. Judge Cervini was in private practice until being appointed to the Circuit Court of Cook County as an associate judge in 1985. She remained in that position until her retirement, July 31, 2003.

COHEN, Judith was born July 9, 1944, in Chicago, Illinois. She received her law degree from DePaul University College of Law in 1978, and was admitted to the bar that same year. Judge Cohen was in private practice until 1987, when she was appointed an associate judge in the Circuit Court of Cook County. In 1996, she was appointed to a full Circuit Court judgeship, and elected to a six year term in 1996. The Supreme Court appointed Judge Cohen to a seat in the First District Appellate Court. She remained in that position until her retirement December 2, 2002.

CONNOR, Charles P. was born December 14, 1928. He received his law degree from the University of Chicago Law School, and was admitted to the bar in 1957. He became a circuit judge for the Twelfth Judicial Circuit in 1965, and served until 1986. Judge Connor retired December 1, 2002.

CORTESI, Kenneth J. was born in 1942. He received his law degree from DePaul University College of Law in 1971, and was admitted to the bar that same year. Judge Cortesi served in the public sector until being appointed a circuit judge in the Circuit Court of Cook County in 2001. He remained in that position until his retirement December 2, 2002.

COUSINS, Jr. William was born October 6, 1927, in Swiftpoint, Missouri. He received his law degree from Harvard Law School, and was admitted to the bar in 1953. Judge Cousins served in the public sector until being elected a circuit judge in 1976. In 1991, he was elected to the Appellate Court, where he remained until his retirement December 2, 2002.

DeLaMAR, John was born in 1945, in Chicago, Illinois. He received his law degree from the University of Illinois College of Law in 1970, and was admitted to the bar that same year. Judge DeLaMar was in private practice and served as an assistant state's attorney in Champaign County, before being appointed an associate judge for the Sixth Judicial Circuit in 1979. He became a circuit judge in 1995, and remained in that position until his retirement December 2, 2002.

DeMOSS, Richard was born in 1941. He received his law degree from Washburn University of Topeka School of Law and was admitted to the bar in 1968. Judge DeMoss was the first assistant Lee County state's attorney in Dixon, Illinois, until becoming an associate judge in 1979 for the Fifteenth Judicial Circuit. He was appointed a circuit judge in 2001, and remained in that position until his retirement December 2, 2002.

DePORTER, Dennis A. was born November 14, 1945, in Davenport, Iowa. He received his law degree from the University of Illinois College of Law and was admitted to the bar in 1972. Judge DePorter was in private practice until becoming an associate judge in 1982. He remained in that position until retiring January 1, 2003.

DIXON, Patrick J. was born Mary 27, 1941, in Rockford, Illinois. He received his law degree from Marquette University Law School in 1966, and was admitted to the bar that same year. Judge

Dixon was in private practice until becoming an associate judge for the Sixteenth Judicial Circuit in 1979. He became a circuit court judge in 1984, and served as Chief Judge from 1988-1990. Judge Dixon retired December 2, 2002.

EBEL, Thomas G. was born in 1941 in Elmhurst, Illinois. He received his law degree from University of Notre Dame Law School in 1970, and was admitted to the bar that same year. Judge Ebel served in the public sector until joining the bench in the Tenth Judicial Circuit as an associate judge in 1981. He remained in that position until his retirement December 1, 2002.

ELLIOTT, Jr. Glynn J. was born September 16, 1927. He received his law degree from Loyola University School of Law in 1950, and was admitted to the bar that same year. Judge Elliott was in private practice until being appointed to the Circuit Court of Cook County in 1983. He remained in that position until his retirement September 1, 2002.

ENGEL, Douglas R. was born in 1935. He received his law degree from DePaul University College of Law in 1968, and was admitted to the bar that same year. Judge Engel was in private practice until becoming an associate judge in the Sixteenth Judicial Circuit in 1986. He became a circuit judge in 1991, and remained in that position until his retirement July 20, 2003.

FIALA, Jr. Edward M. was born November 3, 1928, in Chicago, Illinois. He received his law degree from DePaul University College of Law in 1957, and was admitted to the bar that same year. Judge Fiala served mainly in the public sector prior to joining the bench as an associate judge for the Circuit Court of Cook County in 1976. He remained in that position until his retirement September 9, 2002.

GEIGER, Fred A. was born April 19, 1943, in Waukegan, Illinois. He received his law degree from the University of Illinois College of Law in 1986, and was admitted to the bar that same year. Judge Geiger worked in the public and private sectors until becoming an associate judge for the Nineteenth Judicial Circuit in 1982. In 1989, he was assigned to the Second District Appellate Court. He remained in that position until his retirement December 2, 2002.

GEMBALA, Francis A. was born in 1947, in Chicago, Illinois. He received his law degree from Loyola University School of Law in 1972, and was admitted to the bar that same year. Judge Gembala was in private practice and served as an assistant public defender before being appointed an associate judge for the Circuit Court of Cook County in 1983. He was subsequently retained to that position until his retirement November 1, 2002.

GLENNON, Charles was born April 5, 1942. He received his law degree from the University of Illinois College of Law and was admitted to the bar in 1966. Judge Glennon was appointed a circuit judge for the Eleventh Judicial Circuit in 1976, elected in 1982, and served until leaving the bench in 1998. He retired March 1, 2003.

GROSSI, Patrick S. was born October 31, 1942, in Chicago Heights, Illinois. He received his law degree from Chicago-Kent College of Law, and was admitted to the bar in 1972. Judge Grossi served in the Illinois House of Representatives from 1979-1983, and was in private practice prior to joining the bench as an associate judge for the Circuit Court of Cook County in 1984. He was elected a circuit judge in 1986, and retained that position until his retirement July 8, 2003.

HARRISON II, Moses W. was born March 30, 1932, in Collinsville, Illinois. He received his law degree from Washington University School of Law, St. Louis, Missouri in 1958, and was admitted

to the bar that same year. Justice Harrison was in private practice until 1973, when he was appointed a circuit judge in the Third Judicial Circuit. He was elected to that position in 1974. In 1980, he was elected to the Fifth District Appellate Court. Justice Harrison was elected to the Supreme Court in 1992, serving as Chief Justice from 1999 until his retirement September 5, 2002.

HOMER, Thomas J. was born in 1947, in Canton, Illinois. He received his law degree from Chicago-Kent College of Law in 1974, and was admitted to the bar that same year. From 1983-1995 Judge Homer was a state representative. He served as an assistant state's attorney for Lake County, Fulton County State's Attorney, and in private practice until 1996, when he was elected to the position of justice in the Third District Appellate Court. He remained there until his retirement October 1, 2002.

JENSEN, Pamela was born March 11, 1942. She received her law degree from Northern Illinois University College of Law and was admitted to the bar in 1979. Judge Jensen was appointed an associate judge for the Sixteenth Judicial Circuit in 1987, appointed a circuit judge in 1990, and later elected in 1992. She remained in that position until her retirement August 3, 2002.

JERZ, James W. was born in 1941, in Chicago, Illinois. He received his law degree from the University of Illinois College of Law in 1965, and was admitted to the bar that same year. From 1969-1971, Judge Jerz worked in the DuPage County State's Attorney's Office. He practiced in the private sector until being appointed an associate judge for the Eighteenth Judicial Circuit in 1981. He remained in that position until his retirement July 1, 2003.

KEENAN, Jr. Robert M. was born December 5, 1936, in Mt. Carmel, Illinois. He received his law degree from Valparaiso University School of Law, Valparaiso, Indiana in 1972, and was admitted to the bar that same year. Judge Keenan practiced in the private sector, after serving as special assistant attorney general for the State of Illinois from 1979-1980. He was then elected to a six year term in the Second Judicial Circuit. He was subsequently retained in 1986, 1992 and 1998. He remained in that position until his retirement December 2, 2002.

KERNAN, Stephen was born November 16, 1947, in East St. Louis, Illinois. He received his law degree from Washington University School of Law, St. Louis, Missouri in 1972, and was admitted to the bar that same year. Judge Kernan was public administrator for St. Clair County until 1974 when he became an associate judge. He became a circuit court judge in 1977, in the Twentieth Judicial Circuit. He served as chief judge from 1988, until his retirement December 1, 2002.

LaCIEN, Richard A. was born December 12, 1934, in Chicago, Illinois. He received his law degree from DePaul University College of Law in 1962, and was admitted to the bar that same year. Judge LaCien practiced law in the private sector until 1980, when he was appointed to the bench as an associate judge for the Circuit Court of Cook County. He remained in that position until his retirement January 1, 2003.

LEVIN, Leonard L. was born June 21, 1923, in Thermopolis, Wyoming. He received his law degree from DePaul University College of Law in 1948, and was admitted to the bar that same year. Judge Levin served in the public and private sectors until 1984, when he was elected a circuit judge for the Circuit Court of Cook County. He was retained in 1990 and 1996, and remained in that position until his retirement December 2, 2002.

LIEB, Philip S. was born Mary 7,1936, in Chicago, Illinois. He received his law degree from DePaul University College of Law in1962, and was admitted to the bar that same year. Judge Lieb practiced in the private sector until being appointed an associate judge in 1986, for the Circuit Court of Cook County. He remained in that position until his retirement January 1, 2003.

LUCAS, Richard A. was born in 1939, in Chicago, Illinois. He received his law degree from The John Marshall Law School in 1964, and was admitted to the bar that same year. Judge Lucas was an assistant DuPage County public defender from 1970-1977. He was engaged in private practice immediately prior to becoming an associate judge in 1977. He remained in that position until his retirement July 1, 2003.

LYNCH, Daniel J. was born in 1943, in Evergreen Park, Illinois. He received his law degree from DePaul University College of Law in 1970, and was admitted to the bar that same year. Judge Lynch served in the public sector until being elected to the bench in 1984. He was retained as a circuit judge for the Circuit Court of Cook County until his retirement July 19, 2003.

MAY, Charles M. was born March 16, 1927, in Shreveport, Louisiana. He received his law degree from DePaul University College of Law in1958, and was admitted to the bar that same year. Judge May was in private practice and also served as an assistant state's attorney until 1986, when he was appointed an associate judge to the Circuit Court of Cook County. He remained in that position until his retirement July 1, 2003.

McGAUGHEY, Janice R. was born November 7, 1940. She received her law degree from Howard University School of Law in 1970. Judge McGaughey served as an instructor in Procurement Law for the Civil Service Commission, and was a member of the congressional staff for the U.S. House of Representatives. Prior to becoming a circuit judge for the Circuit Court of Cook County, she was an assistant public defender in Cook County. She was elected a circuit judge in 1992, retained in 1998, and remained in that position until her retirement September 1, 2002.

NIZNIK, Gilbert was born in 1933. He received his law degree from the University of Illinois College of Law, and was admitted to the bar in 1955. Judge Niznik worked the private sector until becoming an associate judge in the Twelfth Judicial Circuit in1990. He remained in that position until his retirement July 1, 2003.

O'NEILL, Paul J. was born in Alton, Illinois in 1946. He received his law degree from St. Louis University School of Law, and was admitted to the bar in 1973. Judge O'Neill was in private practice until 1978, when he became an assistant state's attorney in Madison County. He became an associate judge for the Third Judicial Circuit in 1978. In 1983, he became a circuit judge, serving as chief judge for the Third Judicial Circuit for several different terms. He retired January 1, 2003.

ORBACH, Jerome M. was born September 8,1946. He received his law degree from Loyola University School of Law, and was admitted to the bar in 1972. Judge Orbach served in the public sector until being appointed an associate judge for the Circuit Court of Cook County in 1988. He remained in that position until his retirement May 1, 2003.

ORLANDO, Frank was born June 21, 1928, in Chicago, Illinois. He received his law degree from The John Marshall Law School in 1953, and was admitted to the bar that same year. Judge Orlando served mainly in the public sector until being named an associate judge in 1977, for the

Circuit Court of Cook County. In 1982, he was elected a circuit judge and remained in that position until his retirement January 1, 2003.

OROS, George M. was born in 1939. He received his law degree from the University of Illinois College of Law and was admitted to the bar in 1965. Judge Oros joined the First Judicial Circuit as an associate judge in 1967. He became a circuit judge in 1972, and remained in that position until his retirement December 1, 2002.

PETERSON, K. Craig was born January 2, 1944. He received his law degree from the University of Illinois College of Law in 1969, and was admitted to the bar that same year. Judge Peterson was an assistant state's attorney, an assistant public defender, and the Public Defender for Winnebago County before becoming an associate judge in the Seventeenth Judicial Circuit in 1981. He was appointed a circuit judge in 1996, elected in 1998, and remained in that position until his retirement October 1, 2002.

ROBINSON, Ronald F. was born in 1944. He received his law degree from the University of Illinois College of Law and admitted to the bar in 1977. Judge Robinson served mainly in the public sector until joining the bench as a circuit judge in 1989 for the Seventh Judicial Circuit. He remained in that position until his retirement December 2, 2002.

SCHERMERHORN, Thomas A. was born in 1935, in Chicago, Illinois. He received his law degree from Loyola University School of Law in 1972, and was admitted to the bar that same year. Judge Schermerhorn was in private practice until joining the bench in 1985. He served as an associate judge in the Nineteenth Judicial Circuit until 1996, when he was elected a circuit judge. He remained in that position until his retirement December 2, 2002.

SIRACUSA, Frank M. was born September 21, 1931, in Chicago, Illinois. He received his law degree from Chicago-Kent College of Law in 1956, and was admitted to the bar that same year. Judge Siracusa served in the public sector until serving 18 years as an associate judge in the Circuit Court of Cook County. He became a circuit court judge in 1982, and remained in that position until his retirement December 2, 2002.

WELCH, Robert L. was born in 1941, in Albuquerque, New Mexico. He received his law degree from the University of Illinois College of Law in 1972, and was admitted to the bar that same year. Judge Welch served as State's Attorney for Cass County until becoming a circuit judge in 1978. He served as chief judge for the Eighth Judicial Circuit from 1991-2001. Judge Welch retired July 2, 2003.

WOOD, William S. was born December 3, 1926, in Chicago, Illinois. He received his law degree from the University of Iowa College of Law, and was admitted to the bar in 1956. Judge Wood was an assistant state's attorney until 1960, and in private practice from 1960 - 1983, when he was appointed an associate judge for the Circuit Court of Cook County. He remained in that position until his retirement July 1, 2003.

NEW JUDGES

Jorge L. Alonso — Associate Judge, Cook County
Lois A. Bell — Circuit Judge, 7th Judicial Circuit
Margaret Ann Brennan — Circuit Judge, Cook County
Janet Adams Brosnahan — Circuit Judge, Cook County
James R. Brown — Circuit Judge, Cook County
Elizabeth M. Budzinski — Associate Judge, Cook County
Anthony L. Burrell — Circuit Judge, Cook County
Laninya Cason — Associate Judge, 20th Judicial Circuit
Lisa R. Curcio — Circuit Judge, Cook County
Paula M. Daleo — Circuit Judge, Cook County
John T. Doody, Jr. — Circuit Judge, Cook County
Laurence J. Dunford — Circuit Judge, Cook County
Millard Scott Everhart — Circuit Judge, 5th Judicial Circuit
Roger G. Fein — Circuit Judge, Cook County
Peter A. Felice — Circuit Judge, Cook County
Brian K. Flaherty — Associate Judge, Cook County
Joseph M. Grady — Circuit Judge, 16th Judicial Circuit
Maxwell Griffin, Jr. — Associate Judge, Cook County
David Keith Grounds — Associate Judge, 3rd Judicial Circuit
Daniel P. Guerin — Associate Judge, 18th Judicial Circuit
Val Gunnarsson — Circuit Judge, 15th Judicial Circuit
William J. Haddad — Circuit Judge, Cook County
David E. Haracz — Circuit Judge, Cook County
Bob Hardwick, Jr. — Circuit Judge, 8th Judicial Circuit
Kimbara Graham Harrell — Associate Judge, 2nd Judicial Circuit
Neil F. Hartigan — Appellate Judge, 1st Judicial District
Rosemary Higgins — Associate Judge, Cook County
Arthur F. Hill, Jr. — Associate Judge, Cook County
Kathleen O. Kauffmann — Associate Judge, 15th Judicial Circuit
Bruce R. Kelsey — Associate Judge, 18th Judicial Circuit
Kerry M. Kennedy — Circuit Judge, Cook County
John J. Kinsella — Associate Judge, 18th Judicial Circuit
Stephen A. Kouri — Circuit Judge, 10th Judicial Circuit
Casandra Lewis — Circuit Judge, Cook County
Thomas J. Lipscomb — Circuit Judge, Cook County
Robert P. Livas — Associate Judge, 12th Judicial Circuit
Vincent J. Lopinot — Associate Judge, 20th Judicial Circuit
Suzanne C. Mangiamele — Associate Judge, 19th Judicial Circuit
LeRoy K. Martin, Jr. — Circuit Judge, Cook County
Sheila McGinnis — Circuit Judge, Cook County
Dennis M. McGuire — Circuit Court, Cook County
Barbara M. Meyer — Circuit Judge, Cook County
Richard T. Mitchell — Circuit Judge, 7th Judicial Circuit

William T. O'Brien — Circuit Judge, Cook County
Lawrence O'Gara — Circuit Judge, Cook County
Susan T. O'Leary — Circuit Judge, 12th Judicial Circuit
Jorge L. Ortiz — Associate Judge, 19th Judicial Circuit
Carol M. Pentuic — Associate Judge, 14th Judicial Circuit
Albert L. Purham, Jr. — Associate Judge, 10th Judicial Circuit
Charles G. Reynard — Circuit Judge, 11th Judicial Circuit
Daniel L. Schmidt — Appellate Judge, 3rd Judicial District
Richard J. Siegel — Circuit Judge, 12th Judicial Circuit
Henry M. Singer — Circuit Judge, Cook County
Laura M. Sullivan — Circuit Judge, Cook County
Ronald D. Sutter — Associate Judge, 18th Judicial Circuit
J. Scott Swaim — Associate Judge, 21st Judicial Circuit
Sanjay T. Tailor — Associate Judge, Cook County
Sybil C. Thomas — Associate Judge, Cook County
William J. Thurston — Circuit Judge, 1st Judicial Circuit
Robert M. Travers — Associate Judge, 11th Judicial Circuit
Sandra Tristano — Circuit Judge, Cook County
Valerie E. Turner — Circuit Judge, Cook County
David L. Vancil, Jr. — Circuit Judge, 9th Judicial Circuit
Barry Leon Vaughan — Circuit Judge, 2nd Judicial Circuit
Raul Vega — Circuit Judge, Cook County
William H. Weir — Associate Judge, 16th Judicial Circuit

**ANNUAL REPORT
OF THE
ALTERNATIVE DISPUTE RESOLUTION COORDINATING COMMITTEE
TO THE ILLINOIS JUDICIAL CONFERENCE**

Hon. Lance R. Peterson, Chairperson

Hon. Claudia Conlon
Hon. Robert E. Gordon
Hon. Randye A. Kogan
Hon. William D. Maddux
Hon. Lewis E. Mallott
Hon. Stephen R. Pacey

Hon. Donald J. Fabian
Hon. Harris H. Agnew, Ret.
Kent Lawrence, Esq.
Cheryl I. Niro, Esq.
John T. Phipps, Esq.
Hon. Anton J. Valukas, Ret.

October 2003

I. STATEMENT OF COMMITTEE CONTINUATION

Since the 2002 Annual Meeting of the Illinois Judicial Conference, the Alternative Dispute Resolution Coordinating Committee ("Committee") has found that the climate for alternative dispute resolution ("ADR") continues to be favorable and the legal community has become increasingly receptive to ADR programs. This Conference year, the Committee was busy with many activities which are enumerated below.

Early in the year, the Committee finalized and sent for consideration an amendment proposal to the Supreme Court Rules Committee concerning Supreme Court Rule 94. The Committee also considered several other proposed amendments to Supreme Court Rules.

The Committee met with arbitration administrators and their supervising judges to discuss topics related to arbitration practice. Prior to this meeting, the Committee arranged for arbitration administrators to meet with the Committee liaison to assist in the development of an agenda comprised of arbitration issues to be discussed with the Committee.

As part of the Committee's charge, court-annexed mandatory arbitration programs operating in fifteen counties continued to be monitored throughout the Conference year.

In the area of mediation, the Committee continued to oversee the court-sponsored major civil case mediation programs operating in seven circuits. During State Fiscal Year 2003, more than 345 cases have been mediated through these programs statewide.

During the 2004 Conference year, the Committee plans to continue to monitor the court-annexed mandatory arbitration programs, to oversee and facilitate the improvement and expansion of major civil case mediation programs, to monitor proposed amendments to Supreme Court Rules for mandatory arbitration, and to continue to study and evaluate other alternative dispute resolution options.

Because the Committee continues to provide service, recommendations, and information to Illinois judges and lawyers, as well as to monitor developments and the effectiveness of court-annexed and court-sponsored alternative dispute resolution programs, the Committee respectfully requests that it be continued.

II. SUMMARY OF COMMITTEE ACTIVITIES

A. *Court-Annexed Mandatory Arbitration*

As a part of its charge, the Committee surveys and compiles information on existing court-supported dispute resolution programs. Court-annexed mandatory arbitration has been operating in Illinois for a little more than sixteen years. Since its inception in Winnebago County in 1987, under Judge Harris Agnew's leadership, the program has steadily and successfully grown to meet the needs of fifteen counties. Most importantly, court-annexed mandatory arbitration has become an effective case management tool to reduce the number of cases tried and the length of time cases spend in the court system. Court-annexed mandatory arbitration has become widely

accepted in the legal culture.

In January of each year, an annual report on the court-annexed mandatory arbitration program is provided to the legislature. A copy of the Fiscal Year 2003 Annual Report which will be provided to the legislature is attached hereto as Appendix 1.¹ A complete statistical analysis for each circuit is contained in the Fiscal Year 2003 Report. The Committee emphasizes that it is best to judge the success of a program by the percentage of cases resolved before trial through the arbitration process, rather than focusing on the rejection rate of arbitration awards.

The following is a statement of Committee activities since the 2002 Annual Meeting of the Illinois Judicial Conference concerning court-annexed mandatory arbitration.

1. Consideration of Proposed Amendments to Supreme Court Rules

a. The Committee considered a proposal to amend Supreme Court Rule 94. The amended language would establish check boxes on the Award of Arbitrators form which would identify if the litigants in the arbitration process participated in good faith. This proposal addresses a letter submitted to the Committee by former Chief Justice Harrison which he received from a local arbitration program practitioner. The letter cited concerns about certain litigants rejecting awards as a matter of course and not participating throughout the arbitration process in good faith.

The amended Award of Arbitrators form was sent to the Supreme Court Rules Committee for final consideration. Committee members have provided additional validation for the necessity of this amendment to the Rules Committee and await final determination.

b. The Committee drafted a proposed amendment to Supreme Court Rule 87 (e) to increase the remuneration of arbitrators from \$75 per hearing to \$100 per hearing. The compensation level for arbitrators has not been adjusted for several years and the Committee believes that an increase consideration is appropriate.

The Committee is in the final stages of approving the proposal to amend Supreme Court Rule 87(e) and will subsequently forward it to the Supreme Court Rules Committee for consideration.

c. The Committee drafted a proposed amendment to Supreme Court Rule 90 by adding a new subsection that would eliminate discussion by arbitrators after an arbitration hearing, and throughout the entire process. It is believed that post-hearing discussion could result in *ex parte* communication. Specifically, the amended language would provide that an arbitrator may not be contacted, nor may an arbitrator publicly comment, nor respond to questions regarding a particular arbitration case heard by that arbitrator during the pendency of the case and until a final order is

1

The AOIC's Court-Annexed Mandatory Arbitration Fiscal Year 2003 Annual Report can be found on the AOIC portion of the Supreme Court website (www.state.il.us/court) and on the website of the Center for Analysis of Alternative Dispute Resolution Systems (www.caadr.org).

entered and the time for rejection has expired notwithstanding discussion or comments between an arbitrator and judge regarding an infraction or impropriety during the arbitration process.

The Committee believes that litigants using feedback from arbitrators to make decisions as whether to reject or accept an award poses a practical problem. The Committee drafted language to amend Supreme Court Rule 90 and upon ratification of final language will submit a proposal to the Rules Committee for consideration.

d. The Committee considered a proposal to amend Supreme Court Rule 91 (a) by adding language that would require parties in subrogation cases to be present in person at the arbitration hearing. Specifically, the additional language would be substantially the following: "for purposes of arbitration hearings in causes of action concerning subrogation, the insured and/or the driver of the vehicle shall be considered parties under Supreme Court Rule 90 (g) even when this cause of action is filed in the name of the insurance company." Also, this amendment proposal would simultaneously remove the existing language allowing parties to be present at an arbitration hearing "either in person or by counsel" and add language for an exception under the court's discretion.

The Committee plans to finalize this proposal by the end of Conference Year 2003 and submit amended Supreme Court Rule 91 (a) to the Rules Committee for consideration.

e. The Committee drafted language to amend Supreme Court Rule 93 (a) by increasing the rejection rate associated with arbitration program fees. Currently, the rejection rates are set at \$200 for awards of \$30,000 or less and \$500 for awards greater than \$30,000. The rejection fees have not been adjusted since the inception of the program and it is hoped that increasing the rejection fees would help eliminate frivolous rejections and improve the efficacy of the program.

The amended language would increase the rejection rate from \$200 to \$300 for awards of \$30,000 or less. The Committee believes that \$500 for awards greater than \$30,000 is adequate and elected not to amend this part of Rule 93 (a) at this time. The Committee is preparing the final details of this proposal and will subsequently submit the proposal to the Rules Committee for consideration.

f. The Committee drafted language to amend Supreme Court Rule 222 to defer discovery time lines to local rule. In accordance with Supreme Court Rule 89, many circuits that have mandatory arbitration programs have adopted local rules shortening the time for compliance with Supreme Court Rule 222. According to program participants and the observations of program administrators and supervising judges, attorneys are confused as to whether the benchmark of 120 days for discovery applies or if local rule preempts with a shortened time frame.

Supreme Court Rule 89 provides that "discovery may be conducted in accordance with established rules and shall be completed prior to the arbitration hearing. However, such discovery shall be conducted in accordance with Rule 222, except that the time lines may be shortened by local rule."

The Committee is in the process of considering language to amend Supreme Court Rule 222. One of the proposals under deliberation would strike the existing language regarding 120 days and defer to local rule. It is hoped that the final language approved by the Committee would eliminate the confusion among counsel as to whether the benchmark of 120 days still applies thereby requiring counsel to understand dictates of local rules and eliminate the ability of non-complying counsel to merely state that they agreed to extend the time for disclosure without court approval.

2. Meeting with Supervising Judges and Arbitration Administrators

Stemming from a meeting with mandatory arbitration supervising judges and arbitration administrators in June 1998, it was requested that the Committee schedule future meetings for the administrators and the A.O.I.C. staff Committee liaison to meet and discuss plans and orders of business for the annual meeting with the Committee each year. The Committee thereby arranged for such a meeting to take place in Kane County for that year and each subsequent year.

In preparation for this year's meeting with the Committee, the arbitration administrators met at the Kane County Courthouse in March 2003. At that meeting, the arbitration administrators discussed items of concern with the operation of arbitration centers, including computer equipment and software needs to assist in the preparation of arbitration statistics, the possibility of a supplemental retraining for arbitrators, the removal of inadequate arbitrators from the circuit's list of arbitrators, and proposed amendments to Supreme Court Rules. The arbitration administrators assisted in the development of an agenda for the June 2003 annual meeting with the Committee.

On June 13, 2003, Committee members met with supervising judges and arbitration administrators at a meeting held in Chicago to discuss issues concerning the arbitration program and proposed rule amendments. Among the major topics of discussion were several suggestions for the Committee to consider regarding program improvements. The program practitioners made several suggestions regarding amendments to Supreme Court Rules, provided specific feedback particular to Committee inquiries, and provided valuable statistical information used in measuring the efficiency of the program. The Committee plans to follow through on several issues and meet periodically with the users of the program throughout the next Conference year.

3. Summary Jury Trials

The concept of summary jury trials was introduced to the Committee as a topic of discussion to study throughout the remainder of this Conference year and next. Summary jury trials are a specialized process designed to address high-end cases that are more complex and consume disproportionate amounts of court time and resources.

The Committee viewed a video presentation to become familiar with this form of alternative dispute resolution. According to information obtained from a former member of the New Jersey Judiciary, a significant portion of cases proceeding to summary jury trial settle. The Committee, through its initial study, has learned that summary jury trials should, at a minimum, have three conditions present to be an effective means of alternative dispute resolution: (1) it has to be clearly determined that the trial will consume a substantial amount of court time (minimum of two weeks); (2) must have counsel that tend to work reasonably well with each other; and (3) on the issue of liability, there is a reasonable likelihood that the plaintiff will prevail at trial.

During the remainder of Conference Year 2003 and next, the Committee plans to explore options in attempting to implement this type of alternative dispute resolution practice. Some of the options may include Supreme Court Rule proposals, enabling legislation, or local rule implementation. The Committee will continue to identify and examine other jurisdictions that successfully utilize the summary jury trial process and determine which practices might best accommodate a program in the state of Illinois.

B. Mediation

Presently, court-sponsored mediation programs continue to operate in the Eleventh, Twelfth, Fourteenth, Sixteenth, Seventeenth, Eighteenth, and Nineteenth Circuits² for cases in which *ad damnum* exceeds the limit for court-annexed mandatory arbitration. In addition to the circuits mentioned above, the Circuit Court of Cook County is currently in the process of drafting rules in accordance with Supreme Court Rule 99 to seek approval to begin operating a mediation program in their county.

During State Fiscal Year 2003, over 393 cases have gone through major civil case mediation statewide. These programs are designed to provide quicker and less expensive resolution of major civil cases.

A total of 345 cases were referred to mediation in the seven programs from July 1, 2002 through June 30, 2003. Of these, 189 resulted in a full settlement of the matter; 13 reached a partial settlement of the issues; and 143 of the cases that progressed through the mediation process did not reach an agreement at mediation. (See Appendix 2 for statistics on these programs.)

Court-sponsored mediation programs have been successful and well received, and have resulted in quicker resolution of many cases. It is important to recognize that the benefits of major civil case mediation cannot be calculated solely by the number of cases settled. Because these cases are major civil cases by definition, early settlement of a single case represents a significant savings of court time for motions and status hearings as well as trial time. Additionally, in many

²See Appendix 2 for a listing of counties in each circuit that operates a mediation program.

of these cases, resolving the complaint takes care of potential counterclaims, third-party complaints and, of course, eliminates the possibility of an appeal. Finally, court-sponsored mediation programs are considered by many parties as a necessary and integral part of the court system.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During the 2004 Conference year, the Committee plans to continue to monitor and assess the court-annexed mandatory arbitration programs, suggest broad-based policy recommendations, explore and examine innovative dispute resolution techniques, and to continue studying the impact of rule amendments. In addition, the Committee will continue to study, draft and propose rule amendments in light of the suggestions and information received from program participants, supervising judges and arbitration administrators.

The Committee also plans to oversee and facilitate the improvement and expansion of the major civil case mediation programs. The Committee also plans to actively study and evaluate other Alternative Dispute Resolution options.

IV. RECOMMENDATIONS

The Committee is making no recommendations to the Conference at this time.

2003 REPORT

APPENDIX 1

FISCAL YEAR 2003 ANNUAL REPORT TO THE ILLINOIS GENERAL
ASSEMBLY ON COURT-ANNEXED MANDATORY ARBITRATION

INTRODUCTION	59
OVERVIEW OF COURT-ANNEXED MANDATORY ARBITRATION	61
Program Jurisdiction	61
Pre-Hearing Matters	62
Arbitration Hearing	62
Rejecting an Arbitration Award	63
Appointment, Qualification, and Compensation of Arbitrators	63
Alternative Dispute Resolution Coordinating Committee Activities	63
FISCAL YEAR 2003 STATISTICS	64
Introduction	64
Pre-Hearing Calendar	64
Pre-Hearing Statistics	65
Post-Hearing Calendar	70
Post-Hearing Statistics	70
Post-Rejection Calendar	73
Post-Rejection Statistics	74
CONCLUSION	76
CIRCUIT PROFILES	76
Eleventh Judicial Circuit	76
Twelfth Judicial Circuit	76
Fourteenth Judicial Circuit	77
Sixteenth Judicial Circuit	77
Seventeenth Judicial Circuit	77
Eighteenth Judicial Circuit	77
Nineteenth Judicial Circuit	78
Twentieth Judicial Circuit	78
Circuit Court of Cook County	78
Administrative Office of the Illinois Courts	79

INTRODUCTION

The Fiscal Year 2003 Annual Report of the court-annexed mandatory arbitration program is presented to satisfy the requirements of Section 1008A of the Mandatory Arbitration Act, 735 ILCS 5/2-1001A *et seq.*

The Supreme Court of Illinois and the Illinois General Assembly created court-annexed mandatory arbitration to reduce the backlog of civil cases and to provide litigants with a system in which their complaints could be more quickly resolved by an impartial fact finder.

Arbitration was instituted after deliberate planning. Efforts by the Supreme Court to devise a high quality arbitration system spanned nearly a decade. When developing the Illinois program, the Supreme Court and its committees secured the input of public officials representing all branches of Illinois government, as well as the general public. As a result, the system now in place is truly an amalgamation of the best dispute resolution concepts.

Beginning in September of 1982, Chief Justice Howard C. Ryan urged the judiciary to explore suitable court-sponsored alternative dispute resolution techniques. In September, 1985, the Illinois General Assembly passed and the Governor signed House Bill 1265¹, authorizing the Supreme Court to institute a system of mandatory arbitration. Before the end of May, 1987, the Supreme Court adopted arbitration-specific rules recommended by a committee of prominent judges and attorneys. Later that year, Winnebago County began operating a pilot court-annexed mandatory arbitration program.

Expanding on the success of the Winnebago County program, the Supreme Court authorized the following counties to implement court-annexed mandatory arbitration programs in the following order:

- ▼ Cook, DuPage, and Lake Counties in December, 1988
- ▼ McHenry County in November, 1990
- ▼ St. Clair County in May, 1993
- ▼ Boone and Kane Counties in November, 1994
- ▼ Will County in March, 1995
- ▼ Ford and McLean Counties in March, 1996

The most recent request for implementation of an arbitration program came from the 14th Judicial Circuit. In November of 1999, the Supreme Court approved the program for all four counties in the 14th Circuit (Rock Island, Henry, Mercer and Whiteside Counties) and the program began in October, 2000. Future expansion of court-annexed mandatory arbitration programs may occur if sufficient public funding is made available and with approval by the Supreme Court.

This Fiscal Year 2003 Annual Report summarizes the accomplishments of the arbitration

¹H.B. 1265, 83rd Gen. Assem., Reg. Sess., P.A. 84-844, (Il. 1985)

program from July 1, 2002 through June 30, 2003. The report begins with a general description of the court-annexed mandatory arbitration program in Illinois and provides information on recent changes made to the program. The second section of the report explains the statistics maintained by arbitration administrators. Statewide statistics are provided as an aggregate or average of the statistics furnished by the fifteen court-annexed mandatory arbitration programs operating around the state. Jurisdictions may have significantly different statistics. Therefore, when appropriate, individual program statistics are provided. The final section of the report provides information on the day-to-day operations of the court-annexed mandatory arbitration programs.

OVERVIEW OF COURT-ANNEXED MANDATORY ARBITRATION

In Illinois, court-annexed mandatory arbitration is a mandatory, non-binding form of alternative dispute resolution. In those jurisdictions approved by the Supreme Court to operate a court-annexed mandatory arbitration program, all civil cases filed seeking money damages within the program's jurisdiction are subject to the arbitration process. These modest sized claims are directed into the arbitration program because they are amenable to closer management and faster resolution using a less formal, alternative process.

Program Jurisdiction

Cases enter the arbitration program in one of two ways. In all counties operating a court-annexed mandatory arbitration program, except Cook County, litigants may file their case with the office of the clerk of the court as an arbitration case. The clerk records the case using an AR designation. These AR designated cases are placed directly on the calendar of the supervising judge for arbitration. Summons are returnable before the supervising judge for arbitration and all pre-hearing matters are argued before them.²

In the Circuit Court of Cook County, however, cases seeking between \$5,000 and \$50,000 in money damages are filed in the Municipal Department and are given an "M" designation by the clerk. Cases within this category which are arbitration-eligible (cases seeking up to \$30,000 in money damages) are subsequently transferred to arbitration. After hearing all preliminary matters, the case is transferred to arbitration.

In all jurisdictions operating a court-annexed mandatory arbitration program, a case may also be transferred to the arbitration calendar from another calendar if it appears to the court that no claim in the action has a value in excess of the monetary limit authorized by the Supreme Court for that county's arbitration program. For example, if the court finds that an action originally filed as a Law case (actions seeking over \$50,000) has a potential for damages under the jurisdiction for arbitration, the court may transfer the Law case to the arbitration calendar.

During Fiscal Year 1997, the Supreme Court amended a number of rules which affect arbitration. In November, 1996, the Supreme Court increased the jurisdictional limit for small claims actions from cases seeking up to \$2,500 in damages to cases seeking up to \$5,000 in damages, effective January 1, 1997. Concerns about enlarging the small claims calendar have led a number of counties operating arbitration programs to transfer cases seeking over \$2,500 in money damages into arbitration.

Also in November, 1996, the Supreme Court acted on the request of the Eighteenth Judicial Circuit to increase the jurisdiction of arbitration-eligible cases from cases seeking up to \$30,000 in money damages to cases seeking up to \$50,000 in money damages. The Supreme

²See Illinois Supreme Court Rule 86(d). The monetary limit for arbitration cases filed in Cook and Will Counties is \$30,000. The monetary limit for arbitration cases filed in Boone, Du Page, Ford, Henry, Kane, Lake, Mc Henry, McLean, Mercer, Rock Island, Whiteside, and Winnebago Counties is \$50,000. In St. Clair County, cases seeking up to \$20,000 in money damages are subject to arbitration.

Court authorized the Eighteenth Judicial Circuit to increase the jurisdictional limit for arbitration-eligible cases as a pilot project.³ During Fiscal Year 2002, the Supreme Court removed the pilot designation from Du Page County and the program now operates permanently at the \$50,000 jurisdictional limit.

Pre-Hearing Matters

The pre-hearing stage for cases subject to arbitration is similar to the pretrial stage for cases not subject to arbitration. Summons are issued, motions are made and argued, and discovery moves forward. However, discovery is limited for cases subject to arbitration pursuant to Illinois Supreme Court Rules 222 and 89.

One of the most important features of the arbitration program is the court's control of the time elapsed from the date of filing of the arbitration case, or the transfer of the case to arbitration, and the arbitration hearing. Illinois Supreme Court Rule 88 provides that all arbitration cases must go to hearing within one year of the date of filing or transfer to arbitration. As a result, faster dispositions are possible in the arbitration system.

Arbitration Hearing

The arbitration hearing resembles a traditional trial conducted by a judge, but the hearing is conducted by a panel of three trained attorney-arbitrators. Each party to the dispute makes a concise presentation of his/her case to the attorney-arbitrators. The Illinois Code of Civil Procedure and the rules of evidence apply in arbitration hearings; however, Illinois Supreme Court Rule 90(c) makes certain documents presumptively admissible. These documents include bills, records, and reports of hospitals, doctors, dentists, repair persons, and employers as well as written statements of opinion witnesses. By taking advantage of this streamlined evidence mechanism, lawyers can present the case quickly and hearings are completed in approximately two hours.

Immediately after the hearing, the three arbitrators deliberate privately and decide the issues presented by the parties. They file their award on the same day as the hearing. To find in favor of one party, the concurrence of at least two arbitrators must be present and an award is determined.

After the arbitration hearing, the clerk of the court records the arbitration award and then forwards notice of the award to the parties. As a courtesy to the litigants, many of the arbitration centers post the arbitration award after it is submitted by the arbitrators so the parties will know the outcome on the same day as the hearing.

³At the same time the Supreme Court amended Illinois Supreme Court Rule 93 to provide that parties wishing to reject an award of over \$30,000 must pay a \$500 rejection fee.

Rejecting an Arbitration Award

Illinois Supreme Court Rule 93 allows any party to reject the arbitration award. However, a party must meet four conditions when they seek to reject the award. First, the party who wants to reject the award must have been present, personally or via counsel, at the arbitration hearing or that party's right to reject the award will be deemed waived.⁴ Second, that same party must have participated in the arbitration process in good faith and in a meaningful manner.⁵ Third, the party wanting to reject the award must file a rejection notice within thirty days of the date the award was filed.⁶ Finally, except for indigent parties, the party who initiates the rejection must pay a rejection fee of \$200 to the clerk of the court.⁷ The rejection fee is intended to discourage frivolous rejections. If these four conditions are not met, the party may be barred from rejecting the award and any other party to the action may petition the court to enter a judgment on the arbitration award.

After a party successfully rejects an arbitration award, the supervising judge for arbitration places the case on the trial call.

Appointment, Qualification, and Compensation of Arbitrators

The Supreme Court provides the rules that govern the mandatory arbitration program. The requirements of arbitrators and court-supported arbitration jurisdiction can be located in Supreme Court Rule 86 *et seq.*

Alternative Dispute Resolution Coordinating Committee of the Illinois Judicial Conference Activities

The Alternative Dispute Resolution Coordinating Committee is a Committee of the Illinois Judicial Conference which was created by the Supreme Court.

The charge of the Committee is to monitor and assess the court-annexed mandatory arbitration programs. The Committee also surveys and compiles information on existing court-supported dispute resolution programs, suggests broad-based policy recommendations, explores and examines innovative dispute resolution processing techniques, and studies the impact of proposed rule amendments. In addition, the Committee also works on drafting rule amendments

⁴See Illinois Supreme Court Rule 91(a).

⁵See Illinois Supreme Court Rule 91(b).

⁶See Illinois Supreme Court Rule 93(a).

⁷See Illinois Supreme Court Rule 93. As noted earlier, the Supreme Court amended Rule 93 to mandate that when the arbitrators return an arbitration award of over \$30,000 a party must pay \$500 to reject the award.

in light of suggestions and information received from program participants, supervising judges, and arbitration administrators.

The Committee continues to monitor the effects of Supreme Court Rules on arbitration practice and will continue to provide direction for the successful implementation of the program.

FISCAL YEAR 2003 STATISTICS

Court-annexed mandatory arbitration has now been operating in Illinois for a little more than fifteen years. The statistics discussed below provide a detailed depiction of the continued success of the program.

Introduction

Statistics are maintained by each of the fifteen arbitration programs to ensure that the program is meeting its goals of reducing case backlog and providing faster dispositions to litigants. The arbitration calendar is divided into three stages for the collection of arbitration statistics. The stages are pre-hearing, post-hearing, and post-rejection. Close monitoring and supervision of events at each of these stages helps to determine the efficacy of the arbitration process. Each arbitration stage has its own inventory of cases pending at the beginning of each reporting period, its own statistical count of cases added and removed during each reporting period, and its own inventory of cases pending at the end of each reporting period.

Pre-Hearing Calendar

Cases at the first stage of the arbitration process, the pre-hearing stage, are cases that are pending an arbitration hearing. There are three sources from which cases are added to the pre-hearing calendar: new filings, reinstatements, and transfers from other calendars.

Cases may be removed from the pre-hearing arbitration calendar in either a dispositive or non-dispositive manner. A dispositive removal from the pre-hearing arbitration calendar is one which terminates the case prior to commencement of the arbitration hearing. There are generally three types of pre-hearing dispositive removals: the entry of judgment; some form of dismissal; or the entry of a settlement order by the court.

A non-dispositive removal of a case from the pre-hearing arbitration calendar may either remove the case from the arbitration calendar altogether or simply move it along to the next stage of the arbitration process. An example of a non-dispositive removal which removes the arbitration case from the arbitration calendar altogether is when a case is placed on a special calendar. A case assigned to a special calendar is removed from the arbitration calendar, but not terminated. For example, a case transferred to a bankruptcy calendar generally stays all arbitration-related activity and assignment to this special calendar is considered a non-dispositive removal from the arbitration calendar.

Another type of non-dispositive removal from the pre-hearing calendar is a transfer out of arbitration. Occasionally a judge may decide that a case is not suited for arbitration. The judge may then transfer the case to a more appropriate calendar. Finally, an arbitration hearing is also

a non-dispositive removal from the pre-hearing calendar.

Pre-Hearing Statistics

To reduce backlog and to provide litigants with the quickest disposition for their cases, Illinois' arbitration system encourages attorneys and litigants to focus their early attention on arbitration-eligible cases. Therefore, the practice is to set a firm and prompt date for the arbitration hearing so that disputing parties, anxious to avoid the time and cost of an arbitration hearing, have a powerful incentive to negotiate prior to the hearing. In instances where a default judgment can be taken, parties are also encouraged to seek that disposition at the earliest possible time.

Therefore, as cases move through the steps in the arbitration process, a sizeable portion of each court's total caseload should terminate voluntarily or by court order in advance of the arbitration hearing if the process is operating well. Fiscal Year 2003 statistics demonstrate that parties are carefully managing their cases, working to settle their disputes without significant court intervention, and settling their differences prior to the arbitration hearing.

During Fiscal Year 2003, 19,888 cases on the pre-hearing arbitration calendar were disposed through default judgment, dismissal, or some other form of pre-hearing termination.⁸ Therefore, a statewide average of 50% of the cases referred to arbitration were disposed prior to the arbitration hearing.⁹ While it is true that a large number of these cases may have terminated without the need for a trial, arbitration tends to induce disposition sooner in the life of most cases because firm arbitration hearing dates are set within one year of the case's entrance into the arbitration process.

Additionally, these terminations via court-ordered dismissals, voluntary dismissals, settlement orders, and default judgments typically require very little court time to process. To the extent that arbitration encourages these dispositions, the system helps save the court and the litigants the expense of costlier, more time consuming proceedings that might have been necessary without arbitration programs.

This high rate of pre-hearing terminations also allows each court to remain current with its hearing calendar and may allow the court to reduce a backlog. It is this combination of pre-hearing

⁸Cases disposed during Fiscal Year 2003 will include those cases pending at the end of Fiscal Year 2002. Additionally, not all cases referred to arbitration during Fiscal Year 2003 will have disposition information available. Some cases are still pending. Therefore, the statistics provided in this report give the reader a snapshot of the progress of arbitration cases through June 30, 2003.

⁹This number is derived by dividing the number of cases disposed via some form of prehearing termination during Fiscal Year 2003, (19,853) by the inventory of arbitration cases at the prehearing stage during Fiscal Year 2003. The inventory of cases at the prehearing stage is the sum of the number of arbitration cases pending statewide at the end of Fiscal Year 2002, (6,834) and the number of cases transferred or filed in arbitration during Fiscal Year 2003 (32,638).

terminations and arbitration hearing capacity that enables the system to absorb and process a greater number of cases in less time. In some instances, individual county numbers are even more impressive.

St. Clair County

St. Clair County reported that 2,110 cases were referred to court-annexed mandatory arbitration during Fiscal Year 2003 and 379 cases were pending on the pre-hearing arbitration calendar at the end of Fiscal Year 2002. During Fiscal Year 2003, 1,980 cases were disposed prior to the arbitration hearing. Therefore, as of June 30, 2003, 80% of the cases on the pre-hearing arbitration calendar were disposed prior to the arbitration hearing.

During Fiscal Year 2003, 154 arbitration hearings were held in St. Clair County. Therefore, as of June 30, 2003, 6% of the cases on the arbitration pre-hearing calendar progressed to the arbitration hearing.

Winnebago County

During Fiscal Year 2003, Winnebago County reported that 1,377 cases were funneled into the arbitration program. At the end of Fiscal Year 2002, 165 cases were pending on the pre-hearing arbitration calendar.

Prior to the arbitration hearing, 1,302 cases were terminated. Therefore, as of June 30, 2003, 84% of cases on the pre-hearing arbitration calendar were disposed prior to the arbitration hearing.

During Fiscal Year 2003, Winnebago County reported that 120 cases progressed to hearing. Therefore, as of June 30, 2003, only 8% of the cases on the pre-hearing arbitration calendar went to hearing.

McHenry County

McHenry County reported that 1,234 cases were transferred or filed as arbitration-eligible during Fiscal Year 2003. At the end of Fiscal Year 2002, 351 cases were pending on the pre-hearing arbitration calendar. During Fiscal Year 2003, 1,010 cases were disposed in some way prior to the arbitration hearing. Therefore, 64% of the cases on the pre-hearing arbitration calendar were disposed prior to the hearing.

During Fiscal Year 2003, McHenry County held 149 arbitration hearings. Therefore, as of June 30, 2003, only 9% of the cases on the pre-hearing arbitration calendar progressed to hearing.

Lake County

Lake County reported that 3,140 cases were filed in, or transferred to, the arbitration

calendar during Fiscal Year 2003. There were 791 cases pending on the pre-hearing calendar at the end of Fiscal Year 2002. During Fiscal Year 2003, 2,322 cases were disposed prior to their progression to an arbitration hearing. Therefore, as of June 30, 2003, 59% of the cases on the pre-hearing arbitration calendar were disposed prior to the hearing.

Lake County reported conducting 436 hearings during Fiscal Year 2003. Therefore, as of June 30, 2003, only 11% of the cases on the pre-hearing arbitration calendar progressed to hearing.

Du Page County

Du Page County reported that 4,003 cases were filed in or transferred to the arbitration calendar during Fiscal Year 2003. During Fiscal Year 2003, 3,726 cases were disposed prior to their progression to an arbitration hearing. Therefore, as of June 30, 2003, 67% of the cases on the pre-hearing arbitration calendar were disposed prior to the hearing.

Du Page County reported conducting 536 hearings during Fiscal Year 2003. Therefore, as of June 30, 2003, only 10% of the cases on the pre-hearing arbitration calendar progressed to hearing.

Kane County

Kane County reported that 1,906 cases were referred to arbitration during Fiscal Year 2003. At the end of Fiscal Year 2002, 87 cases were pending on the pre-hearing arbitration calendar. During Fiscal Year 2003, 1,506 cases were disposed prior to the arbitration hearing. Therefore, as of June 30, 2003, 76% of the cases on the pre-hearing arbitration calendar were disposed prior to an arbitration hearing.

During Fiscal Year 2003, Kane County conducted 241 arbitration hearings. Therefore, as of June 30, 2003, only 12% of the cases on the pre-hearing arbitration calendar progressed to an arbitration hearing.

Boone County

Boone County reported that 116 cases were referred to arbitration during Fiscal Year 2003. At the end of Fiscal Year 2002, 38 cases were pending on the pre-hearing arbitration calendar. In Fiscal Year 2003, prior to the arbitration hearing, 121 cases were disposed. Therefore, as of June 30, 2003, 79% of the cases on the pre-hearing arbitration calendar were disposed prior to the arbitration hearing.

Boone County held 12 arbitration hearings during Fiscal Year 2003. Therefore, as of June 30, 2003, only 8% of the cases on the pre-hearing arbitration calendar progressed to hearing.

Will County

In Fiscal Year 2003, Will County reported that 2,042 cases were filed or transferred to

arbitration. At the end of Fiscal Year 2002, 786 cases were pending on the pre-hearing calendar. During Fiscal Year 2003, 1,794 pre-hearing dispositions were reported. Therefore, as of June 30, 2003, 63% of all cases filed or transferred into arbitration were disposed prior to the arbitration hearing.

Will County reported that it held 201 hearings during Fiscal Year 2003. Therefore, as of June 30, 2003, only 7% of the cases on the pre-hearing arbitration calendar progressed to an arbitration hearing.

McLean County

McLean County reported that in Fiscal Year 2003, 1,151 cases were filed or transferred into arbitration. At the end of Fiscal Year 2002, 657 cases were pending on the pre-hearing arbitration calendar. McLean County reported that 995 cases were disposed pre-hearing. Therefore, 55% of the cases filed or transferred into arbitration were disposed pre-hearing.

McLean County reported that it held 117 hearings during Fiscal Year 2003. Therefore, as of June 30, 2003, only 6% of the cases on the pre-hearing arbitration calendar progressed to hearing.

Ford County

In Fiscal Year 2003, Ford County reported 59 cases were filed or transferred into arbitration. At the end of Fiscal Year 2002, 10 cases were pending on the pre-hearing arbitration calendar. Ford County reported that 50 cases were disposed pre-hearing. Therefore, 72% of the cases in the arbitration program were disposed prior to hearing.

Ford County reported that it conducted 9 arbitration hearings during Fiscal Year 2003. Therefore, as of June 30, 2003, only 13% of the arbitration-eligible cases progressed to hearing in Ford County.

Rock Island County

In Fiscal Year 2003, Rock Island County reported 717 cases filed or transferred into arbitration. At the end of Fiscal Year 2002, 294 cases were pending on the pre-hearing calendar. Rock Island County reported that 618 cases were disposed pre-hearing. Therefore, 61% of the cases filed or transferred into arbitration were disposed pre-hearing.

Rock Island County reported that it held 83 arbitration hearings during Fiscal Year 2003. Therefore, as of June 30, 2003, only 8% of the cases filed on the pre-hearing arbitration calendar progressed to hearing.

Henry County

In Fiscal Year 2003, Henry County reported 107 cases filed or transferred into arbitration. At the end of Fiscal Year 2002, 54 cases were pending on the pre-hearing calendar. Henry

County reported that 114 cases were disposed pre-hearing. Therefore, 71% of the cases filed or transferred into arbitration were disposed pre-hearing.

Henry County reported that it held 15 arbitration hearings during Fiscal Year 2003. Therefore, as of June 30, 2003, only 9% of the cases filed on the pre-hearing arbitration calendar progressed to hearing.

Mercer County

In Fiscal Year 2003, Mercer County reported 41 cases filed or transferred into arbitration. At the end of Fiscal Year 2002, 15 cases were pending on the pre-hearing calendar. Mercer County reported that 33 cases were disposed pre-hearing. Therefore, 59% of the cases filed or transferred into arbitration were disposed pre-hearing.

Mercer County reported that it held 2 arbitration hearings during Fiscal Year 2003. Therefore, as of June 30, 2003, only 4% of the cases filed on the pre-hearing arbitration calendar progressed to hearing.

Whiteside County

In Fiscal Year 2003, Whiteside County reported 193 cases filed or transferred into arbitration. At the end of Fiscal Year 2002, 79 cases were pending on the pre-hearing calendar. Whiteside County reported that 144 cases were disposed pre-hearing. Therefore, 53% of the cases filed or transferred into arbitration were disposed pre-hearing.

Whiteside County reported that it held 16 arbitration hearings during Fiscal Year 2003. Therefore, as of June 30, 2003, only 6% of the cases filed on the pre-hearing arbitration calendar progressed to hearing.

Cook County

The Cook County statistics differ significantly. During Fiscal Year 2003, 14,442 cases were transferred into the Cook County arbitration program. At the end of Fiscal Year 2002, 1,582 cases were pending on the pre-hearing arbitration calendar. As of June 30, 2003, 4,173 cases were disposed prior to the arbitration hearing. Therefore, as of June 30, 2003, 26% of the cases in the arbitration program in Cook County were disposed prior to the arbitration hearing.

The Cook County program conducted 10,623 hearings during Fiscal Year 2003. Therefore, as of June 30, 2003, 66% of the cases on the pre-hearing arbitration calendar progressed to hearing.

This is a much different picture than the one reported by other counties and can be explained by examining the Cook County arbitration program. As noted above, in Cook County, cases seeking between \$5,000 and \$50,000 in money damages are filed as Municipal Department cases. Cases within this category that are arbitration-eligible (cases seeking up to \$30,000 in money damages) are transferred to arbitration only after all pre-hearing matters have been heard and decided. Statistics are not available on the number of cases that may have been arbitration-eligible but were disposed prior to their transfer to arbitration.

Instead, statistics are available only on those cases which were transferred to arbitration and then were disposed prior to the hearing. This window of time is much shorter than the window of time for which statistics are provided by other counties. Additionally, a number of cases have already been disposed of, meaning the cases transferred have already gone through a substantial review process prior to their transfer to the arbitration program. Therefore, although it appears that fewer cases are disposed prior to an arbitration hearing in the arbitration process in the Cook County system, we cannot be sure that this is true because in Cook County cases are counted substantially later in the process and for a substantially shorter time frame.

In the Circuit Court of Cook County, after preliminary hearing matters are decided and the case has been transferred to arbitration, the clerk of the court will set a date for the arbitration hearing. The clerk of the court waits until 30 days prior to the closure date for discovery before setting the arbitration hearing date to ensure that discovery is closed prior to the arbitration hearing.

In summary, the statistics provided by all programs on cases at the arbitration pre-hearing stage demonstrate that the parties are working to settle their differences without significant court intervention, prior to the arbitration hearing. The arbitration hearings induce these early settlements by forcing the parties to carefully manage the case prior to the arbitration hearing. Because arbitration hearings are held within one year of the filing of the arbitration case or the transfer of the case to the arbitration program, in most counties the circuit court can dispose of approximately 80- 90% of the arbitration caseload within one year of the filing of the case. This case management tool provides swifter dispositions for litigants.

Post-Hearing Calendar

The post-hearing arbitration calendar consists of cases which have been heard by an arbitration panel and are waiting further action. Upon conclusion of an arbitration hearing, a case is removed from the pre-hearing arbitration calendar and added to the post-hearing calendar. Although the arbitration hearing is the primary source of cases added to the post-hearing calendar, cases previously terminated following a hearing may subsequently be reinstated (added) at this stage. However, this is a rare occurrence even in the larger courts.

The arbitration administrators report three types of post-hearing removals from the arbitration calendar: entry of judgment on the arbitration award; some other post-hearing termination of the case including dismissal or settlement by order of the court; or rejection of the arbitration award. While any of these actions will remove a case from the post-hearing calendar, only judgment on the award, dismissal, and settlement result in termination of the case, which are dispositive removals. Post-hearing terminations, or dispositive removals, are typically the most common means by which cases are removed from the post-hearing arbitration calendar.

A rejection of an arbitration award is a non-dispositive removal of a case from the post-hearing arbitration calendar. A rejection removes the case from the post-hearing arbitration calendar and places it on the post-rejection arbitration calendar.

Post-Hearing Statistics

A commonly cited measure of performance for court-annexed arbitration programs is the extent to which awards are accepted by the litigants as the final resolution of the case. However,

parties have many resolution options after the arbitration hearing is concluded. Therefore, tracking the various options by which post-hearing cases are removed from the arbitration inventory gives a more accurate picture of the movement of cases than would looking only at the number of arbitration awards rejected.

When a party is satisfied with the arbitration award, they may move the court to enter judgment on the award. If no party rejects the arbitration award, the court may enter judgment on the award.

Additionally, figures reported show that approximately another 40% of the cases which progress to a hearing were disposed after the arbitration hearing on terms other than those stated in the award. These cases are disposed either through settlement reached by the parties or by dismissals.

These statistics demonstrate that in a significant number of cases which progress to hearing, although the parties may agree with the arbitrator's assessment of the worth of the case, they may not want a judgment entered against them so they work to settle the conflict prior to the deadline for rejecting the arbitration award.

The post-hearing statistics for counties with arbitration programs consisting of judgments entered on the arbitration award¹⁰, settlements reached after the arbitration award and prior to the expiration for the filing of a rejection, are detailed herein.

- **St. Clair County** reported the entry of 67 judgments on arbitration awards during Fiscal Year 2003. Therefore, in St. Clair County, 41% of the cases in which a hearing was held on or before June 30, 2003, were disposed when judgment was entered on the arbitration award. An additional 34 cases were settled prior to the expiration for the filing of a rejection. In Fiscal Year 2003 in St. Clair County, 21% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing settlement.
- **McHenry County** reported the entry of 32 judgments on arbitration awards during Fiscal Year 2003. Therefore, in McHenry County, 21% of the cases in which a hearing was held on or before June 30, 2003, were disposed when judgment was entered on the arbitration award. An additional 25 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2003 in McHenry County, 16% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- **Lake County** reported the entry of 130 judgments on arbitration awards during Fiscal Year 2003. Therefore, in Lake County, 26% of the cases in which a hearing was held on or before June 30, 2003, were disposed when judgment was entered on the arbitration award. An additional 95 cases were either settled or dismissed prior to the expiration for

¹⁰Judgment on the award statistics are generated by dividing the number of judgments on an arbitration award into the total number of cases on the post-hearing calendar. The total number of cases on the post-hearing calendar is generated by adding the number of cases added during FY2003 to the number of cases pending on the post-hearing calendar as of 07/01/02.

the filing of a rejection. In Fiscal Year 2003 in Lake County, 19% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.

- **Du Page County** reported the entry of 105 judgments on arbitration awards during Fiscal Year 2003. An additional 97 cases were either settled or dismissed prior to the expiration for the filing of a rejection. The statistics for cases pending on the post-hearing calendar as of July 1, 2002, were not available at the time this report was compiled. Therefore, no percentages are available.
- **Will County** reported the entry of 66 judgments on arbitration awards during Fiscal Year 2003. Therefore, in Will County 28% of the cases in which a hearing was held on or before June 30, 2003, were disposed when judgment was entered on the arbitration award. An additional 71 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2003 in Will County, 30% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- **Winnebago County** reported the entry of 41 judgments on arbitration awards during Fiscal Year 2003. Therefore, in Winnebago County, 33% of the cases in which a hearing was held on or before June 30, 2003, were disposed when judgment was entered on the arbitration award. An additional 18 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2003 in Winnebago County, 15% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- **Kane County** reported the entry of 60 judgments on arbitration awards during Fiscal Year 2003. Therefore, in Kane County, 20% of the cases in which a hearing was held on or before June 30, 2003, were disposed when judgment was entered on the arbitration award. An additional 50 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2003 in Kane County, 17% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- **Boone County** reported the entry of 3 judgments on arbitration awards during Fiscal Year 2003. Therefore, in Boone County, 25% of the cases in which a hearing was held on or before June 30, 2003, were disposed when judgment was entered on the arbitration award. One additional case was either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2003 in Boone County, 8% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- **McLean County** reported the entry of 47 judgments on arbitration awards during Fiscal Year 2003. Therefore, in McLean County, 24% of the cases in which a hearing was held on or before June 30, 2003, were disposed when judgment was entered on the arbitration award. An additional 25 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2003 in McLean County, 13% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.

- **Ford County** reported that 8 cases were added to the post-hearing calendar and all of them received a judgment on the arbitration award entered during Fiscal Year 2003. Therefore, in Ford County, 80% of the cases in which a hearing was held on or before June 30, 2003, were disposed when judgment was entered on the arbitration award. One additional case was either settled or dismissed prior to the expiration for the filing of a rejection. Therefore, no cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- **Rock Island County** reported the entry of 27 judgments on arbitration awards during Fiscal Year 2003. Therefore, in Rock Island County, 29% of the cases in which a hearing was held on or before June 30, 2003, were disposed when judgment was entered on the arbitration award. An additional 27 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2003 in Rock Island County, 29% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- **Mercer County** reported the entry of 2 judgments on an arbitration award during Fiscal Year 2003. Therefore, in Mercer County, 1% of the cases in which a hearing was held on or before June 30, 2003, were disposed when judgment was entered on the arbitration award. No cases were either settled or dismissed prior to the expiration for the filing of a rejection.
- **Henry County** reported the entry of 7 judgments on arbitration awards during Fiscal Year 2003. Therefore, in Henry County, 44% of the cases in which a hearing was held on or before June 30, 2003, were disposed when judgment was entered on the arbitration award. An additional 5 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2003 in Henry County, 31% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- **Whiteside County** reported the entry of 4 judgments on arbitration awards during Fiscal Year 2003. Therefore, in Whiteside County, 21% of the cases in which a hearing was held on or before June 30, 2003, were disposed when judgment was entered on the arbitration award. An additional 8 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2003 in Whiteside County, 42% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- **Cook County** reported the entry of 2,986 judgments on arbitration awards during Fiscal Year 2003. An additional 4,632 cases were either settled or dismissed prior to the expiration for the filing of a rejection. The statistics for cases pending on the post-hearing calendar as of July 1, 2002, were not available at the time this report was compiled. Therefore, no percentages are available.

As indicated earlier, parties may also reject the arbitration award and proceed to trial. Parties may file a notice of rejection of the arbitration award for the same variety of tactical reasons that they file notices of appeal from trial court judgments. It's the opinion of the Alternative Dispute Resolution Coordinating Committee of the Illinois Judicial Conference that the rejection rate, when studied alone and out of context, may be a misleading indicator of the actual

success of the arbitration programs.

Rejection rates for arbitration awards varied from county to county. The overall statewide average for the rejection rate was 40% in Fiscal Year 2003.

During Fiscal Year 2003, the mandatory arbitration programs reported the following rejection rates: Boone County, 50%; Cook County, 47%; Du Page County, 59%; Ford County, 11%; Henry County, 20%; Kane County, 54%; Lake County, 51%; McHenry County, 56%; McLean County, 28%; Mercer County, 0%; Rock Island County, 37%; St. Clair County, 32%; Whiteside County, 38%; Will County, 33%; Winnebago County, 47%.

Post-Rejection Calendar

The post-rejection calendar consists of arbitration cases in which one of the parties rejects the award of the arbitrators and seeks a trial before a judge or jury. In addition, cases which are occasionally reinstated at this stage of the arbitration process may be added to the inventory of cases pending post-rejection action. Removals from the post-rejection arbitration calendar are generally dispositive. When a case is removed by way of judgment before or after trial, dismissal, or settlement, it is removed from the court's inventory of pending civil cases.

Post-Rejection Statistics

Although rejection rates are an important indicator of the success of an arbitration program, parties have many resolution options still available after rejecting the arbitration award. As noted above, parties file a notice of rejection of the arbitration award for the same variety of tactical reasons that they file notices of appeal from trial court judgments. Therefore, a more important number than the rejection rate may be the frequency with which arbitration cases are settled subsequent to the rejection but prior to trial in the circuit court.

Arbitration statistics demonstrate that few arbitration cases proceed to trial even after the arbitration award is rejected.

- ▼ In **Cook County** (Fiscal Year 2003), of the 4,982 cases placed on the post-rejection calendar, 631 cases were disposed via trial and 2,633 were settled or dismissed or otherwise disposed and removed from the post-rejection calendar. This means that 4% of the total cases funneled into the arbitration program in Cook County during Fiscal Year 2003 resulted in trial.
- ▼ In **Du Page County** (Fiscal Year 2003), of the 536 cases placed on the post-rejection calendar, 66 cases were disposed via trial and 245 were settled or dismissed or otherwise disposed and removed from the post-rejection calendar. This means that 2% of the total cases funneled into the arbitration program in DuPage County during Fiscal Year 2003 resulted in trial.
- In **Ford County** (Fiscal Year 2003), one case was placed on the post-rejection calendar and one was settled or dismissed or otherwise disposed and removed from the post-rejection calendar. No cases funneled into the arbitration program in Ford County during Fiscal Year 2003 resulted in trial.

- ▼ In **Winnebago County** (Fiscal Year 2003), of the 56 cases placed on the post-rejection calendar, 14 cases were disposed via trial and 50 were settled or dismissed or otherwise disposed and removed from the post-rejection calendar. This means that 1% of the total cases funneled into the arbitration program in Winnebago County during Fiscal Year 2003 resulted in trial.
- ▼ In **Lake County** (Fiscal Year 2003), of the 229 cases placed on the post-rejection calendar, 64 cases were disposed via trial and 152 were settled or dismissed or otherwise disposed and removed from the post-rejection calendar. This means only 2% of the total cases funneled into the arbitration program in Lake County during Fiscal Year 2003 resulted in trial.
- ▼ In **McHenry County** (Fiscal Year 2003), of the 86 cases placed on the post-rejection calendar, 31 cases were disposed via trial and 43 were settled or dismissed or otherwise disposed and removed from the post-rejection calendar. This means only 3% of the total cases funneled into the arbitration program in McHenry County during Fiscal Year 2003 resulted in trial.
- In **McLean County** (Fiscal Year 2003), of the 33 cases placed on the post-rejection calendar, 8 cases were disposed via trial and 13 were settled or dismissed or otherwise disposed and removed from the post-rejection calendar. This means less than 1% of the total cases funneled into the arbitration program in McLean County during Fiscal Year 2003 resulted in trial.
- ▼ In **St. Clair County** (Fiscal Year 2003), of the 49 cases placed on the post-rejection calendar, 19 cases were disposed via trial and 40 were settled or dismissed or otherwise disposed and removed from the post-rejection calendar. This means only 1% of the total cases funneled into the arbitration program in St. Clair County during Fiscal Year 2003 resulted in trial.
- ▼ In **Kane County** (Fiscal Year 2003), of the 131 cases placed on the post-rejection calendar, 28 cases were disposed via trial and 97 were settled or otherwise disposed and removed from the post-rejection calendar. This means only 1% of the total cases funneled into the arbitration program in Kane County during Fiscal Year 2003 resulted in trial.
- ▼ In **Will County** (Fiscal Year 2003), of the 67 cases placed on the post-rejection calendar, 36 cases were disposed of via trial and 56 cases were settled, dismissed or otherwise disposed and removed from the post-rejection calendar. This means that 2% of the total cases funneled into the arbitration program in Will County during Fiscal Year 2003 resulted in trial.
- ▼ In **Boone County** (Fiscal Year 2003), of the 6 cases placed on the post-rejection calendar, 2 cases were disposed of via trial and 6 cases were either settled or dismissed and removed from the post-rejection calendar. This means that 2% of the cases funneled into the arbitration program in Boone County during Fiscal Year 2003 resulted in trial.

2003 REPORT

- In **Rock Island County** (Fiscal Year 2003), of the 31 cases placed on the post-rejection calendar, 2 cases were disposed of via trial and 33 cases were either settled or dismissed and removed from the post-rejection calendar. This means that 1% of the cases funneled into the arbitration program in Rock Island County during Fiscal Year 2003 resulted in trial.
- In **Henry County** (Fiscal Year 2003), of the 3 cases placed on the post-rejection calendar, 2 cases were disposed of via trial and 3 cases were either settled or dismissed and removed from the post-rejection calendar. This means that 2% of the cases funneled into the arbitration program in Henry County during Fiscal Year 2003 resulted in trial.
- In **Mercer County** (Fiscal Year 2003), there was no activity on the post-rejection calendar.
- In **Whiteside County** (Fiscal Year 2003), 6 cases were placed on the post-rejection calendar and 3 cases were either settled or dismissed and removed from the post-rejection calendar. No cases funneled into the arbitration program in Whiteside County during Fiscal Year 2003 resulted in trial.

These percentages were generated with figures submitted through June 30, 2003. Some cases in which an arbitration award was rejected and the case was transferred to the post-rejection calendar remain pending.

CONCLUSION

Taken together, these figures are convincing evidence that the arbitration system is operating consistent with policy makers' initial expectations for the program.

Statewide figures show that only a small number of the cases filed or transferred into arbitration proceed to an arbitration hearing. Arbitration-eligible cases are resolved and disposed prior to hearing in ways that do not use a significant amount of court time. Court-ordered dismissals, voluntary dismissals, settlement orders and default judgments typically require very little court time to process. Arbitration encourages dispositions earlier in the life of cases, helps the court operate more efficiently, saves the court the expense of costlier proceedings that might have been necessary later, and saves time, energy, and money of the individuals using the court system to resolve their disputes.

Statewide statistics also show that a large number of cases that do proceed to the arbitration hearing are terminated in a post-hearing proceeding when the parties either petition the court to enter judgment on the arbitration award or remove the case from the arbitration calendar via another form of post-hearing termination, including settlement.

Finally, the overall success of the program can be quantified in the fact that a statewide average of only 1% of the cases processed through an arbitration program proceeded to trial in Fiscal Year 2003.

CIRCUIT PROFILES**Eleventh Judicial Circuit**

The Supreme Court of Illinois entered an order in March, 1996, allowing both McLean and Ford Counties to begin arbitration programs. Therefore, two counties within the five-county circuit currently use court-annexed mandatory arbitration as a case management tool. The Eleventh Judicial Circuit arbitration program is housed near the McLean County Law and Justice Center in Bloomington, Illinois.

The supervising judge for arbitration in McLean County is Judge Kevin P. Fitzgerald. The supervising judge for arbitration in Ford County is Judge Stephen R. Pacey. The supervising judges are assisted by one administrative assistant for arbitration for both the McLean and Ford County programs.

Twelfth Judicial Circuit

The Twelfth Judicial Circuit is one of only three single-county circuits in Illinois. The Will County Arbitration Center is housed near the courthouse in Joliet, Illinois. According to the 2000 federal census, the county is home to 502,266 residents. Straddling the line between a growing urban area and a farm community, Will County is working to keep current with its increasing caseload.

After the Supreme Court approved its request, Will County began hearing arbitration cases in December of 1995. Judge Richard Siegel is the supervising judge for arbitration in the Twelfth Judicial Circuit. He is assisted by a trial court administrator and an administrative assistant.

Fourteenth Judicial Circuit

The Fourteenth Judicial Circuit is comprised of Rock Island, Henry, Mercer, and Whiteside Counties. This circuit is the most recent to receive Supreme Court approval to begin operating an arbitration program. In November of 1999, the Supreme Court authorized the inception of the program and arbitrations began in October, 2000. Hearings are conducted in an arbitration center located in downtown Rock Island.

The Fourteenth Circuit is the first program to receive permanent authorization to hear cases with damage claims between \$30,000 and \$50,000. The supervising judge for arbitration is Judge Mark A. VandeWiele.

Sixteenth Judicial Circuit

The Sixteenth Judicial Circuit consists of DeKalb, Kane, and Kendall Counties. During Fiscal Year 1994, the Supreme Court approved the request of Kane County to begin operating a court-annexed mandatory arbitration program. Initial arbitration hearings were held in June, 1995.

Judge Judith M. Brawka is the supervising judge for arbitration in Kane County. She is assisted by an administrative assistant for arbitration.

Seventeenth Judicial Circuit

The Seventeenth Judicial Circuit is located in the northern part of Illinois consisting of

Winnebago and Boone Counties. The arbitration center is located near the courthouse in Rockford, Illinois. In the fall of 1987, court-annexed mandatory arbitration was instituted as a pilot program in Winnebago County, making it the oldest court-annexed arbitration system in the state.

Since its inception, the arbitration program in Winnebago County has consistently processed nearly 1,000 civil cases every year. Judge Timothy R. Gill is the supervising judge for Winnebago County. The Boone County program, which began hearings in February, 1995, is supervised by Judge Gerald F. Grubb. The supervising judges are assisted by an arbitration administrator and an assistant administrator for arbitration.

Eighteenth Judicial Circuit

The Eighteenth Judicial Circuit is a suburban jurisdiction serving the residents of Du Page County. Located west of Chicago, Du Page is one of the fastest growing counties in the state and the third most populous judicial circuit in Illinois. The continuing increase in population creates demands on the public services in the county. The circuit court has strived to keep pace with those demands in order to provide services of the highest quality. Court-annexed arbitration has become an important resource for assisting the judicial system in delivering those services.

The Supreme Court approved an arbitration program for the circuit in December, 1988. On January 1, 1997, a pilot program was instituted for cases with money damages seeking up to \$50,000. During Fiscal Year 2002, the Supreme Court authorized DuPage County to permanently operate at the \$50,000 jurisdictional limit. Judge Kenneth A. Abraham is the supervising judge for arbitration. He is assisted by an arbitration administrator and administrative assistant, who help ensure the smooth operation of the program.

Nineteenth Judicial Circuit

Lake and McHenry Counties combine to form the Nineteenth Judicial Circuit. This jurisdiction ranks as the second most populous judicial circuit in Illinois, serving 904,433 citizens. Lake County sought Supreme Court approval to implement an arbitration program and that approval was granted in December, 1988.

As in the other circuits, the arbitration caseloads are assigned to a supervising judge. During Fiscal Year 2003, Judge Emilio B. Santi served as the supervising judge for arbitration in Lake County. He is assisted by an arbitration administrator and an administrative assistant. Arbitration hearings are conducted in a facility across the street from the Lake County Courthouse in downtown Waukegan.

Late in 1990, the Supreme Court was asked to consider the Nineteenth Judicial Circuit's request to expand the arbitration program into McHenry County. That request was approved. The Nineteenth Judicial Circuit was the first multi-county circuit-wide arbitration program in Illinois. Although centrally administered, the arbitration programs in Lake and McHenry Counties use their own county-specific group of arbitrators to hear cases.

Judge Maureen P. McIntyre serves as the supervising judge in McHenry County. Arbitration hearings are conducted in the McHenry County Courthouse in Woodstock. The arbitration administrator and administrative assistant in Lake County administer the program in McHenry County as well.

Twentieth Judicial Circuit

The Twentieth Judicial Circuit is comprised of five counties: St. Clair, Perry, Monroe, Randolph and Washington. This circuit is located in downstate Illinois and is considered a part of the St. Louis metropolitan area. Circuit population is 355,836 according to the 2000 federal census.

The Supreme Court approved the request of St. Clair County to begin an arbitration program on May 11, 1993. The first hearings were held in February, 1994. This circuit is the first and only circuit in the downstate area to have an arbitration program.

The arbitration center is located across the street from the St. Clair County Courthouse. Judge Jan V. Fiss is the supervising judge. He is assisted by an arbitration administrator and an administrative assistant, who oversee the program's operations.

Circuit Court of Cook County

As a general jurisdiction trial court, the Circuit Court of Cook County is the largest unified court in the nation. Serving a population of more than 5.3 million people, this court operates through an elaborate system of administratively created divisions and geographical departments.

The Supreme Court granted approval to implement an arbitration program in Cook County in January, 1990, after the Illinois General Assembly and the Governor authorized a supplemental appropriation measure for the start-up costs. Cases pending in the circuit's Law Division were initially targeted for referral to arbitration and hearings for those cases commenced in April, 1990. Today, the majority of the cases transferred to arbitration are Municipal Department cases.

The Cook County program is supervised by Judge E. Kenneth Wright, Jr. and day-to-day operations are managed by an arbitration administrator and deputy administrator.

Administrative Office of the Illinois Courts

The Administrative Office of the Illinois Courts (AOIC) works with the circuit courts to coordinate the operations of the arbitration programs throughout the state. The administrative staff assists in establishing new arbitration programs that have been approved by the Supreme Court. Staff also provide other support services such as drafting local rules, recruiting personnel, acquiring facilities, training new arbitrators, purchasing equipment and developing judicial calendaring systems.

The AOIC also assists existing programs by preparing budgets, processing vouchers, addressing personnel issues, compiling statistical data, negotiating contracts and leases, and coordinating the collection of arbitration filing fees. The office also monitors the performance of each program. In addition, AOIC staff act as liaison to Illinois Judicial Conference committees, bar associations and the public.

FISCAL YEAR 2003

PRE-HEARING CALENDAR

ARBITRATION CENTER	CASES PENDING HEARING 07/01/02 AS REPORTED	CASES REFERRED TO ARBITRATION	TOTAL CASES ON CALENDAR	PRE-HEARING DISPOSITIONS	PERCENT OF CASES ON PRE-HEARING CALENDAR DISPOSED PRIOR TO ARBITRATION HEARING	ARBITRATION HEARINGS	PERCENTAGE REFERRED TO HEARING	CASES PENDING HEARING 06/30/03
Boone	38	116	154	121	79%	12	8%	94
Cook	1,582	14,442	16,024	4,173	26%	10,623	66%	1,228
DuPage	1,546	4,003	5,549	3,726	67%	536	10%	N/A
Ford	10	59	69	50	72%	9	13%	10
Henry	54	107	161	114	71%	15	9%	49
Kane	87	1,906	1,993	1,506	76%	241	12%	246
Lake	791	3,140	3,931	2,322	59%	436	11%	974
McHenry	351	1,234	1,585	1,010	64%	149	9%	426
McLean	657	1,151	1,808	995	55%	117	6%	696
Mercer	15	41	56	33	59%	2	4%	21
Rock Island	294	717	1,011	618	61%	83	8%	310
St. Clair	379	2,110	2,489	1,980	80%	154	6%	355
Whiteside	79	193	272	144	53%	16	6%	110
Will	786	2,042	2,828	1,794	63%	201	7%	833
Winnebago	165	1,377	1,542	1,302	84%	120	8%	120

Jurisdictional Limits:

The monetary jurisdictional limit for arbitration cases filed in Cook and Will Counties is \$30,000.

The monetary jurisdictional limit for arbitration cases filed in Boone, DuPage, Ford, Henry, Kane, Lake, McHenry, McLean, Mercer, Rock Island, Whiteside, and Winnebago Counties is \$50,000.

The monetary jurisdictional limit for arbitration cases filed in St. Clair County is \$20,000.

FISCAL YEAR 2003

POST-HEARING CALENDAR

ARBITRATION CENTER	CASES PENDING ON POST HEARING CALENDAR 07/01/02 AS REPORTED	CASES ADDED	JUDGMENT ON AWARD	POST-HEARING PRE-REJECTION DISPOSITION DISMISSED	AWARDS REJECTED	AWARDS REJECTED AS A PERCENTAGE OF HEARINGS	TOTAL CASES IN SYSTEM AS A PERCENTAGE OF ALL WHICH WERE REJECTED AS OF JUNE 30, 2003	CASES PENDING 06/30/03
Boone	0	12	3	1	6	50%	5%	2
Cook	N/A	10,623	2,986	4,632	4,982	47%	34%	N/A
DuPage	N/A	536	105	97	315	59%	8%	N/A
Ford	1	9	8	0	1	11%	2%	1
Henry	1	15	7	5	3	20%	3%	1
Kane	52	241	60	50	131	54%	7%	52
Lake	67	438	130	95	223	51%	7%	57
McHenry	6	149	32	25	84	56%	7%	14
McLean	76	120	47	25	33	28%	3%	91
Mercer	0	2	2	0	0	0%	0%	0
Rock Island	9	83	27	27	31	37%	4%	7
St. Clair	11	154	67	34	49	32%	2%	15
Whiteside	3	16	4	8	6	38%	3%	1
Will	36	201	66	71	67	33%	3%	33
Winnebago	4	120	41	18	56	47%	4%	9

Jurisdictional Limits:

The monetary jurisdictional limit for arbitration cases filed in Cook and Will Counties is \$30,000.

The monetary jurisdictional limit for arbitration cases filed in Boone, DuPage, Ford, Henry, Kane, Lake, McHenry, McLean, Mercer, Rock Island, Whiteside, and Winnebago Counties is \$50,000.

The monetary jurisdictional limit for arbitration cases filed in St. Clair County is \$20,000.

FISCAL YEAR 2003

POST-REJECTION CALENDAR

ARBITRATION CENTER	CASES PENDING ON POST-REJECTION CALENDAR 07/01/02 AS REPORTED	CASES ADDED	PRE-TRIAL POST-REJECTION DISPOSITIONS DISMISSALS	TRIALS	PERCENT OF TOTAL CASES ON PRE-HEARING CALENDAR PROGRESSING TO TRIAL THROUGH 6/30/03	CASES PENDING 06/30/03
Boone	4	6	6	2	2%	2
Cook	N/A	4,982	2,633	631	4%	1,718
DuPage	266	536	245	66	2%	225
Ford	0	1	1	0	0%	0
Henry	4	3	3	2	2%	2
Kane	151	131	97	28	1%	157
Lake	98	229	152	64	2%	111
McHenry	29	86	43	31	3%	41
McLean	13	33	13	8	1%	25
Mercer	0	0	0	0	0%	0
Rock Island	29	31	33	2	1%	25
St. Clair	47	49	40	19	1%	37
Whiteside	3	6	3	0	0%	6
Will	61	67	56	36	2%	36
Winnebago	38	56	50	14	1%	30

Jurisdictional Limits:

The monetary jurisdictional limit for arbitration cases filed in Cook and Will Counties is \$30,000.

The monetary jurisdictional limit for arbitration cases filed in Boone, DuPage, Ford, Henry, Kane, Lake, McHenry, McLean, Mercer, Rock Island, Whiteside, and Winnebago Counties is \$50,000.

The monetary jurisdictional limit for arbitration cases filed in St. Clair County is \$20,000.

APPENDIX 2

APPENDIX 2

Court-Sponsored Major Civil Case Mediation Statistics

Fiscal Year 2003

Judicial Circuit	Full Agreement		Partial Agreement		No Agreement		Total Cases Mediated
	#	%	#	%	#	%	
*Eleventh (Ford & McLean)	4	44%	1	12%	4	44%	9
**Twelfth (Will)	**		**		**		**
Fourteenth (Henry, Mercer, Rock Island & Whiteside)	19	48%	1	2%	20	50%	40
Sixteenth (Kane)	63	47%	9	7%	62	46%	134
Seventeenth (Winnebago & Boone)	44	59%	0	0%	30	41%	74
***Eighteenth (DuPage)	4	66%	1	17%	1	17%	6
****Nineteenth (Lake & McHenry)	55	67%	1	1%	26	32%	82
Total/Overall %	189	55%	13	4%	143	41%	345

* A total of (19) cases were referred to mediation. In addition to the statistics above: (10) cases are pending mediation.

** No Civil Case mediations were reported in Fiscal Year 2003.

*** (2) additional cases are pending mediation. (2) additional cases have been dismissed/settled. These cases only reflect the cases referred by court order and may not reflect the total number of cases being mediated in the 18th Judicial Circuit.

**** A total of (116) cases were referred to mediation. In addition to the statistics above: (27) cases are pending trial, (4) cases were removed from mediation, and (3) cases were dismissed.

**ANNUAL REPORT
OF THE
COMMITTEE ON CRIMINAL LAW AND PROBATION ADMINISTRATION
TO THE ILLINOIS JUDICIAL CONFERENCE**

Honorable Michael P. Toomin, Chair

Hon. Thomas R. Appleton
Hon. Amy M. Bertani-Tomczak
Hon. Vincent M. Gaughan
Hon. Terrence J. Hopkins
Hon. Donald C. Hudson
Hon. Kurt Klein
Hon. John Knight
Hon. Vincent J. Lopinot
Hon. Colleen McSweeney Moore

Hon. Sue E. Myerscough
Hon. Steven H. Nardulli
Hon. Lewis Nixon
Hon. James L. Rhodes
Hon. Teresa K. Righter
Hon. Mary S. Schostok
Hon. Eddie A. Stephens
Hon. Walter Williams

October 2003

I. STATEMENT ON COMMITTEE CONTINUATION

The Committee on Criminal Law and Probation Administration (“ Committee”) is charged with providing recommendations regarding the administration of criminal justice and the probation system. The Committee believes the Judicial Conference should maintain a committee to focus on these issues during the coming Conference year.

The Committee is working on a number of significant issues of a continuing nature, including:

- a comprehensive review of probation programs and practices
- a study of youthful offender programs and other sentencing alternatives
- efforts to reform criminal law and procedure
- review of proposals to amend Supreme Court Rules governing criminal cases

Given the importance of these tasks, the Committee requests that it be continued in the coming Conference year.

II. SUMMARY OF COMMITTEE ACTIVITIES

A. Probation Programs. The Committee began a comprehensive review of probation practices and procedures in the 2001 conference year. Though much work remains to be done, the Committee has made significant progress in several key areas.

1. Foundation Issues. The Committee’s review of probation programs began with a general review of the fundamental purposes and goals of probation - what works and what doesn’t work. Based on its review, the Committee unanimously agreed that the “ BrokenWindows” model of probation supervision is worthwhile and should be used to the greatest extent possible. The Broken Windows approach to probation focuses on protection of the public, making offenders accountable, ensuring restitution to the victim, providing education and treatment to the offender, and community involvement.

The Broken Windows model prescribes seven specific strategies to achieve these goals:

- 1) Place public safety first
- 2) Supervise probationers in the neighborhood, not the office
- 3) Rationally allocate resources
- 4) Provide strong enforcement of probation conditions, and quick response to violations
- 5) Develop partners in the community
- 6) Establish performance-based initiatives
- 7) Cultivate strong leadership

Many probation departments have adopted at least some of the strategies of the Broken Windows model to improve supervision of probationers. The Committee recognizes that not every probation department in the state will be able to follow all of the strategies in the Broken Windows model. The Committee believes, however, that probation departments should be encouraged to follow the Broken Windows strategies whenever possible.

Further discussion of the Broken Windows model is included as Attachment 1 to this Report.

2. Domestic Violence. During the Conference year the Committee reviewed programs designed for offenders who commit acts of domestic violence. The Committee found that cognitive and behavioral training is the most important means of preventing further domestic violence. Training and treatment programs seek to break the cycle of domestic violence by teaching the offender to deal with problems and emotions in constructive, non-violent ways.

The Committee found that most counties do not have in-house probation programs to address domestic violence, but nearly all have access to some type of treatment program for

probationers. Unfortunately, treatment programs for domestic violence cases are often quite expensive (\$1,800 to \$2,400 per offender). As a result, offenders may not receive treatment. The Committee believes that probation departments should consider pooling resources on a circuit-wide basis to ensure that perpetrators of domestic violence receive appropriate treatment. A brief summary of the Committee's findings on domestic violence programs is included as Attachment 2 of this Report.

3. Sex Offender Programs. The Committee found that probationers who are sex offenders are often handled through specialized programs. The Committee believes that the probation departments that have developed specialized programs for sex offenders are doing a good job. Proper supervision and treatment can significantly reduce the risk of recidivism by sex offenders during the term of supervision.

The Committee will continue to study probation programs for sex offenders in the coming Conference year. New legislation on sex offenders and program standards adopted by the Sex Offender Management Board will have a substantial impact on how sex offenders are treated and supervised while on probation. The Committee will consider making a recommendation to allow longer probation sentences for sex offenders, to ensure that supervision does not end while there is still a significant risk of recidivism by the offender. The Committee will also consider the possibility of creating a uniform order of probation for sex offenders. Additional information regarding probation programs for sex offenders is included in Attachment 3 of this Report.

4. Gang Issues. The Committee also studied probation programs specially designed for supervision of gang offenders. Specialized programs for gang offenders are relatively rare, though the problem of gang-related crime affects many communities. Encouragingly, the specialized, intensive probation programs that have been instituted for gang offenders seem to be having a positive effect in reducing recidivism and gang participation. A report on specialized gang offender programs is included as Attachment 4 of this Report.

B. Youthful Offender Programs. The Committee continues to believe that it is important to address crime by youthful offenders in ways that will protect the public and rehabilitate the offender. The Committee believes that it is particularly important to provide youthful, first-time offenders with the opportunity to avoid the stigma of a criminal conviction, because the opportunity for full rehabilitation is, in itself, a strong incentive to change behavior patterns and avoid further misconduct. An interim report on youthful offender programs is provided in Attachment 5 of this Report. The Attachment lists issues to be resolved and provides sample statutory provisions from other jurisdictions. The Committee intends to focus on the specific provisions of a youthful offender sentencing scheme in the coming Conference year.

C. Proposed Supreme Court Rule 402A - Revocation Proceedings. During the 2002 Conference year, the Committee proposed the adoption of a new rule 402A that would incorporate the admonishments required to be given prior to acceptance of an admission in a proceeding to revoke probation, conditional discharge or court supervision. See Attachment 6 of this Report. The Committee's proposal was made in response to the case of *People v. Hall*, 198 Ill.2d 173 (2001), which specified the requirements of due process in the context of a probation revocation proceeding where the defendant admits a violation.

In January 2003, proposed Rule 402A was considered at public hearings held by the Supreme Court Rules Committee. Public comments concerning proposed Rule 402A were referred back to the Criminal Law and Probation Administration Committee. It was suggested at the public hearing that in addition to adding Rule 402A, Rule 605 should be amended to provide that admonitions concerning appeal rights apply when a defendant admits to a violation in a revocation

proceeding.

The Committee considered the public comments concerning Rule 605, and has forwarded its response to the Supreme Court Rules Committee. The Committee is not recommending changes to Rule 605 as suggested in the public comments.

In the case of *People v. Tufte*, 165 Ill.2d 66 (1995), the Supreme Court held that Rule 605(b) does not apply when a defendant admits to a violation of conditional discharge. In *Tufte*, the Court addressed the issue in the following passage:

Defendant contends that this admission to having violated the terms of his conditional discharge amounted to a ' plea of guilty' under Rule 605(b). On this basis, the defendant argues that the trial court should have given him the admonitions applicable to a guilty plea set forth in Rule 605(b) and that the failure to do so amounted to reversible error. We disagree, and conclude that the trial court was not obligated to give the defendant the admonitions set forth in Rule 605(b).

Tufte, 165 Ill.2d at 75. In light *Tufte*, and the implicit recognition of *Tufte* in the *Hall* opinion, the Committee decided not to recommend an amendment to Rule 605 that would mandate admonitions on rights of appeal when a defendant admits a violation of probation, conditional discharge or court supervision.

D. Criminal Law Revisions. One of the goals of the Committee during the Conference year was to monitor the progress of the Criminal Code Rewrite and Reform Commission ("CCRRC"). The Committee continues to support revision of Illinois criminal law statutes to simplify and clarify existing law, to provide trial courts with a range of effective sentencing options, and to provide trial judges with the discretion essential to a fair and effective system of criminal justice. The Committee believes, however, that the CCRRC will not provide the kind of change that is needed. In the coming Conference year the Committee will attempt to identify a process by which necessary changes to the Criminal Code may be made.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During the next Conference year, the Committee intends to continue its review of probation programs and practices. The Committee also will attempt to identify a process to effectuate necessary changes to the criminal law. The Committee also will continue to review the existing Supreme Court Rules on criminal cases, and to consider new and pending proposals to amend the Rules.

IV. RECOMMENDATIONS

The Committee is making no recommendations to the Conference at this time.

2003 REPORT

ATTACHMENT 1

Foundation Issues in Probation:

Transforming Probation Through Leadership: The “Broken Windows” Model

Submitted to:
Illinois Judicial Conference
Committee on Criminal Law & Probation Administration

Prepared by:
Judge Michael P. Toomin
Judge John Knight

Foundation Issues in Probation

In our 2002 report, the Committee on Criminal Law and Probation Administration announced that in the present year we planned to focus on probation matters with a view to identifying areas of concern and recommending such improvements as deemed practical as well as feasible. Our reexamination of core issues led us to “Broken Windows” Probation, a concept that the Committee believes could well serve as a working model for probation in Illinois.

Background

Transforming Probation Through Leadership: The “Broken Windows” Model, a monograph published in July 2000, was written by the Reinventing Probation Council, a group of 12 veteran practitioners from local, state and federal probation agencies and a professor of political science.

It was written to spark a reexamination of probation’s purpose and practices and to address the Council’s view that probation was generally ineffective and lacking credibility as evidenced by poor probationer performance and a shortage of funding.

The term “broken windows” originated from an article published in 1982 called, “Broken Windows: The Police and Neighborhood Safety.” It was used to describe the theory that small disorders and breakdowns in civic norms lead to broader disorder and serious crime. The article advocated community policing involving community partnerships and innovative strategies not traditionally associated with law enforcement.

Transforming Probation Through Leadership: The “Broken Windows” Model borrows many theories associated with community policing and adopts them to probation. The document has been the subject of much discussion and debate among probation practitioners. While some aspects have been criticized, it nonetheless contains a number of principles that are guiding developments in the policies and practices of probation throughout the country.

Why Probation Matters

According to the Council, probation is the most frequently used sentencing option – about two-thirds of those convicted receive probation. Approximately 4 million adults are on probation, which is 60% of the total who are under some form of correctional supervision (i.e., probation, parole, prison, or jail).

The “Broken Windows” Model submits that community supervision can reduce recidivism and change offender behavior when appropriate intervention and treatment strategies are used. It can also provide an important means for compensating crime victims and the community as a whole through restitution and community service.

Why Probation is Not Working

- **The Crisis of Legitimacy in the Justice System**

The monograph posits that the current crisis in criminal and juvenile justice is fueled by the public's conviction that the system no longer represents an effective response to the problem of crime. Despite the recent and welcome drops in the crime rate, the citizenry continues to express a widespread fear of crime and a deep skepticism over the justice system's capacity to provide reasonable assurances of public safety. Given the dismal results of recent public opinion surveys regarding the performance or effectiveness of probation, it is evident that the field lacks convincing strategies that convey how public safety offenders can be managed in a credible fashion while under supervision in the community.

- **Poor to Dismal Probationer Performance**

The Council notes that Beto, Corbett, and DiIulio (2000) emphasize the importance of dealing with crimes committed by probationers. They estimate that roughly two-thirds of probationers reoffend or commit another crime within three years of their sentence. They base their estimate, one which several Council members share, on the arrest rates reported in the best jurisdiction-specific research; the fact that half of all probationers violate the terms of their sentence with another crime; and, the presence of recent ex-probationers who figure prominently on arrest rolls, in plea-bargain-gorged felony courts, and in prisons, all for another crime.

"Broken Windows" advocates submit that the frequency and scale of probationer recidivism represents an issue that carries decisive consequences for the well being of communities across the country. In view of their pivotal position in the justice system, probation executives must play a critical role in confronting the crime problem and in promoting a view of probationer recidivism that recognizes the threat such offenders present to public safety.

If these efforts are to achieve credibility with the public, we should expect only a maximum of 10 percent of all probationers to commit another crime within three years of a probationary sentence. Embracing this goal as a benchmark against which to measure the performance of the field serves as a bold yet necessary step in addressing the crisis afflicting probation.

- **The Breakdown of Supervision**

The "Broken Windows" Model disparages that "widespread and damning practice" by which probation supervision is carried out from within the confines of an office. Referred to by the Reinventing Probation Council as "fortress" or "bunker probation," this style of

supervision relies on office-bound interactions with probationers, mostly during the working weekday hours of 8:00 a.m. – 5:00 p.m., to gather information and monitor offender compliance. It is estimated that probation officers spend an average of five to twenty minutes once a month with offenders in an office setting where they are dependent on the offenders to give them truthful and accurate information regarding their activities. Very little, if any, time is spent supervising offenders in the neighborhoods where they live, work and play.

According to the Council, this passivity in case management results not just in offender anonymity, but the absence of a visible presence in the communities and neighborhoods probation officers are assigned to serve. Given the operational culture of many agencies, probation officers place a paramount emphasis on administrative paperwork and processing required reports, rather than outcomes that contribute to public safety.

- **A Decline in Funding**

The Council correctly observes that the practice of probation has been affected by the criminal justice system's shift toward more punitive sanctions during the past several decades. This shift has triggered a growing and unrelenting reliance on incarceration in response to crime, accompanied by ever-greater expenditures for prison expansion. At a national level, even though probation alone is responsible for the supervision of nearly six out of ten offenders under some form of correctional supervision, it receives less than ten percent of state and local government funding earmarked for corrections.

The Council concluded that there is little doubt that insufficient funding and inadequate staffing have exerted an influence over the general malaise impacting on probation. In some jurisdictions, very high average caseloads, sometimes ranging from 100 to 500 per probation officer, have rendered supervision ineffectual. This has contributed in part to the growing problem of offender failure rates on supervision and the even more vexing issue of probationer recidivism. Both are unacceptably high and are evidence of poor to dismal probationer performance while under supervision; both are symptomatic of and speak to the need to redirect the practice of probation.

Probation Reform: Meeting the Public's Expectations

- **What Does the Public Want From the Justice System?**
 - **Safety From Violent Predators** – In sharp contrast to current sentencing practices, the Council posits that the public believes prisons should be reserved only for violent, dangerous felons, especially sex offenders and major drug dealers. Nobody else should be put in prison, especially not non-violent youth and substance abusers;

- **Accountability for the Offense** – In the Council’ s view, the public believes that the vast majority of criminals are not being held accountable by the system. Probation is generally less than a slap on the wrist;
- **Repair of the Damage Done** – What was broken, fixed; what was stolen, returned; what was destroyed, replaced;
- **Education and Treatment of the Offender**; and
- **Involvement in Making Decisions**

! __What Does the Public Want From Offenders?

- **Full acceptance of responsibility for their behavior**;
- **Understanding the harm their actions caused**;
- **Acknowledge having done something wrong**;
- **Apologies**;
- **Repair the harm**, and
- **Make restitution for the harm**

Strategies for Improving Probation

- **Strategy #1: Place Public Safety First** –

The Council opines that in reinventing probation it is critical that those in the field be always mindful that the primary concern of the public is to be free from crime. To the members of the community, crime rates, arrest rates, and conviction rates are not as important as to what safety looks like in the neighborhoods where they carry on their daily routines. In view of the public’ s expectations expressed above, probation practitioners must be responsive to the following questions;

- Can community members walk around the block in the evening without fear?
- Can their children play at the local playground safely?
- Are their schools safe?
- Are offenders living in their neighborhoods? If so, are they being properly managed and held accountable?
- Are probation practices providing effective treatment geared toward offenders’ safe reentry to the community?
- Are there going to be fewer victims in the future?

- **Strategy #2: Supervise Probationers in the Neighborhood, Not the Office**
 - The “Broken Windows” Model asserts that for probation supervision to be effective, it must take place where the offender lives, works and engages in recreational and other activities. While the office is rightfully the base of probation supervision, the neighborhood should be the place of supervision. Firsthand knowledge of where the offender lives, his family, and his immediate and extended environment are critical elements of meaningful supervision.
 - What this suggests is that effective supervision is active, engaged, community-centered supervision. The strategies and methods relied on by probation officers must reach outward beyond their individual caseloads to the community. By adopting this type of approach to supervision, probation officers will end up devoting a significant portion of their energies to steering offenders toward socializing institutions, and connecting them with prosocial peers, mentors and other adults.
 - Within this approach, meaningful and effective neighborhood-based supervision must be conducted at times that are not confined to the traditional 8:00 a.m. to 5:00 p.m., Monday through Friday, workday. To be effective, it must be delivered at nights, on weekends, and on holidays.
- **Strategy #3: Rationally Allocate Resources**
 - The Council interjects the need for probation departments to rationally and strategically allocate their resources is interdependent with meaningful, neighborhood-centered supervision. Conducting supervision in local neighborhoods and communities must be guided by a commitment to rationally allocate staff and other resources where they are needed the most. Probation officers must focus on those offenders who are most at risk to violate their conditions of supervision and on those whose offenses or affiliations pose a public safety risk (e.g., sex offenders, gang members, drug dealers, and those with histories of violence).
 - The importance of accurate, information-driven decisions when dealing with offenders under community supervision cannot be overstated. Probation officers should develop as much information as possible on the offenders they are expected to supervise through comprehensive presentence investigation reports, juvenile records, psychological evaluations, and risk and need assessments. Probation agencies must rely on sound assessments at the front end of the system to make placement decisions and they should continue to use a variety of assessments for

specific offender types to monitor their progress and maintain a proper match relative to programming.

- **Strategy #4: Provide for Strong Enforcement of Probation Conditions and a Quick Response to Violations**

- The “Broken Windows” Model laments that all too frequently offenders on probation come to the realization that they can expect two or more “free ones” when it comes to dirty urine samples, electronic monitoring violations, or failure to comply with their supervision conditions. Offenders subject to probation learn that behavior in violation of the rules, even serious violations, will not necessarily result in their revocation and removal from supervision. It is also the case that hundreds of thousands of probationers abscond from supervision annually. While a majority, if not all, jurisdictions issue warrants for such violators, little is done systematically to locate absconders, serve them with warrants or hold them in any way accountable for compliance with their sentence.
- For probation to be meaningful, this permissiveness and laxity in enforcement practice must be reversed. In its place, probation practitioners must be committed to strong enforcement of all probation conditions and to providing timely responses to all violations.

- **Strategy #5: Develop Partners in the Community**

- According to the “Broken Windows” Model, the need to establish enduring partnerships with the citizenry, other agencies, and local interest groups is critical to the success of probation. Forming such partnerships increases probation’s leverage in dealing with offenders and contributes to a shared co-ownership for managing the risk such offenders present under community supervision. This shift will require that probation agencies practice inclusiveness by reaching out well beyond the traditional boundaries that currently guide their organization’s interactions with others.
- The Council advocates that probation administrators should include community participation whenever there is a need to develop policies, initiate new programs, craft supervision strategies or deliver services. Their participation may take a variety of forms, including community advisory boards, local neighborhood associations, community justice centers or citizens boards of directors. In essence, the community needs to play a vital and participatory role in community corrections.
- In the Council’s view, probation administrators have an obligation to share information about offenders, and participate in task force and interagency work

groups that monitor offender behavior, thereby providing for enhanced public safety. These groups include criminal justice agencies, as well as child protective services, churches and schools. Probation agencies have access to vital information that should be shared with the community.

- **Strategy #6: Establish Performance-Based Initiatives**

- The Council reasons that probation practitioners have a crucial need for information-based decision-making. This information pertains, in part, to conducting comprehensive offender assessments to facilitate the targeting of high-risk or problematic offender populations for appropriate programming and supervision. Even more, the strategic and rational allocation of resources by probation agencies must be premised on developing, adjusting, and retaining programs based on performance. This means that probation administrators must rely increasingly on evidence-based practices when justifying the continued operation or retention of particular programs.
- A commitment to performance-based initiatives requires that probation agencies develop appropriate and effective programming, draw on research that speaks to what works, and pay careful attention to program design, implementation and evaluation.

- **Strategy #7: Cultivate Strong Leadership**

- The “Broken Windows” Model strongly emphasizes that leadership is the most important element in reengineering probation towards a system that has clear values, emphasizes public safety, rationally allocates resources, provides meaningful supervision and a quick response to violations, practices inclusiveness and assumes accountability for results.
- The Model sites three challenges facing correctional leaders:
 - Leaders must shift away from the “get tough” rhetoric often used to characterize public attitudes and move towards “an agenda that targets the community’s quality of life;”
 - Leaders must embrace the democracy of citizen partnerships, which includes neighborhood groups, community organizations, the faith community, and organizations that work with or are impacted by the problem of crime; and
 - Leaders must encourage staff to step well beyond the standard routines of case management to the creativity of problem solving.

Impediments to Change Probation

- Traditional Work Hours – Most probation officers work standard hours and the “Broken Windows” Model calls for working outside of traditional hours in order to be most effective in the community.
- Office-Based Supervision – Most departments interact with probationers primarily in the office while the Model states that supervision must take place in the field. Training regarding field safety and skills must accompany this shift.
- Traditional Staff Supervision and Accountability Practices by Managers – With officers conducting more work in the field and at different hours, managers will have to relinquish some degree of control and learn to focus more on outcomes than on staff’s daily work tasks.
- Probation Officer Hiring Qualifications – Field staff should be hired specifically for the areas in which they will be working. Also, an ability to handle paperwork will not be as important as the abilities to develop partnerships and think creatively .
- Standard Training Practices – A shift in the work paradigm must also include a shift in staff training. New officers should be assigned to older more experienced officers for training and mentoring.
- Absence of Community and Other Agency Involvement – Probation acting alone does not have sufficient capacity to achieve public safety goals. It needs the involvement and support of other agencies and the community.
- Caseload Size and Results – Moving to more manageable caseloads is a critical factor in ensuring success of reinventing probation under the “Broken Windows” Model.
- Insufficient Use of Available Technology – Advanced technology for communication and offender accountability will become increasingly important as work hours are changed and officers are moved into the field.
- Case Assignment Practices – Case assignments must reflect on geographical specialization according to the “Broken Windows” Model.

2003 REPORT

ATTACHMENT 2

DOMESTIC VIOLENCE PROBATION

- I. To a great extent there does not exist any specialized probation for persons convicted of domestic violence. The exception to that statement is in the larger counties of the State:
 - A. Cook County maintains a specialized domestic violence unit and offers cognitive behavior therapy within the probation program; and,
 - B. In 11 or 12 counties where a specialized probation officer supervises domestic violence offenders, only 6 of those officers have cognitive behavior training.

- II. In all counties, other than Cook, anger management/domestic abuse counseling is outsourced to private agencies. Problems have been noted throughout the State with the services of some agencies, all of which must be certified by the Department of Human Services.
 - A. The cost of services, absent the expenditure of probation funds, places those services outside the reach of defendants of moderate to minimal financial means; and
 - B. Some programs require the attendance of probationers at a large number of continuous sessions, which necessitates a starting over in the event of a missed session, even for a good cause.

- III. It is suggested that the various probation departments work with the various circuit-based Domestic Violence Coordinating Councils throughout the State to standardize the provision of probation services to domestic violence offenders. Such an approach could also have a goal of bringing cognitive behavior modification programs to each circuit and cognitive behavior training to at least one office per circuit.

Honorable Thomas R. Appleton
Honorable Steven Nardulli

2003 REPORT

ATTACHMENT 3

Subcommittee report on the Sexual Offender Probation Program

This report is to serve as an update to the Committee on Criminal Law and Probation Administration (Committee) of the current concerns of the sexual probation offender program being utilized in the state of Illinois. The information in this report was gathered from the various county probation departments and from individual probation officers within the State.

The majority of those placed on probation for a sex offense are either fondlers or those involved with sexual misconduct in the use of the internet. In spite of public perception, only approximately 10 % of sexual offenders are pedophiles. Those working within the system, as well as public perception, realize that sexual offenders are rarely cured. With this understanding it is recognized that those sexual offenders sentenced to probation must be intensely supervised. Under the current statute, 730 ILCS 5/5-6-3, the maximum period of probation for an eligible sex offender is 4 years despite the fact that sexual offenders have the highest recidivism rate over an 8 - 10 year period of 40%. When a sexual offender is arrested this arrest breaks the cycle for a 3-4 year period. This break in the cycle of a sexual offender occurs due to the fear of re-arrest and the fact that a sexual offender is being supervised during the period of probation.

On the other hand, it is recognized that the recidivism rate is not rising due to the fact that probation officers are receiving better training regarding the supervision of sexual offenders. In addition, the treatment available to sexual offenders places a greater emphasis on providing the sexual offender with cognitive behavior treatment during the period of probation. This cognitive behavior treatment focuses on the *intent* behind the sex offense. The cognitive behavior treatment programs cause the sexual offender to vocalize and understand why they committed the offense and to understand what led up to the commission of the sex offense. The sexual offender is educated as to the whys of the sex offense and given the tools to avoid taking the same path that led to the commission of the offense in the first instance.

The sub-committee has reviewed the "Transforming Probation Through Leadership: The 'Broken Windows' Model" prepared by the Reinventing Probation Counsel. According to the Report, public perception of probation as a whole is at an all-time low. The public, and most offenders, perceive a sentence of probation as a free ride, with little supervision and little consequence for the violations of its conditions. To restore legitimacy to the criminal justice system, to promote public safety,

and to insure accountability for the offense, the sub-committee believes that the sexual offenders sentenced to probation must be held to the strictest compliance with the orders of probation. Violations must be dealt with swiftly and immediately and absconders must be located and arrested.

The sub-committee brings the following recommendations to the Committee for discussion during the 2004 term. The sub-committee recommends that the Committee discuss whether or not a longer term of probation for the sex offender is appropriate. Although the arrest breaks the cycle, the public is at great risk that a sexual offender will likely commit a subsequent sex offense with an 8-10 year period.

The sub-committee also recommends that the Committee consider the need for a universal sexual offender probation order to be utilized by all probation departments. Along with the statutory conditions already in use, the Committee should consider the following additional terms as a condition of probation. These additional terms would be case specific in that they would be individualized for each particular offender, as applicable.

(1) All sexual offenders should participate in a sexual offender evaluation prior to being considered for a sentence of probation and should be ordered to participate in a specific treatment program as a condition of receiving a sentence of probation. These terms are being currently considered in HB3556 (see attached HB3556, currently being considered by the Governor. Although the bill only speaks to those offenders charged and/or sentenced with a felony sex offense. It is the recommendation of the sub-committee that the sexual offender evaluation should be mandatory for all sex offenses.)

(2) The sexual offenders shall have no contact with any one under the age of 18 unless by order of Court.

(3) The sexual offenders shall not reside with a minor unless by order of Court.

(4) The sexual offender shall not obtain employment or volunteer work where that employment or volunteer work is frequented and/or used by children under the age of 18, i.e. amusement parks, arcades, schools, etc.

(5) The sexual offender shall not possess pornography and/or sexually stimulating material to the offender and shall not patronize any area where such material is available.

(6) The sexual offender shall be responsible for their appearance, i.e. the wearing of undergarments and clothing when in places where another person may be expected to view them.

(7) The sexual offender shall not utilize the services of the 900 number telephone services or any other numbers available for the sexual gratification of the caller.

(8) The sexual offender shall follow specific routes of travel in their neighborhood, i.e. to prevent a sexual offender from waiting or sitting at a bus stop or park where children are present.

(9) The sexual offender shall not use a computer to obtain access to the internet.

Respectfully submitted by Judge Amy Bertani-Tomczak and Judge Teresa K. Richter.

2003 REPORT

ATTACHMENT 4

Report on Gang Issues
Impacting the Criminal Justice System

Submitted to:

Illinois Judicial Conference

Committee on Criminal Law and Probation Administration

Submitted by:

Honorable James L. Rhodes

Honorable Mary S. Schostok

Honorable Donald C. Hudson

August, 2003

Gang violence is a problem that many jurisdictions across the state and country are required to deal with. This report reviews specific programs that address gang issues and the probationary status of gang members. Additionally, the committee has endeavored to determine general guidelines and protocols in addressing gang issues.

Many programs have proven ineffective when dealing with gang violence, as shown by high recidivism rates. Gang members are three times more likely to get arrested while on probation than non-gang members.¹ Additionally, only one-third of gang members satisfactorily complete all of the terms of their probation.²

Not only is the recidivism rate higher among individuals with gang affiliations, but the types of offenses that gang members are on probation for are generally more serious than the types of offenses that non-gang members are on probation for. According to data collected in 2000, nearly 80 percent of gang members on probation were on probation for felony level offenses, while only 45 percent of non-gang members were serving felony sentences³.

Based upon information obtained about gang membership, many agencies have tried to create and maintain programs in order to help deter and/or rehabilitate

¹ Sharyn Adams and David Olson, "An analysis of gang member and non-gang members discharged from probation", Illinois Criminal Justice Authority newsletter, Vol. 6, No. 2, September 2002.

² "An analysis...at page 3

³ "An analysis...at page 2

gang members. Two programs that address the special concerns relating to gang members on probation are the Cook County Gang Intervention probation unit, and the Kane County Cooperative Agencies Specialized Treatment Program. (See attachments A and B) Education, employment, curfews, and drug treatment awareness form the basis for both programs. Drug treatment awareness appears to be an essential aspect of these programs because of the increased likelihood of gang members to be individuals who abuse drugs, based upon earlier studies. The education and employment aspects of these programs also prove to be an effective deterrent to gang violence, as both encourage socialization and activity outside of the gang. Both programs recognize the importance of increased home visits and more stringent curfew enforcement by probation officers.

However, more home visits and more stringent curfew requirements will not advance the cause of reducing gang violence alone. A brief review of a number of probation officer reports shows that quite often, probationers are not at home during their curfew hours and home visit times. The numbers of occurrences like this escalate when dealing with gang members. Programs such as the Cook County Gang Intervention probation unit, and the Kane County Cooperative Agencies Specialized Treatment Program begin to take into account the need for multiple agencies to work together in order to curb gang violence and gang membership. The success of these programs is promising and indicates that a multi-faceted approach is necessary.

The “Gang Violence Reduction Project (GVRP) in Little Village” is a project that was successful in helping to curb gang violence. (See synopsis of report as attachment C) This project was conducted in the Little Village neighborhood of Chicago. The goal was to reduce the number of instances of gang violence in Little Village as well as the severity of the crimes that were still committed. This project is one on which others may be built due to the nature of its implementation, and the success it has enjoyed.

The GVRP prospered where other projects failed because of the broad base of support and the numerous angles from which the team attacked the problem of gang violence. The GVRP utilized an integration of efforts by law enforcement and criminal justice agencies with those of community agencies, grass roots organizations, individual citizens, and citywide organizations. Additionally, community outreach workers worked to provide gang members with opportunities that might otherwise have been closed to them. Finally, probation officers worked with the project organizers to change methods and procedures by which probation was carried out, in order to maximize the effectiveness of the project. This many faceted, broad based approach to dealing with the problem of gang violence proved very effective in the Little Village neighborhood.

The committee is well aware that many self-reporting gang members if convicted of violent crimes are not eligible for probation. The committee also recognizes, consistent with the “Broken Window” model for probation reform, that programs, such as the Cook County Gang Intervention probation unit and the Kane County Cooperative Agencies Specialized Treatment Program, represent a substantial and meaningful step towards reducing the recidivism rate among gang members. The

committee also urges probation departments, judges and prosecutors to look at the results of such projects as the “Gang Violence Reduction Project in Little Village.” (See synopsis of report as attachment C.) The results of this project are very promising, and it appears that a community-based approach to gang issues is a very effective strategy.

Attachment A

IN THE CIRCUIT COURT OF COOK COUNTY

PEOPLE OF THE STATE OF ILLINOIS

VS

CASE # _____ IR # _____

CHARGE(S) _____

DEFENDANT

Statutory Citation(s)

CONDITIONS OF SUPERVISION FOR THE GANG INTERVENTION UNIT

THE COURT ORDERS THAT IN ADDITION TO THE CONDITIONS SPECIFIED ON THE ATTACHED ORDER OF SENTENCE OF PROBATION, THE ABOVE NAMED DEFENDANT BE SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS OF THE GANG INTERVENTION UNIT:

The defendant shall:

- Report to the probation department in accordance with the three phase requirements of the Gang Intervention Unit.
- Disassociate from all known gang members and refrain from all gang activity.
- Refrain from possession of gang paraphernalia and/or clothing.
- Comply with the curfew established by the Adult Probation Department.
- Submit to searches of your person, residence, papers, automobile and/or effects at any time such requests are made by the probation officer when there is reasonable suspicion to require it, and consent to the use of anything seized as evidence in a court proceeding.
- Submit to breath, urine, and/or blood specimen analysis for the presence of a prohibited drug or alcohol.
- Not change residence, move outside the jurisdiction of the court, or leave the state for any period of time without prior permission of the probation officer.
- Perform 130 hours of community service as directed by the officers of the probation department.
- Enroll in high school or a GED program (if the defendant does not have a high school diploma or equivalent degree).
- Verify employment monthly. If unemployed, seek employment and/or be placed in an appropriate job training/skills program.
- Attend and participate in such counseling, treatment or educational programs as may be directed by the officer(s) of the probation department and abide by all rules, regulations, and directions of any such programs.

Other: _____

sted: _____ Judge: _____

I acknowledge receipt of this Order and agree to abide by the conditions. I understand that a failure to follow the conditions of this sentence could result in a new sentence up to the maximum penalty for the offense which is before the Court.

Attachment A

Summary of Three Level Requirements
For The Gang Intervention Unit

Level I Supervision – The offender shall be placed in Level I for a minimum period of six (6) months.

1. The probationer is required to have contact with the Gang Intervention Unit officer a minimum of three (3) face to face contacts per month. These contacts will consist of two (2) office visits bi-weekly, and one (1) home visit.
2. The probationer is required to submit verification of employment monthly. If the probationer is unemployed, he/she may be required to attend appropriate job training skills classes as determined necessary by the Gang Intervention Unit Officer.
3. The probationer is subject to a nightly 7:00 pm to 7:00 am curfew. This curfew may be modified if the probationer is employed, in school, or has a verifiable medical/personal situation during these designated hours of curfew.
4. Arrest checks will be obtained monthly.
5. The probationer will be required to perform forty-five (45) hours of community service work during Level I prior to moving into Level II.
6. Drug testing will be conducted on a random basis with a minimum of six (6) conducted while the probationer is in Level I.
7. The probationer is required to enroll in high school or in an equivalent (General Education Degree) program. The probationer must begin this program while in Level I. If the probationer has already acquired a high school diploma or GED, he/she must be employed, seeking employment or placed in an appropriate job training/skills program.
8. The probationer is required to attend and participate in any Gang Awareness/Gang Intervention Programs that he/she may be referred to.
9. The probationer is required to attend any substance abuse treatment program deemed necessary by the Gang Intervention Unit Officer.

Attachment A

Level II - The offender shall be moved into Level II upon the successful completion of the conditions of Level I and with the Gang Intervention Unit Supervisor approval. The offender shall be placed in Level II for a minimum period of six (6) months.

1. The probationer is required to have contact with the Gang Intervention Unit officer a minimum of three (3) face to face contacts per month. These contacts will consist of two (2) office visits bi-weekly, and one (1) home visit.
2. The probationer is required to submit verification of employment monthly.
3. The probationer is subject to a nightly 9:00 pm to 7:00 am curfew. This curfew may be modified if the probationer is employed, in school, or has a verifiable medical/personal situation during these designated hours of curfew.
4. Arrest checks will be obtained monthly.
5. The probationer will be required to perform forty-five (45) hours of community service work during Level II prior to moving into Level III.
6. The probationer must be progressing sufficiently in his/her high school or GED program if applicable. The progress must be verified by the Gang Intervention Unit officer. The Gang Intervention Unit Officer shall discuss the probationer's high school or GED status with instructors/administrators if deemed necessary.
7. Drug testing will be conducted on a random basis with a minimum of three (3) conducted while the probationer is in Level II.
8. The probationer is required to attend and participate in any Gang Awareness/Gang Intervention Programs that he/she may be referred to.

Attachment A

Level III – The offender shall be placed into Level III upon successful completion of Level II. He/she will remain in this level for the duration of the probation sentence unless a violation of probation is initiated.

1. The probationer is required to have contact with the Gang Intervention Unit officer a minimum of two (2) face to face contacts per month. These contacts will consist of one (1) office visit, and one (1) home visit.
2. The probationer is required to submit verification of employment monthly.
3. The probationer may be subject to a curfew to be determined at the discretion of the Gang Intervention Unit Officer.
4. Arrest checks will be obtained monthly.
5. The probationer will be required to perform forty (40) hours of community service work during Level III prior to successful termination of probation. The probationer shall complete a total of one-hundred thirty (130) hours of community service.
6. The probationer must complete or be headed towards completion of his/her high school or GED program. Verification must be obtained by the Gang Intervention Unit Officer.
7. Drug testing will be conducted on a random basis as deemed necessary.
8. The probationer is required to attend and participate in any Gang Awareness/Gang Intervention Programs that he/she may be referred to.

Status reports will be submitted to the sentencing court outlining the defendant's progress or lack of progress during supervision. Upon successful completion of all three levels, the probationer will be returned to court for termination of probation.

The Gang Intervention Unit may exempt a probationer from performing community service if the probationer meets the following criteria:

- a) full time employment is maintained by the probationer;
- b) a disability on the part of the probationer which severely limits or prohibits employment;
- c) full time student status is being maintained by the probationer in an educational or vocational program;
- d) the probationer is a single parent with children age five (5) or under residing in the household; or
- e) the probationer is of retirement age and collecting retirement benefits. Any reason for exemption must be documented in the case file.

Attachment A

Status reports will be submitted to the sentencing court outlining the defendant's progress or lack of progress during supervision. Upon successful completion of all three phases, the probationer will be returned to court for termination of probation.

Certification

I hereby acknowledge that I have read my plan of supervision (4 pages) in full and understand its terms and conditions.

Signature: _____

Date: _____

Attachment B

ORDER OF PROBATION

CIRCUIT OF KANE COUNTY, ILLINOIS

DEFENDANT: _____ CASE NO.: _____

OFFENSE: _____ TERM OF PROBATION: _____ TO _____

COURT COSTS: _____ FINE: _____ RESTITUTION: _____ PROBATION FEES: _____

Your application for probation has been received and approved by this Court. In accordance with the authority vested in this Court by the laws of the State of Illinois, you are hereby placed on probation for such a period of time as stated above; or until entitled to discharge from this probation. You are hereby advised that under the law the Court may at any time revoke or modify any conditions of the probation, and you shall be subject to arrest upon order of the Court. At any time within the period of your probation the Court may impose or order execution of sentence for your original offense in accordance with the laws of the State of Illinois and commit you to such institution as provided by law.

It is the further order of the Court that your case be assigned to the supervision of Adult Court Services, 16th Judicial Circuit, and its representative probation officer under the following conditions. They are authorized to report to the Court on all matters pertaining to your probation and to make such recommendations and take such action as the Court may require in your case.

CAST PROBATION RULES

The following rules and regulations have been approved by the 16th Judicial Circuit Court, which will govern your period of probation. It will be necessary that you conform to these rules, as well as any other that may from time to time be set forth by your probation officer. The infraction of any of them will constitute a violation of your probation and will cause you to be eligible for revocation and be sentenced on the crime with which you were originally charged.

I SHALL:

1. Report to Adult Court Services, 374777 Rt.38, Suite 150, St. Charles, immediately upon being sentenced.
2. Obey all federal and state laws and local ordinances.
3. Immediately notify my probation officer of any arrest.
4. Report in person to my probation officer as frequently as directed and permit my probation officer to visit me in my home or elsewhere to the extent of his/her duties.
5. Not leave the State of Illinois without giving advance notice to and obtaining written permission from my probation officer.
6. Refrain from possessing a firearm or other dangerous weapon.
7. Notify my probation officer of any change of residence or employment within 48 hours of such change.
8. Attempt to work at a lawful occupation and/or further my education and support my dependents.
9. Pay all court ordered monies in full not less than 30 days before the end of probation in the amounts specified by Court.
10. Promptly undertake evaluations determined appropriate by the probation department (including but not limited to substance abuse and psychological) and thereafter participate in such treatment, therapy, counseling and/or remedial education as are appropriate, based upon said evaluation.
11. Submit to breath, urine, and/or blood specimen for analysis for the possible presence of a prohibited drug or alcohol as requested by the probation officer, and bear the expense of any such analysis.
12. Special conditions: of the CAST program are incorporated herein and attached thereto.

DATE: _____ ENTER: _____ Judge

I UNDERSTAND AND AGREE TO COMPLY WITH THESE PROBATION CONDITIONS:

DATE: _____ SIGNED: _____ Defendant

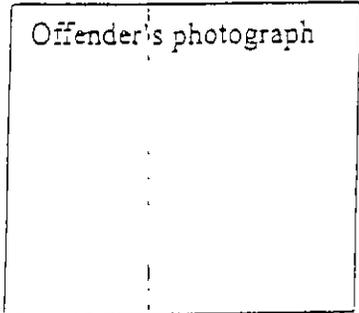
***** (To be completed by Defendant and Probation Officer) *****

PROBATION OFFICER: _____

DATE: _____ DEFENDANT: _____

Attachment B

CAST
Offender's Name
Offender's Address
Offender's Phone Number



CAST PROBATION RULES

1. Defendant shall not wear [fill in color combinations] (fill in name of gang)
2. Defendant shall not wear clothing, including jackets/hats with the following symbols/logos:
 - A. (These spaces include information specific to the gang to which defendant belongs, such as gang initials (i.e. MLD-Maniac Latin Disciples; LK Latin Kings, etc). Included will be either the Five Point Star or Six Point Star, depending on the affiliation of the offender, and any identifiers specific to the gang (i.e. pitchforks, crowns, dice, etc.
 - B.
 - C.
 - D.
3. Defendant shall not display hand signs/gestures of any gang.
4. Defendant shall abide by 8 pm to 6 am curfew unless employment influences his schedule. During the defendant's curfew he must consent to a search of his person or home by any police or probation officer.
5. Defendant shall not enter the following geographic areas unless given approval by the court:
 - A. Specific Street Names
 - B. Specific Apartment complexes
(See Attached map, produced by Aurora Police and attached as part of the order.
6. Defendant to have no physical/verbal contact with the following individuals:

(Names of fellow gang members and/or victims are specified.)
7. Defendant shall not flee or hide from the police, shall submit to a field search by the police at any time, shall submit to a pat down search by police at any time, and shall have no arrests while on CAST probation.

Attachment C

Review and Synopsis of the Outcomes of the
Gang Violence Reduction Project in Little Village

The Gang Violence Reduction Project (GVRP) was conducted between 1992 and 1997. It was a community-based, interinstitutional effort to reduce the level of gang violence in Little Village, an area of high gang activity in Chicago. The GVRP enjoyed a great deal of success in many areas of reducing gang violence and gang membership.

As a result of the GVRP, a number of youth involved in the project ceased gang activities after about two years. In fact, in one gang, 46% of program youth declared a gang affiliation at the beginning of the program, and two years later, only 29.7% of the program youth declared gang membership.

Education level and employment increased as well, as a result of the GVRP. About 17% fewer gang members dropped out of high school and as many as 32% more gang members had jobs within two years in the program.

Self-reported offenses and arrests both declined over the program period in most crime categories. Total offenses reported dropped in violent crime, property crime, and drug selling.

All data and information was gathered from:

Spergel, Irving et. al., Evaluation of the Gang Violence Reduction Project in Little Village, Final Report Summary, The School of Social Service Administration, The University of Chicago, Chicago Il., 2002.

Attachment C

Evidence from police records and court files suggests that the GVRP was very successful at significantly reducing serious violent crime offenses. In fact, the reduction in serious violence offenses of program youth is more than 60% greater than the comparison group of youth who were not involved in the GVRP. Not only were serious offenses reduced among the project youth, but the numbers of total violent crime arrests were lower for program youth than non-program youth. These results are entirely in line with the objectives of the GVRP. An added benefit that was not an aim for the project, but an outcome nonetheless, was a reduced rate of gang-related drug crime for the project youth as compared to the comparison youth group.

It is clear that the GVRP was successful in Little Village as far as gang violence was concerned. The level of gang violence in Little Village did increase, but not nearly as much as it did in comparable communities. The project was able to slow the escalation of gang violence in Little Village.

The almost experimental nature of this project led to a number of observations about improvements for similar, subsequent projects. One of the major observations concerned the scope of the project. A wide, community based approach was used in most cases in the GVRP, but the success found could have been even greater had more community involvement occurred. This is shown by the fact that the proportion of youth who decreased their total arrests was 78% greater for youths involved in a

All data and information was gathered from:

Spergel, Irving et. al., Evaluation of the Gang Violence Reduction Project in Little Village. Final Report Summary, The School of Social Service Administration, The University of Chicago, Chicago Il., 2002.

Attachment C

combined-service group as compared to youth involved in a single-type service group. Youths who benefited from combined-service were almost 3 times more likely to reduce their drug crime arrests than those youths who were in the single-type service group. When more opportunities and more services are directed towards these youths, they tend to be less active criminally. This could only improve with even more help from the community.

Based on interviews with community members who lived in Little Village and had no gang affiliation, the project evaluators were able to determine the level of change in the mood and perceptions of the citizens. During the project time, there was a significant increase in the number of Little Village residents who thought community quality of life was better. There was a perceived increase in safety, less fear of walking the streets, and decreased worry with respect to possible crime victimization. Little Village residents also reported feeling that the police were dealing effectively with the gang problem.

The GVRP developed an effective collaborative approach among the members of a team of street level police, probation, and community youth workers. The project achieved a significant reduction in certain types of crime among the approximately 200 targeted hardcore gang youth who were served by the program. The coordinated approach was highly effective in the reduction of serious gang violence and drug

All data and information was gathered from:

Spergel, Irving et. al., Evaluation of the Gang Violence Reduction Project in Little Village. Final Report Summary, The School of Social Service Administration, The University of Chicago, Chicago Il., 2002.

Attachment C

crime among individual targeted youth. The committee urges a review of this project and the successful results that were obtained.

All data and information was gathered from:

Spiegel, Irving et. al., Evaluation of the Gang Violence Reduction Project in Little Village, Final Report Summary. The School of Social Service Administration, The University of Chicago, Chicago Il., 2002.

2003 REPORT

2003 REPORT

ATTACHMENT 5

**ALTERNATIVE SENTENCING
FOR YOUTHFUL OFFENDERS:**

Submitted to:

Illinois Judicial Conference

Committee on Criminal Law & Probation Administration

Submitted by:

Judge Vincent M. Gaughan

Judge Lewis M. Nixon

Judge Mary Schostok

May 30, 2003

This Article has been prepared to be submitted to the Committee on Criminal Law and Probation Administration for open discussion and insight to establish guidelines for requesting action of the Illinois State Assembly. Through discussion, ideas and suggestions for the enactment of an Illinois Youthful Offender Act are hopefully to be obtained. Youthful Offender Act could provide judicial action resulting in a non conviction for the accused. In the alternative, a sentence geared for rehabilitation and conviction could also result, topics for discussion in the proposed act are following. There are also selected state statutes for comparison and use as guides in the preparation of the proposed act.

QUESTIONS FOR DISCUSSION
CONCERNING PROPOSED STATUTE:

- 1) Should proposed law apply to felonies and misdemeanors?
- 2) What types of crimes to be excluded or included?
- 3) What cases should be Expunged?
- 4) Should statute provide for conviction on some cases?
- 5) Should conviction be entered and later vacated and discharged?
- 6) Should statute apply to age of person at the time of the crime or at the time of litigation?
- 7) Eligibility requirements: age: _____, crime: _____, report: _____.
- 8) For eligibility - Report prepared for Judge by:
 - a) Probation;
 - b) Defense;
 - c) %
- 9) Sentencing:
 - a) Probation;
 - b) Probation w/ Community Service;
 - c) Boot Camp Incarceration;
 - d) County or State Detention

958.021 Legislative Intent

The purpose of this chapter is to improve the chances of correction and successful return to the community of youthful offenders sentenced to imprisonment by providing them with enhanced vocational, educational, counseling, or public service opportunities and by preventing their association with older and more experienced criminals during the terms of their confinement. It is the further purpose of this chapter to encourage citizen volunteers from the community to contribute time, skills, and maturity toward helping youthful offenders successfully reintegrate into the community and to require youthful offenders to participate in substance abuse and other types of counseling and programs at each youthful offender institution. It is the further intent of the Legislature to provide an additional sentencing alternative to be used in the discretion of the court when dealing with offenders who have demonstrated that they can no longer be handled safely as juveniles and who require more substantial limitations upon their liberty to ensure the protection of society.

New York: NY CLS CPL @ 720.10 (1999)

@720.10. Youthful offender procedure; definitions of terms

As used in this article, the following terms have the following meanings:

1. "Youth" means a person charged with a crime alleged to have been committed when he was at least sixteen years old and less than nineteen years old or a person charged with being a juvenile offender as defined in subdivision forty-two of section 1.20 of this chapter.

2. "Eligible youth" means a youth who is eligible to be found a youthful offender.

Every youth is so eligible unless:

(a) The conviction to be replaced by a youthful offender finding is for (i) a class A-I or class A-II felony, or (ii) an armed felony as defined in subdivision forty-one of section 1.20, except as provided in subdivision three, or (iii) rape in the first degree, sodomy in the first degree, or aggravated sexual abuse, except as provided in subdivision three, or

2003 REPORT

- (b) such youth has previously been convicted and sentenced for a felony, or
- (c) such youth has previously been adjudicated a youthful offender following conviction of a felony or has been adjudicated on or after September first, nineteen hundred seventy-eight a juvenile delinquent who committed a designated felony act as defined in the family court act.
3. Notwithstanding the provisions of subdivision two, a youth who has been convicted of an armed felony offense or of rape in the first degree, sodomy in the first degree, or aggravated sexual abuse is an eligible youth if the court determines that one or more of the following factors exist: (i) mitigating circumstances that bear directly upon the manner in which the crime was committed; or (ii) where the defendant was not the sole participant in the crime, the defendant's participation was relatively minor although not so minor as to constitute a defense to the prosecution. Where the court determines that the eligible youth is a youthful offender, the court shall make a statement on the record of the reasons for its determination, a transcript of which shall be forwarded to the state division of criminal justice services, to be kept in accordance with the provisions of subdivision three of section eight hundred thirty-seven-a of the executive law.
4. "Youthful offender finding" means a finding, substituted for the conviction of an eligible youth, pursuant to a determination that the eligible youth is a youthful offender.
5. "Youthful offender sentence" means the sentence imposed upon a youthful offender finding.
6. "Youthful offender adjudication". A youthful offender adjudication is comprised of a youthful offender finding and the youthful offender sentence imposed thereon and is completed by imposition and entry of the youthful offender sentence.

New York: NY CLS CPL @ 720.20 (1999)

@ 720.20. Youthful offender determination; when and how made; procedure thereupon

1. Upon conviction of an eligible youth, the court must order a pre-sentence investigation of the defendant. After receipt of a written report of the investigation and at the time of pronouncing sentence the court must determine whether or not the eligible youth is a youthful offender. Such determination shall be in accordance with the following criteria:
 - (a) If in the opinion of the court the interest of justice would be served by relieving the eligible youth from the onus of a criminal record and by not imposing an indetermination term of imprisonment of more than four years, the court may, in its discretion, find the eligible youth is a youthful offender; and
 - (b) Where the conviction is had in a local criminal court and the eligible youth had not prior to commencement of trial or entry of a plea of guilty been convicted of a crime or found a youthful offender, the court must find he is a youthful offender.
2. Where an eligible youth is convicted of two or more crimes set forth in separate counts of an accusatory instrument or set forth in two or more accusatory instruments consolidated for trial purposes, the court must not find him a youthful offender with respect to any such conviction pursuant to subdivision one of this section unless it finds him a youthful offender with respect to all such convictions.
3. Upon determining that an eligible youth is a youthful offender, the court must direct that the conviction be deemed vacated and replaced by a youthful offender finding; and the court must sentence the defendant pursuant to section 60.02 of the penal law.
4. Upon determining that an eligible youth is not a youthful offender, the court must order the accusatory instrument unsealed and continue the action to judgment pursuant to the ordinary rules governing criminal prosecutions.

Florida: Fla. Stat. @ 958.04 (1999)

@ 958.04 Judicial disposition of youthful offenders.

- (1) The court may sentence as a youthful offender any person:
 - (a) Who is at least 18 years or who has been transferred for prosecution to the criminal division of the circuit court pursuant to chapter 985;
 - (b) Who is found guilty of or who has tendered, and the court has accepted, a plea of *nolo contendere* or guilty to a crime which is, under the laws of this state, a felony if such crime was committed before the defendant's 21st birthday; and
 - (c) Who has not previously been classified as a youthful offender under the provisions of this act; however, no person who has been found guilty of a capital or life felony may be sentenced as a youthful offender under this act.
- (2) In lieu of other criminal penalties authorized by law and notwithstanding any imposition of consecutive sentences, the court shall dispose of the criminal case as follows:
 - (a) The court may place a youthful offender under supervision on probation or in a community control program, with or without an adjudication of guilt, under such conditions as the court may lawfully impose for a period of not more than 6 years. Such period of supervision shall not exceed the maximum sentence for which the youthful offenders was found guilty.
 - (b) The court may impose a period of incarceration as a condition of probation or community control, which period of incarceration shall be served in either a county facility, a department probation and restitution center, or a community residential facility which is owned and operated by any public or private entity providing such services. No youthful offender may be required to serve a period of incarceration in a community correction center as defined in s. 944.026. Admission to a department facility or center shall be contingent upon the availability of bed space and shall take into account the purpose and function of such facility or center. Placement in such a facility or center shall not exceed 364 days.
 - (c) The court may impose a split sentence whereby the youthful offender is to be placed on probation or community control upon completion of any specified period

of incarceration; however, if the incarceration period is to be served in a department facility other than a probation and restitution center or community residential facility, such period shall be for not less than 1 year or more than 4 years. The period of probation or community control shall commence immediately upon the release of the youthful offender from incarceration. The period of incarceration imposed or served and the period of probation or community control, when added together, shall not exceed 6 years.

- (d) The court may commit the youthful offender to the custody of the department for a period of not more than 6 years, provided that any such commitment shall not exceed the maximum sentence for the offense for which the youthful offender has been convicted. Successful participation in the youthful offender program by an offender who is sentenced as a youthful offender by the court pursuant to this section, or is classified as such by the department, may result in a recommendation to the court, by the department, for a modification or early termination of probation, community control, or the sentence at any time prior to the scheduled expiration of such term. When a modification of the sentence results in the reduction of a term of incarceration, the court may impose a term of probation or community control, which when added to the term of incarceration, shall not exceed the original sentence imposed.
- (3) The provisions of this section shall not be used to impose a greater sentence than the permissible sentence range as established by the Criminal Punishment Code pursuant to chapter 921 unless reasons are explained in writing by the trial court judge which reasonably justify departure. A sentence imposed outside of the code is subject to appeal pursuant to s. 924.06 or s. 924.07.
- (4) Due to severe prison overcrowding, the Legislature declares the construction of a basic training program facility is necessary to aid in alleviating an emergency situation.
- (5) The department shall provide a special training program for staff selected for the basic training program.

2003 REPORT

2003 REPORT

ATTACHMENT 6

PROPOSED RULE 402A**Rule 402A. Admissions or Stipulations in Proceedings to Revoke Probation, Conditional Discharge or Supervision.**

In proceedings to revoke probation, conditional discharge or supervision in which the defendant admits to a violation of probation, conditional discharge or supervision, or offers to stipulate that the evidence is sufficient to revoke probation, conditional discharge or supervision, there must be substantial compliance with the following:

(a) *Admonitions to Defendant.* The court shall not accept an admission to a violation, or a stipulation that the evidence is sufficient to revoke, without first addressing the defendant personally in open court, and informing the defendant of and determining that the defendant understands the following:

(1) The specific allegations in the petition to revoke probation, conditional discharge or supervision;

(2) That the defendant has the right to a hearing with defense counsel present, and the right to appointed counsel if the defendant is indigent and the underlying offense is punishable by imprisonment;

(3) That at the hearing, the defendant has the right to confront and cross-examine adverse witnesses and to present witnesses and evidence in his or her behalf;

(4) That at the hearing, the State must prove the alleged violation by a preponderance of the evidence;

(5) That by admitting to a violation, or by stipulating that the evidence is sufficient to revoke, there will not be a hearing on the petition to revoke probation, conditional discharge or supervision, so that by admitting to a violation, or by stipulating that the evidence is sufficient to revoke, the defendant waives the right to a hearing and the right to confront and cross-examine adverse witnesses, and the right to present witnesses and

evidence in his or her behalf; and

(6) The sentencing range for the underlying offense for which the defendant is on probation, conditional discharge or supervision.

(b) *Determining Whether Admission is Voluntary.* The court shall not accept an admission to a violation, or a stipulation sufficient to revoke, without first determining that the defendant's admission is voluntary and not made on the basis of any coercion or promise. If the admission or tendered stipulation is the result of an agreement as to the disposition of the defendant's case, the agreement shall be stated in open court. The court, by questioning the defendant personally in open court, shall confirm the terms of the agreement, or that there is no agreement, and shall determine whether any coercion or promises, apart from an agreement as to the disposition of the defendant's case, were used to obtain the admission.

(c) *Determining Factual Basis for Admission.* The court shall not revoke probation, conditional discharge or supervision, on an admission or a stipulation without first determining that there is a factual basis for the defendant's admission or stipulation.

(d) *Application of Rule 402.* The provisions of Rule 402(d), (e), and (f) shall apply to proceedings on a Petition to Revoke Probation.

Committee Comments

This Rule follows the mandate expressed in *People v. Hall*, 198 Ill. 2d 173, 760 N.E.2d 971 (2001).

2003 REPORT

**ANNUAL REPORT
OF THE
COMMITTEE ON DISCOVERY PROCEDURES
TO THE ILLINOIS JUDICIAL CONFERENCE**

Hon. Joseph N. Casciato, Chairperson

Hon. Ann Callis
Hon. Deborah Mary Dooling
Hon. James R. Glenn
Hon. Frederick J. Kapala
Hon. Tom M. Lytton
Hon. Mary Anne Mason

Hon. James J. Mesich
David B. Mueller
Donald J. Parker
Eugene I. Pavalon
Paul E. Root

October 2003

I. STATEMENT ON COMMITTEE CONTINUATION

The goals of the Committee on Discovery Procedures (“Committee”) include streamlining discovery procedures, increasing compliance with existing rules, and eliminating loopholes and potential delay tactics. To accomplish these goals, the Committee continues to research significant discovery issues and respond to discovery-related inquiries. Because the Committee continues to provide valuable expertise in the area of civil discovery, the Committee respectfully requests that it be continued.

II. SUMMARY OF COMMITTEE ACTIVITIES

During the Conference year, the Committee considered proposed amendments to Supreme Court Rules 237, 204, and 206.

A. Supreme Court Rules Committee’ s Proposal to Amend Supreme Court Rule 237(c)

This proposal would amend Rule 237 by adding a paragraph requiring the appearance of certain individuals and the production of certain documents at expedited hearings. The Supreme Court Rules Committee forwarded this proposal to the Committee for its review and recommendation. The Committee raised questions about the scope of an expedited hearing. The Committee expressed concern about using an expedited hearing as a discovery tool. The Committee also expressed concern about compelling an officer, director or employee of a party to appear for an expedited hearing with very little notice. The Committee agreed that expedited hearings generally occur in the context of domestic relations cases. The Committee therefore agreed to the proposed change provided that it is limited to a party and to domestic relations cases.

B. Supreme Court Rules Committee’ s Proposal to Amend Supreme Court Rule 204(d)

This proposal would amend Rule 204 by creating a paragraph to address deposition fees for an independent expert witness. The Supreme Court Rules Committee forwarded this proposal to the Committee for its review and recommendation. The Committee raised questions about the definition of fee and independent expert and the rationale behind the proposed change. The Committee decided to forward its inquiries to the Supreme Court Rules Committee for further clarification on the proposed changes.

C. Committee’ s Proposal to Amend Supreme Court Rule 206(c)

This proposal would amend Rule 206(c), which concerns the method of taking depositions on oral examination, by eliminating objections, except as to privilege, in discovery depositions, and by requiring that objections in evidence depositions be concise and state the exact legal basis for the objection. The reconsideration of this proposal arose out of Committee discussions that the current Rule 206 did not address the type of objections that are permissible at a discovery deposition. The

discussion centered on whether objections at a discovery deposition merely slow the process or whether they are necessary as a means of protecting a witness. The Committee decided to table this proposed amendment for future discussion given that the current rules address any egregious behavior that might arise at a discovery deposition.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During the 2004 Conference year, the Committee plans to discuss the disclosure of medical records under "HIPAA" through the creation of a uniform court order. The Committee also will review any proposals submitted by the Rules Committee.

IV. RECOMMENDATIONS

The Committee is making no recommendations to the Conference at this time.

2003 REPORT

**ANNUAL REPORT
OF THE
STUDY COMMITTEE ON JUVENILE JUSTICE
TO THE ILLINOIS JUDICIAL CONFERENCE**

Hon. Patricia Martin Bishop

Hon. C. Stanley Austin
Hon. Lynne Kawamoto
Hon. Diane M. Lagoski
Hon. John R. McClean, Jr.
Hon. Daniel J. Stack

Hon. David W. Slater
Hon. Edna Turkington
Hon. Kendall O. Wenzelman
Hon. Milton S. Wharton
Professor Suzanne S. Greene

October 2003

I. STATEMENT ON COMMITTEE CONTINUATION

The charge of the Study Committee on Juvenile Justice (Committee) is to study and make recommendations on aspects of the juvenile justice system, propose education and training programs for judges and prepare and update the juvenile law benchbook. The major work of the Committee has been the completion of the two-volume set of the *Illinois Juvenile Law Benchbook*

Annual updates of both volumes of the benchbook are necessary due to the rapid and continuing changes in juvenile law. In light of the continued legislation and changes in case law in this area, the Committee believes that continued instruction of judges concerning all aspects of juvenile law is necessary. Further, the Committee believes that continued monitoring of the upcoming federal review and compliance with the federal requirements is warranted. Therefore, the Committee requests that it be permitted to continue implementing its assigned charge.

II. SUMMARY OF COMMITTEE ACTIVITIES

A. Juvenile Law Benchbook

During this Conference year, the Committee commenced updating Volume I of the Juvenile Law Benchbook. Volume I, published in 2000, covers juvenile court proceedings involving allegations of delinquency, minors requiring authoritative intervention (MRAI) and addicted minors. Approximately 200 judges have received copies of Volume I. The Committee anticipates an update for Volume I will be available in 2004.

Because of significant expansion of statutory and case law governing Illinois juvenile court proceedings in recent years, the benchbook was divided into two volumes. The two-volume set is designed to provide judges with a practical and convenient guide to procedural, evidentiary, and substantive issues arising in Juvenile Court proceedings. The books suggest to trial judges relevant statutory provisions, identify areas and issues which present challenges unique to these proceedings and, where possible, suggest the controlling case law. Volume II addresses exclusively proceedings brought in the juvenile court which involve allegations of abuse, neglect and dependency. The Committee hopes these volumes will serve two functions. First, the books will afford judges, particularly judges who are new to the Juvenile Court, an idea of the issues and problems which should be anticipated in presiding in Juvenile Court proceedings. Second, the books will provide all judges quick access to controlling statutory and case law needed on the bench, and during the hearing, when time, circumstances and case load do not afford the opportunity for recess and research.

The discussion in each book is organized transactionally, i.e., issues are identified and discussed in the order in which they arise during the course of a case. In general, the discussions begin with an examination of how a case arrives in Juvenile Court and end with post-dispositional matters such as termination of parental rights proceedings, termination of wardship, and appeal. The Appendix in each book contains procedural checklists and sample forms that can be used or

adapted to meet the needs of each judge and the requirements of the county and circuit in which he or she sits. Additionally, uniform court orders for abuse, neglect and dependency cases and their accompanying instructions can be found in the Appendix of Volume II. The Committee anticipates updating each volume annually.

B. Uniform Juvenile Court Orders

During the Conference year, the Committee monitored the use of uniform juvenile court orders it designed. The orders are designed for use by judges involved in abuse, neglect or dependency proceedings in the Juvenile Court. The Committee designed the uniform orders to fulfill a number of critical functions. First, the orders incorporate the findings required by federal law (45 C.F.R. § 1356.21 (2000)) when a child is removed from the custody of a biological parent or parents. The absence of these findings when the 2003 federal review of the Illinois Juvenile Court is conducted will jeopardize federal funding which supports foster care services in Illinois. Second, the proposed orders incorporate the findings required by the Illinois Juvenile Court Act. Third, the orders are designed to provide a clear judicial statement to the parties which identifies the parental problems which the court will require be addressed before custody will be returned to the parent or parents. Fourth, the orders provide a convenient summary of the previous findings made and steps taken by the court which hopefully will ease any change in caseworkers, attorneys or judges.

Supreme Court Order M.R. 17494 was considered in drafting the uniform orders. The Supreme Court Order was issued in response to newly promulgated regulations by the U.S. Department of Health and Human Services (HHS). Among other things enacted, those regulations changed HHS' requirements for judicial determinations that a court must make when removing or authorizing removal of a child from his/her parents. Each uniform order, including the temporary custody order, contains each of those judicial determinations. The uniform orders and instructions are included in the Appendix section of Volume II of the *Illinois Juvenile Law Benchbook*

C. Juvenile Court Federal Review

The Committee continued to discuss at great length the anticipated 2003 federal review of the Illinois Juvenile Court which will study compliance with federal funding mandates concerning necessary findings in juvenile cases. The review is intended to ensure conformance with the "State Plan" requirements in Titles IV-B and IV-E of the Social Security Act (42 U.S.C. §§ 620-628b, 670-679b (2000)). Specifically, Title IV-B concerns the requirements for State plans regarding child welfare services. Title IV-E concerns the requirements for State plans regarding foster care and adoption assistance. A failure to comply with these requirements will result in the loss of many millions of dollars in federal funding for foster care placement in Illinois. The loss of such funds will seriously compromise the safety, permanency and well-being of the 26,000 children currently in foster care in our state.

Juvenile court orders will be reviewed to determine their compliance with Title IV-E

mandates. Under Title IV-E, which authorizes federal foster care funding, court orders removing children from the custody of biological parents must include a judicial finding that reasonable efforts to prevent removal of the child have been made and that remaining in the home would be contrary to the welfare of the child. These determinations must be made in abuse/neglect/dependency and delinquency cases. Section 1356.21 (45 C.F.R. §1356.21 (2000)), the corresponding federal regulation for Title IV-E, sets forth the foster care maintenance payments program requirements which must be met by the State. Pursuant to sections 1356.21(b)(1) and 1356.21(c) (45 C.F.R. §§1356.21(b)(1), (c) (2000)), judicial determinations regarding reasonable efforts and the welfare of the child must be made in accordance with specified criteria and time frames set forth in those sections, or the child is not eligible to receive Title IV-E foster care maintenance payments for the duration of that stay in foster care. The regulation further requires judicial determinations to be explicitly documented, to be made on a case-by-case basis, and to be stated in the court order. 45 C.F.R. §1356.21(d) (2000). The purpose of this requirement is to assure that the individual circumstances of each child are properly considered in making judicial determinations.

At this time, the Committee does not have any official role or planned activities in the review process. Individual members of the Committee have been contacted for input into the Illinois Assessment phase of the review. It is hoped that the Committee will be allowed some official role in the review process and that the Illinois Department of Children and Family Services (DCFS) will consult the Committee in developing and implementing any program improvement plan resulting from the review.

D. Education

The Committee continued its commitment to educating Illinois judges on juvenile law issues during the 2003 Conference year. In December of 2002, various Committee members assisted in the presentation of a program on juvenile law at the 2002 New Judge Seminar. The presentation introduced new judges to the issues and problems they might experience presiding in juvenile court. The Committee will continue to offer recommendations for judicial education programs in this rapidly changing area of the law.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During the 2004 Conference year, the Committee will draft updates for Volume I and Volume II of the *Illinois Juvenile Law Benchmark*. The Committee also intends to recommend and participate in the presentation of juvenile law education programs. The Committee will continue to monitor other proposed and enacted legislation, executive initiatives and developing common law that may affect the juvenile justice system. Finally, the Committee will continue to monitor the progress and results of the federal review.

IV. RECOMMENDATIONS

The Committee is making no recommendations to the Conference at this time.

**ANNUAL REPORT
OF THE
STUDY COMMITTEE ON COMPLEX LITIGATION
TO THE ILLINOIS JUDICIAL CONFERENCE**

Hon. Clyde L. Kuehn, Chair

Hon. Mary Ellen Coghlan
Hon. Eugene P. Daugherty
Hon. Herman S. Haase
Hon. Dorothy Kirie Kinnaird
Hon. Gerald R. Kinney
Hon. Robert P. LeChien

Hon. Stuart A. Nudelman
Hon. Dennis J. Porter
Hon. Ellis E. Reid
Hon. Stephen A. Schiller
Mr. William R. Quinlan, Advisor
Mr. Mark C. Weber, Professor-
Reporter

October 2003

I. STATEMENT ON COMMITTEE CONTINUATION

The mission of the Study Committee on Complex Litigation is to study, make recommendations on, and disseminate information regarding successful practices for managing complex litigation in the Illinois courts. The major work of the Committee has been the completion of the *Illinois Manual for Complex Civil Litigation* and the *Illinois Manual for Complex Criminal Litigation* and the production of annual updates and subject-matter specific supplements for the manuals.

The rapid change in the law and practice regarding civil and criminal complex litigation necessitates the updates for the manuals. The subject-matter supplements fill out the manuals with current information on the ever-expanding range of subjects that judges run up against in complex cases. The supplements to the civil manual include the topics of civil conspiracy; complex insurance coverage litigation; environmental cases; complex employment, consumer, and antitrust litigation; joint and several liability and contribution; damages and attorneys' fees; discovery; joint and several liability; and class actions. The criminal manual has been supplemented with a new chapter on complex post-conviction review proceedings and another on sentencing. The Committee believes that the ongoing work of updating and supplementing the manuals contributes to the mission of the Conference. Therefore, the Committee requests that it be continued as a full-standing committee of the Illinois Judicial Conference.

II. SUMMARY OF COMMITTEE ACTIVITIES

1. Civil Manual. During the past Conference year, the Committee updated the *Illinois Manual for Complex Civil Litigation* with a fourteen-page cumulative list of manual pages affected by recent developments. The Committee also drafted new chapters for the manual embracing the topics of discovery of business records, joint and several liability, and class actions.

The civil manual first appeared in 1991; the Committee produced comprehensively revised editions in 1994 and 1997. Over 200 judges have received copies of the manual, and it has been used as the basic text for a judicial seminar on complex litigation. The book covers the many issues that can arise in a complicated civil case, from initial case management through discovery, settlement, trial, and appeal. Chapters address special and recurring problems of complex cases, including class action proceedings, parallel actions in federal court and the courts of other states, and mass tort litigation. The manual seeks to provide practical advice for handling cases that risk becoming protracted and consuming disproportionate amounts of judicial resources.

The 2003 cumulative update discusses such important cases as the Supreme Court's decisions in *Johnson v. United Airlines*, 203 Ill. 2d 121 (2003), regarding the interpretation of the Contribution Act; in *Unzicker v. Kraft Food Ingredients Corp.*, 203 Ill. 2d 64 (2003), regarding the apportioning of several liability for nonmedical damages; and in *Oliveira v. Amoco Oil Co.*, 201 Ill. 2d 134 (2002), regarding causation and liability under the Consumer Fraud and Deceptive Business Practices Act. It alerts judges to legislative developments at the federal level concerning expanded district court jurisdiction under the Multiparty, Multiforum Trial Jurisdiction Act of 2002,

and to Illinois Supreme Court rule developments regarding interlocutory appeals in class actions.

The new chapter on Discovery of Business Records, Joint and Several Liability, and Class Action Issues takes up the discovery of computerized business archives, as well as the use of centralized document depositories. The chapter goes on to consider the problem of insuring completeness of production, the issues relating to retrieval of information from computer drives, and the discovery of e-mails. The materials on joint and several liability discuss *Unzicker* and *Johnson* in detail. In the class actions section, the chapter deals with interlocutory appeals issues, problems of overlapping class actions, federal-state judicial interaction in class cases, and alternatives to class action proceedings.

2. Criminal Manual. This year, the Committee updated the *Illinois Manual for Complex Criminal Litigation* with a fifteen-page cumulative list of manual pages affected by recent developments. The Committee also drafted a new chapter on sentencing. The first edition of the criminal manual appeared in 1997. Its thirteen original chapters cover topics such as identifying complex criminal litigation, handling complex grand jury proceedings, and managing the pretrial, trial, and sentencing phases of complex criminal cases.

The 2003 update to the manual discusses, among other developments, *People v. Williams*, 204 Ill. 2d 191 (2003), concerning speedy trial, *People v. Jackson*, 202 Ill. 2d 361 (2002), concerning polygraph evidence, and *People v. Peebles*, No. 83783, 2002 WL 1340876 (Ill. June 20, 2002), *cert. denied*, 123 S. Ct. 1355 (2003), concerning post-conviction review on issues having to do with proximity of deputy sheriffs to defendant at trial. It also discusses the Supreme Court's recent decision establishing that *Apprendi v. New Jersey*, 530 U.S. 466 (2000), does not apply to cases in which the direct appeal process had already concluded at the time *Apprendi* was decided. *People v. De La Paz*, No. 93208, 2003 WL 21493707 (Ill. May 8, 2003).

The criminal manual's new chapter on sentencing issues discusses consecutive and concurrent sentencing under the statutes and the interpretation in *People v. Harris*, 203 Ill. 2d 111 (2003). It also considers in some depth the practicalities of conducting sentencing hearings in complex criminal cases.

Hon. Clyde L. Kuehn has served as chair of the Committee since January 14, 2002.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During the next Conference year, the Committee plans to monitor and evaluate caselaw, rule changes, and legislation, and to draft updates and supplements to keep the *Illinois Manual for Complex Civil Litigation* and the *Illinois Manual for Complex Criminal Litigation* current. The Committee conducted extensive discussion of class action issues during the course of the Conference year, and expects to continue to develop ideas relating to that topic.

IV. RECOMMENDATIONS

The Committee is making no recommendations to the Conference at this time.

2003 REPORT

**ANNUAL REPORT
OF THE
AUTOMATION AND TECHNOLOGY COMMITTEE
TO THE ILLINOIS JUDICIAL CONFERENCE**

Hon. Robert E. Byrne, Chairperson

Hon. James K. Donovan
Hon. Charles H. Frank
Hon. John K. Greanias
Hon. R. Peter Grometer
Hon. Robert J. Hillebrand

Hon. Mary W. McDade
Hon. Thomas H. Sutton
Hon. Edna Turkington
Hon. Grant S. Wegner
Hon. David A. Youck

October 2003

I. STATEMENT ON COMMITTEE CONTINUATION

The Automation and Technology Committee ("Committee") of the Illinois Judicial Conference is charged with evaluating, monitoring, coordinating and making recommendations concerning automated systems for the Illinois judiciary. This is a formidable undertaking, given the variety of technological applications available to the courts. Technology affects, or has the potential to affect, nearly every operational and administrative judicial function. New and improved applications and devices are introduced regularly, each promising to bestow greater efficiency upon the judicial system and lower operating costs. Technology choices, moreover, must be made carefully and guided by thorough evaluation before resources are committed. The Committee occupies a unique position in this regard.

Since its inception the Committee has reviewed automation-related work being done by other judicial branch committees and criminal justice agencies; surveyed Illinois judges' use of computers and other automated systems; evaluated a number of software applications; assisted in the development of a computer education program for judges; developed a web page concept for the Illinois judiciary, which was approved by the Judicial Conference and Supreme Court for implementation; distributed a computer security brief at the Education Conference 2002; and pursued a variety of other activities in fulfillment of its charge. Much remains to be accomplished. Accordingly, the Committee respectfully requests that it be continued.

II. SUMMARY OF COMMITTEE ACTIVITIES

During the 2003 Conference year, this Committee continued its efforts to improve computer security for the Illinois judiciary. Toward that effort, the Committee drafted an amendment to Supreme Court Rule 63A(7). A copy of the proposed amendment is provided in Appendix 1. This is one of the Court's Judicial Canons which is generally referred to as the rule on "cameras in the courtroom." Advancements in technology have created numerous devices, such as laptops, personal data assistants (PDA's), and cell phones that can capture audio and video recordings of court proceedings and transmit them outside of the courtroom, without the knowledge or approval of the presiding judge. This would be contrary to the purpose of the original rule. These devices were not conceived at the time the rule was drafted. The amendment as drafted expands on existing definitions of "broadcasting" and "televising" to include such devices. The Rules Committee will submit the draft for public comment.

The Committee submitted a recommendation to the Director of the Administrative Office to require submissions of documents for posting on the Court's Web Site to be accompanied with a file of the same information in HTML (Hypertext Markup Language) format. The Director forwarded the Committee's recommendation to the Judicial Management Information Services (JMIS) Division for its review and recommendation.

HTML is a native format of the Internet. Documents stored on a web site in HTML can be

located using almost all web search "engines." Their file sizes are normally smaller resulting in faster screen displays and "downloading." Many of the documents on the Court's web site are kept in PDF (Portable Document Format). PDF has become a national standard for many court documents for which a free reader is available. While this format provides exact reproduction of the document, depending on a reviewer's connection speed, it may take longer to "download." Searches for specific words in a PDF document may also be limited, depending on the method used to create the PDF file. If the document is scanned as an image, it cannot be word searched. If the document is scanned using a method called Optical Character Read (OCR), word searching would be possible, depending on the search "engine" used. Some Internet search "engines" do not look inside of a PDF document. If the reviewer knew where the document was located, it could be opened and then word searched using the PDF search utility. The search engine used by the State of Illinois web site will look inside a PDF document when an Internet-wide search is performed. There is sometimes a delay between when the document becomes available to the Internet and when the State's search "engine" will locate it via a word search.

Most modern desktop word processing software products have a conversion utility that will save a document in HTML. A document creator using a product like WordPerfect or Word can easily create a HTML version of a document by selecting the "save as" option under the "File" menu and then selecting HTML as the format. Under the recommendation made by the Committee, both versions of the document would be submitted to the Administrative Office for posting.

Technology continues to shape the judicial system. The Committee has begun work on another survey to ascertain the level of technology used by the jurist in the workplace. The last survey was conducted in 1999 with the results being reported at the 2000 Judicial Conference. Prior to that, the initial survey was conducted in 1993, the first year of the Conference's redesign. Over the past ten years, the availability of e-mail, software options, speed and size of computers have continued to impact the judiciary. Issues continue to be raised regarding misuse of e-mail, information security, *ex parte* communications via technology, and other technological advancements affecting the way the judiciary does business. The survey will be finalized during the committee's meeting planned for October 2003. The Committee would like to distribute the survey during the Education Conference scheduled for early 2004.

The Committee reviewed a request by the Illinois State Police (ISP) to provide guidance on a new project they were working on to create a digital police record. Included in the project is a concept to create or save evidentiary documents in a digital format. While the Committee believed that there should be uniformity in this process, it felt that the request might have been seeking legal guidance from the Committee and a "safe" path for acceptance of those documents into court. This would place the Committee in a position of making a participatory ruling on the admissibility of evidence which they did not believe they could do.

Therefore, the Committee decided to prepare a response to the ISP indicating that the

Committee was unable to provide the ISP with any certainty as to a “safe” path to be followed at this time. If the ISP were to draft any proposals for change in statutory or court rule, the Committee would be happy to review them. Additionally, the Committee might recommend that the ISP consult the Electronic Commerce Security Act for guidance, if that had not already been done, or develop an ISP internal policy regarding the creation, use, and retention of digital records. Again the Committee would welcome a chance to review such a policy to assure uniformity in this area.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During the 2004 Conference Year, the Committee, with the approval of the Conference and Court, will continue its efforts to draft, distribute, and analyze the results of a new survey of computer usage by judges, continue to evaluate existing and emerging technologies, security issues, and legislation affecting court technology, and work on a statewide judicial information system and Intranet.

The members of the Committee look forward to the coming Conference year and appreciate the opportunity to be of service to the Supreme Court and the judicial branch.

IV. RECOMMENDATIONS

The Committee is making no recommendations to the Conference at this time.

2003 REPORT

APPENDIX 1

**Proposed Amendment
to
Rule 63**

CANON 3

A Judge Should Perform the Duties of Judicial
Office Impartially and Diligently

The judicial duties of a judge take precedence over all the judge's other activities. The judge's judicial duties include all the duties of the judge's office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

...

(7) Proceedings in court should be conducted with fitting dignity, decorum, and without distraction. The taking of photographs in the courtroom during sessions of the court or recesses between proceedings, and the broadcasting or televising of court proceedings is permitted only to the extent authorized by order of the supreme court. For the purposes of this rule, the use of the terms "photographs," "broadcasting," and "televising" include the audio or video transmissions or recordings made by telephones, personal data assistants, laptop computers, and other wired or wireless data transmission and recording devices.

...

**ANNUAL REPORT
OF THE
COMMITTEE ON EDUCATION
TO THE ILLINOIS JUDICIAL CONFERENCE**

Hon. Susan F. Hutchinson, Chairperson

Hon. James K. Borbely
Hon. Preston L. Bowie, Jr.
Hon. Dale A. Cini
Hon. James K. Donovan
Hon. David R. Donnersberger
Hon. Lynn M. Egan
Hon. James R. Epstein
Hon. Edward C. Ferguson

Hon. John K. Greanias
Hon. Alan J. Greiman
Hon. Lori R. Lefstein
Hon. Stuart E. Palmer
Hon. M. Carol Pope
Hon. Jane L. Stuart
Hon. Mary Jane Theis
Hon. Hollis L. Webster

October 2003

I. STATEMENT ON COMMITTEE CONTINUATION

The members of the Committee on Education ("Committee") believe that providing ongoing judicial education is an absolutely essential element of our judicial system. The importance of judicial education is recognized in the Court's Comprehensive Judicial Education Plan for Illinois Judges, which states:

"It is an obligation of office that each judge in Illinois work to attain, maintain and advance judicial competency. Canon 3 of the Code of Judicial Conduct (Illinois Supreme Court Rule 63) states that a judge should 'be faithful to the law and maintain professional competence in it' and maintain professional competence in judicial administration.' Judicial education is a primary means of advancing judicial competency." (*Comprehensive Judicial Education Plan for Illinois Judges*, Section I, page 1)

Given the rapid developments in substantive and procedural law, as well as the obligation to properly train new judges, the need for an effective and efficient approach to judicial education cannot be overstated. Therefore, the Committee recommends that its work to support ongoing judicial education resources for Illinois judges be continued.

II. SUMMARY OF COMMITTEE ACTIVITIES

Advanced Judicial Academy 2003

In June 2003, the Committee oversaw the presentation of the second biennial Illinois Advanced Judicial Academy at the University of Illinois College of Law in Champaign. The Academy, entitled "Taking Facts Seriously," was attended by 74 experienced judges from across the state. Designed to provide an intensive five-day educational forum for Illinois judges, the 2003 Academy enabled participants to examine the underpinnings of the rules and principles of evidence and to examine the processes - both legal and cognitive - for determining facts.

The Academy faculty included national and international experts in the fields of law, neuroscience and psychology. These faculty addressed the dynamics of jury deliberation and the impact of jury instructions, interrogation techniques and the factors which may give rise to false confessions, the strengths and fallibility of eyewitness testimony (including lineup identifications), and the role of advocacy in determining fact. Participants also had the opportunity to examine the physiology and psychology of human perception, memory and recollection with a leading researcher in the field of neuroscience and cognition. Members of the Committee and the Academy planning group facilitated small group discussions to allow participants to explore the implications of the material presented for Illinois courts.

The following are overall program evaluations for the 2003 Academy, as well as ratings for individual topics and presenters. Ratings are based on a scale of one to five, with one being "poor" and five being "excellent." Please refer to Appendix A for the complete Academy agenda.

Overall Evaluations:	Rating (Out of 5.0)
The quality of the Academy:	4.4
Pre-registration procedures:	4.7
On-site registration:	4.7
Hotel registration:	4.2
Academy organization:	4.7
Service by program staff:	4.8
Selection of topics:	4.4
Selection of speakers:	4.4
Academy written materials:	3.9
Small Group Discussions:	4.1

Topic and Speaker Evaluations:	Rating (Out of 5.0)
<i>“A Socratic Examination of the Significance of Philosophy and Other Disciplines for Uncovering the Purpose and Structure of Trials”</i> Presenter: Ronald J. Allen	3.3
<i>“Taking Facts Seriously - Again”</i> Presenter: William Twining	2.7
<i>“Cognitive Neuroscience, Memory and the Hippocampal System – or – Brain Functions 101”</i> Presenter: Neal Cohen	4.6
<i>“The 21st Century Jury: Change and Innovation”</i> Presenter: Shari Seidman Diamond	4.3
<i>“Jury Instructions: Do They Matter?”</i> Presenter: Shari Seidman Diamond	4.2
<i>“The Limits of Limiting Instructions: Why Jurors Are Unable To Ignore Inadmissible Evidence”</i> Presenter: Joel D. Lieberman	3.7
<i>“The Social Psychology of Jury Decision Making”</i> Presenter: Neal Feigenson	4.2
<i>“Interrogation Techniques; Distinguishing Between True and False Confessions”</i> Presenter: Joseph Buckley	4.3

Topic and Speaker Evaluations: Cont.**Rating
(Out of 5.0)**

<i>"The Psychology of Interrogation and Confessions"</i> Presenter: Saul Kassin	4.4
<i>"Analyzing Confessions and Their Consequences"</i> Presenter: Richard A. Leo	4.1
<i>"Eyewitness Memory and Perception of Events"</i> Presenter: Gary L. Wells	4.2
<i>"Expert Testimony on Eyewitness Identification: Can It Help Reduce Errors?"</i> Presenter: Ebbe Ebbesen	3.8
<i>"The Art of Advocacy: The Relationship Between Argumentation and Fact"</i> Presenter: Terence J. Anderson	3.9

Seminar Series

In addition to the Academy, the Committee conducted a full schedule of seminars during the 2003 Judicial Conference year, and also presented a New Judge Seminar and a Faculty Development Workshop for all Illinois judges serving as faculty for Judicial Conference programs. The seminar series included nine regional (2 day) seminars and four mini (1 day) seminars. Among the regional seminars was the annual DUI program conducted with funding from the Illinois Department of Transportation; the 2003 DUI seminar focused on judicial management of youthful and high risk offenders. Two additional regional seminars were canceled due to low enrollment, as were two mini seminars. Of the four seminars canceled, three were presented later in the seminar year, as scheduled, with judges initially registered for the canceled seminars in attendance. Faculty for all programs were assisted by staff of the Administrative Office of the Illinois Courts.

Following are the topics, dates, locations, number of attendees and overall evaluation ratings for the seminars conducted during 2002-2003:

Topic	Date	Location	Number of Participants	Overall Rating (Out of 5.0)
New Judge Seminar	December 9-13, 2002	Chicago	47	4.7
<u>Regional Seminars</u>				
Case Management of a Felony Trial	February 27-28, 2003	Bloomington	50	4.7
Commercial Litigation and Consumer Law	March 20-21, 2003	Lisle	33	4.7
Family Law	October 2-3, 2002 February 6-7, 2003	Collinsville Chicago	Canceled 63	4.8
Juvenile Law: Delinquency	May 15-16, 2003	Springfield	33	4.4

Topic	Date	Location	Number of Participants	Overall Rating (Out of 5.0)
<u>Regional Seminars, continued</u>				
Literature and the Law War and Justice	May 8-9, 2003	Lisle	50	4.8
Managing Youthful and High-Risk Offenders in DUI Cases	April 24-25, 2003	Bloomington	32	4.7
Settlement Techniques	September 19-20, 2002 March 6-7, 2003	Springfield Chicago	Canceled 53	4.1
Tort Law	November 13-14, 2002 March 13-14, 2003	Chicago Champaign	52 25	4.1 4.9
<u>Mini-Seminars</u>				
Adoption Law	September 25, 2002 April 2, 2003	Champaign Chicago	Canceled 23	4.4
Eminent Domain	April 4, 2003	Champaign	Canceled	
Insurance Law	April 30, 2003	Oak Brook	25	4.6
Post-Conviction Petitions	November 21, 2002 March 27, 2003	Oak Brook Springfield	44 42	4.6 4.6

A complete list of topics and faculty for all programs conducted by the Committee during the 2002-2003 seminar year, exclusive of the New Judge Seminar, is included as Appendix B to this report.

2004 Education Conference

In early 2003 the Supreme Court approved the Committee's recommendation for topics and faculty for the 2004 Education Conference, to be held February 4-6 and March 31- April 2, 2004 in Chicago. The Conference will utilize the general format from the 2000 and 2002 Conferences. The Chief Justice will deliver a keynote address at the Conference opening luncheon, held on Wednesday of each presentation, and will be followed by plenary sessions and two concurrent sessions examining judicial ethics and conduct. Concurrent sessions on Thursday and Friday are organized around half-day sessions and "topic track" sessions. The topic tracks for 2004 are Evidence, Civil Law and Procedure, Criminal Law and Procedure, Family Law and General Interest.

Mentor Training Videotape

During the 2002-2003 Conference year, at the request of the Judicial Mentor Committee and with the approval of the Court, the Committee on Education worked in collaboration with the special committee appointed to develop a new videotape to train judges to serve as mentors in the New Judge Mentoring Program. The Mentor Videotape Training Committee

developed a script and completed videotaping in fall 2002. The tape includes general introductory material and several mentoring scenarios. These scenarios feature discussions of situations likely to be encountered by mentors, and discussing how the mentors portrayed in the tape handled the situations presented. The new videotape was distributed to all judicial circuits in fall 2002.

Resource Lending Library

The Resource Lending Library sponsored by the Committee and operated by the Administrative Office continues to serve as a valued judicial education resource. Loan material available through the library includes videotapes, audiotapes and publications. Permanent use items include seminar reading materials, bench books, manuals, and other materials. The total number of loan and permanent use items distributed to judges in Fiscal Year 2002 was 1063.

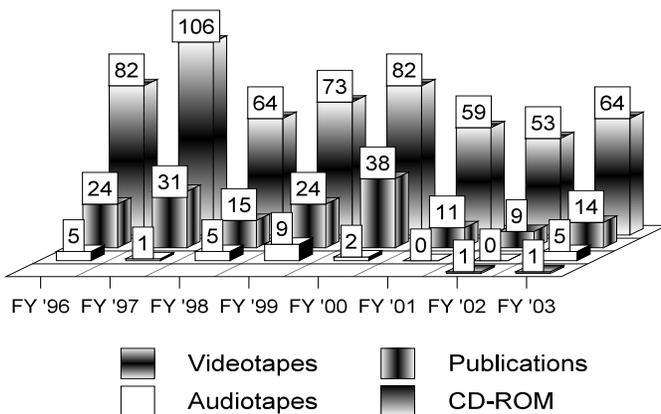
Library Patrons: During Fiscal Year 2003 (to June 6, 2003), 431 judges requested one or more items from the library. Of this number, 45% (188) were from Cook County and 55% (243) were from downstate.

Permanent

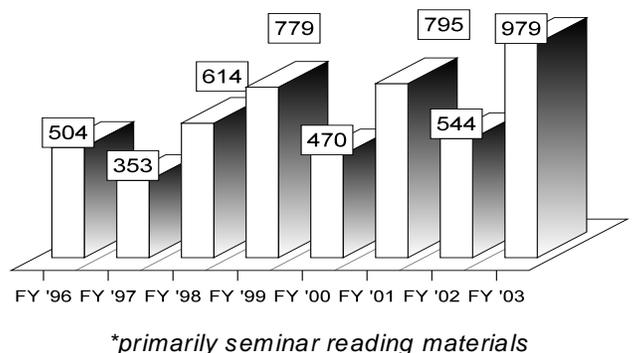
Use Items: During Fiscal Year 2003, 979 permanent use items were shipped to 403 judges. This category consists primarily of seminar reading materials but also includes benchbooks, manuals and other materials.

Loan Use Items: In addition to the permanent use items, 84 items were loaned to 38 judges. Loan materials include videotapes, audiotapes and publications. First-time patrons requesting loan items comprised 58% (22) of the total judges with requests.

Loan Items Requested



Permanent Use Items* Shipped



III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

The programs listed below have been planned by the Committee and approved by the Supreme Court for the 2003-2004 seminar series. The schedule includes regional seminars, mini seminars, a Faculty Development Workshop, a New Judge Seminar, and Education Conference 2004. Please refer to Appendix C for a list that includes seminar faculty and subtopics.

Topic	Date	Location
New Judge Seminar	December 8-12, 2003	Chicago
Education Conference	February 4-6, 2004	Chicago
	March 31 - April 2, 2004	Chicago
<u>Regional Seminars</u>		
Civil Pretrial Motion Practice	September 11-12, 2003	Springfield
Experts	October 9-10, 2003	Lisle
Issues in Child Abuse Cases	June 3-4, 2004	Bloomington
Issues in Handling Narcotics Cases	September 25-26, 2003	Chicago
Managing Youthful and High Risk Offenders in DUI Cases	April 15-16, 2004	Bloomington
<u>Mini-Seminars</u>		
Appellate Issues for Trial Judges	May 6, 2004	Lisle/Naperville
Injunctions from Start to Finish	May 27, 2004	Springfield
Sentencing	November 20, 2003	Chicago

In addition to conducting the 2003-2004 education programs and with Court approval, the Committee will plan a full schedule of seminars for the 2004-2005 seminar year, commence planning the 2005 Advanced Judicial Academy, apply to the Illinois Department of Transportation for funding to conduct the annual seminar on issues related to driving under the influence, and issue a new fall 2003-2004 Resource Lending Library Catalog.

IV. RECOMMENDATION

The Committee is making no recommendations to the Conference at this time.

2003 REPORT

APPENDIX A

ILLINOIS JUDICIAL CONFERENCE

ADVANCED JUDICIAL ACADEMY

“Taking Facts Seriously”

June 2-6, 2003

University of Illinois College of Law
Champaign, Illinois

“The traditional process for determining underlying facts in legal disputes emphasizes the immediacy and autonomy of the evidence to be inscribed on the blank tablets of jury or judge. It essentially ignores the more likely possibility that evidence in all forms passes through special cognitive filters, which are easily colored by social, psychological or dogmatic predispositions.”

- Professor Ronald J. Allen

MONDAY, JUNE 2
ACADEMY OVERVIEW

- | | |
|--------------------|--|
| 10:00 - 11:15 a.m. | Participants Arrive at Hawthorn Suites Hotel & Take Shuttle to Campus for Academy Registration at College of Law Auditorium |
| 11:30 - 12:30 p.m. | Group Lunch and Program Orientation
College of Law Atrium |
| 12:30 - 1:00 p.m. | Welcoming Remarks
<i>Speakers: Hon. Rita B. Garman
Illinois Supreme Court</i>

<i>Prof. Andrew D. Leipold,
University of Illinois, College of Law</i> |
| 1:00 - 1:30 p.m. | Introduction to “Taking Facts Seriously”
<i>Speakers: Hon. Susan F. Hutchinson
Hon. Robert L. Carter</i> |
| 1:30 - 2:45 p.m. | A Socratic Examination of the Significance of Philosophy and Other Disciplines for Uncovering the Purpose and Structure of Trials
<i>Speaker: Professor Ronald J. Allen
John Henry Wigmore Professor of Law
Northwestern University School of Law</i> |

MONDAY, continued

- 2:45 - 3:00 p.m. Break – College of Law, outside Auditorium
- 3:00 - 4:15 p.m. Taking Facts Seriously - Again
Speaker: William Twining
Director, Programme for Law Teachers
Faculty of Laws
University College London
- 4:15 - 5:00 p.m. Small Group Discussions
- 5:00 p.m. Shuttle to Reception and Dinner
- 5:30 - 7:30 p.m. Opening Reception and Dinner
Cognitive Neuroscience, Memory and the
Hippocampal System – or –
Brain Functions 101
Speaker: Neal Cohen
Professor, Department of Psychology
Beckman Institute Cognitive Neuroscience Group
University of Illinois

TUESDAY, JUNE 3
INSTRUCTIONS

- 7:30 - 8:30 a.m. Breakfast – Hawthorn Suites
- 8:40 a.m. Shuttle to Law School
- 9:00 - 10:30 a.m. The 21st Century Jury: Change and Innovation
Speaker: Shari Seidman Diamond
Howard J. Trienens Professor of Law
Northwestern University School of Law
- 10:30 - 10:45 a.m. Break
- 10:45 - 12:00 p.m. Jury Instructions: Do They Matter?
Speaker: Shari Seidman Diamond
Howard J. Trienens Professor of Law
Northwestern University School of Law
- 12:00 - 1:15 p.m. Group Lunch – College of Law Commons
- 1:15 - 2:30 p.m. The Limits of Limiting Instructions:
Why Jurors Are Unable To Ignore Inadmissible Evidence
Speaker: Joel David Lieberman
Professor of Psychology, Dept. of Criminal Justice
University of Nevada, Las Vegas
- 2:30 - 2:45 p.m. Break
- 2:45 - 4:00 p.m. The Social Psychology of Jury Decision Making
Speaker: Neal Feigenson
Professor of Law
Quinnipiac University
- 4:00 - 4:15 p.m. Break
- 4:15 - 5:00 p.m. Small Group Discussions
- 5:00 p.m. Shuttle to Hawthorn Suites

THURSDAY, JUNE 5
CREDIBILITY OF WITNESSES

7:30 - 8:30 a.m.	Breakfast – Hawthorn Suites
8:40 a.m.	Shuttle to Law School
<i>Scheduled Session:</i>	
9:00 - 10:30 a.m.	Issues of Gender, Ethnicity and Class in Evaluating Witness Credibility <i>Speaker: Maria L. Ontiveros , Professor of Law</i> <i>University of San Francisco School of Law</i>
<i>Revised Session:</i>	
9:00 - 10:00 a.m.	Viewing of Academy Scenario Line Up Video Viewing of Scenario Incident Video & Scenario Line Up (2 nd Viewing) Viewing of Scenario “Confession” Video Discussion of Videotaped Interrogations & Videotaping Techniques
10:00 - 10:30 a.m.	Small Group Discussions
10:30 - 10:45 a.m.	Break
10:45 - 11:40 p.m.	Eyewitness Memory and Perception of Events <i>Speaker: Gary L. Wells</i> <i>Professor of Psychology</i> <i>Iowa State University</i>
11:40 - 12:00 noon	Break
12:00 - 1:00 p.m.	Eyewitness Memory and Perception of Events, Continued
1:00 - 2:00 p.m.	Group Lunch – College of Law Commons
2:00 - 2:50 p.m.	Expert Testimony on Eyewitness Identification: Can It Help Reduce Errors? <i>Speaker: Ebbe Ebbesen</i> <i>Professor of Psychology</i> <i>University of California, San Diego</i>
2:50 - 3:00 p.m.	Break
3:00 - 4:00 p.m.	Expert Testimony on Eyewitness Identification, Continued
4:00 - 4:10 p.m.	Break
4:10 - 5:00 p.m.	Panel Discussion
5:00 p.m.	Shuttle to Hawthorn Suites

2003 REPORT

APPENDIX B

Committee on Education

2002-2003 SEMINAR SERIES

Regional Seminar
(Two Days)

TOPIC AND CHARGE	JUDICIAL FACULTY	PROFESSOR REPORTERS	COMMITTEE LIAISON	PRESENTATIONS
<p>SETTLEMENT TECHNIQUES</p> <p>The judge's role in settlement and docket control, including major and minor civil cases and criminal cases conducted pursuant to Supreme Court Rule 402.</p>	<p><u>Cook County:</u> Edward R. Burr Alfred J. Paul Stephen A. Schiller</p> <p><u>Outside Cook County:</u> Dennis K. Cashman, 8th Ct., Chair Michael T. Caldwell, 19th Ct. Cynthia M. Raccuglia, 13th Ct.</p> <p><u>Alternates:</u> <u>Cook County:</u> Susan F. Zwick</p> <p><u>Outside Cook County:</u> Terrence J. Brady, 19th Ct.</p>		<p>Alan J. Greiman</p> <p><u>AOIC Liaison</u> Joan L. Mason</p>	<p>September 19-20, 2002 Renaissance Springfield canceled</p> <p>March 6-7, 2003 Embassy Suites Downtown Lakefront Chicago</p>

Committee on Education

2002-2003 SEMINAR SERIES

Regional Seminar
(Two Days)

TOPIC AND CHARGE	JUDICIAL FACULTY	PROFESSOR REPORTERS	COMMITTEE LIAISON	PRESENTATIONS
<p>FAMILY LAW</p> <p>Custody and visitation, including standing of non-parents, GAL and child representatives, pre-trial and post-trial motion practice and how motions can be used to resolve the case; unconscionability issues.</p> <p><u>Guest Speaker:</u> Dana Royce Baerger, J.D., Ph. D.</p>	<p><u>Cook County:</u> Moshe Jacobius Nancy J. Katz Karen G. Shields</p> <p><u>Outside Cook County:</u> Thomas W. Chapman, 3^d Ct. Scott D. Drazewski, 11th Ct. Rodney W. Equi, 18th Ct., Chair</p> <p><u>Alternates:</u> <u>Cook County:</u> Elizabeth Loreda-Rivera Daniel A. Riley</p> <p><u>Outside Cook County:</u> Susan S. Tungate, 21st Ct.</p>	<p>Jeff Atkinson De Paul</p>	<p>M. Carol Pope</p> <p><u>AOIC Liaison</u> Joan Mason</p>	<p>October 2-3, 2002 Holiday Inn Collinsville <i>canceled</i></p> <p>February 6-7, 2003 Embassy Suites Downtown Lakefront Chicago</p>

Committee on Education

2002-2003 SEMINAR SERIES

Regional Seminar
(Two Days)

TOPIC AND CHARGE	JUDICIAL FACULTY	PROFESSOR REPORTERS	COMMITTEE LIAISON	PRESENTATIONS
<p>COMMERCIAL LITIGATION AND CONSUMER LAW</p> <p>Including contracts, actions for breach, defenses, damages, parol evidence, Lemon Car Law, fraud actions, Consumer Fraud Act, Magnuson-Moss Act, odometer statutes and federal legislation impacting on state cases.</p>	<p><u>Cook County:</u> Lynn M. Egan, Chair Edmund Ponce de Leon Lee Preston</p> <p><u>Outside Cook County:</u> Donald H. Geiger, 19th Ct. Patrick J. Leston, 18th Ct. Stephen R. Pacey, 11th Ct.</p> <p><u>Alternates:</u> <u>Cook County:</u> Allen S. Goldberg James F. Henry</p> <p><u>Outside Cook County:</u> Lori R. Lefstein, 14th Ct. Richard E. Grawey, 10th Ct.</p>	<p>Ann M. Lousin John Marshall</p> <p>Michael J. Kaufman Loyola Univ.</p>	<p>Lori R. Lefstein</p> <p><u>AOIC Liaison</u> Lisa Jacobs</p>	<p>March 20-21, 2003 Hyatt Lisle</p>

Committee on Education

2002-2003 SEMINAR SERIES

Regional Seminar
(Two Days)

TOPIC AND CHARGE	JUDICIAL FACULTY	PROFESSOR REPORTERS	COMMITTEE LIAISON	PRESENTATIONS
<p>TORT LAW</p> <p>Including premises liability, governmental tort immunity, hot topics and a review of general tort principles.</p>	<p><u>Cook County:</u> David R. Donnersberger, Chair Joseph N. Casciato Diane J. Larsen</p> <p><u>Outside Cook County:</u> Katherine M. McCarthy, 6th Ct. Elizabeth A. Robb, 11th Ct. Stephen E. Walter, 19th Ct.</p> <p><u>Alternates:</u> Cook County: Philip L. Bronstein</p> <p>Outside Cook County Donald J. Fabian, 16th Ct. Richard A. Lucas, 18th Ct.</p>	<p>Michael J. Polelle John Marshall</p> <p>Bruce L. Ottley De Paul</p>	<p>Hollis L. Webster</p> <p><u>AOIC Liaison</u> Lisa Jacobs</p>	<p>November 13-14, 2002 Holiday Inn Mart Plaza Chicago</p> <p>March 13-14, 2003 Hawthorn Suites Champaign</p>

Committee on Education

2002-2003 SEMINAR SERIES

Regional Seminar
(Two Days)

TOPIC AND CHARGE	JUDICIAL FACULTY	PROFESSOR REPORTERS	COMMITTEE LIAISON	PRESENTATIONS
<p>CASE MANAGEMENT OF A FELONY TRIAL</p> <p>Including pre-trial and post-trial motions, evidence hot topics, and jury management.</p>	<p><u>Cook County:</u> Colleen McSweeney Moore, Chair Marcus R. Salone Lon W. Shultz</p> <p><u>Outside Cook County:</u> William A. Kelly, 15th Ct. Mark A. Schuering, 8th Ct. Christopher C. Starck, 19th Ct.</p> <p><u>Alternates:</u> Cook County: Marianne Jackson</p> <p>Outside Cook County Joseph P. Condon, 19th Ct. Scott H. Walden, 8th Ct.</p>	<p>James P. Carey Loyola Univ.</p>	<p>Preston L. Bowie, Jr. P. J. O' Neill</p> <p><u>AOIC Liaison</u> Joan L. Mason</p>	<p>February 27-28, 2003 Hawthorn Suites Bloomington</p>

Committee on Education

2002-2003 SEMINAR SERIES

Regional Seminar
(Two Days)

TOPIC AND CHARGE	JUDICIAL FACULTY	PROFESSOR REPORTERS	COMMITTEE LIAISON	PRESENTATIONS
<p>JUVENILE LAW: DELINQUENCY</p> <p>Including delinquency, truancy, dispositions, automatic and discretionary transfers and sentencing issues after transfer.</p> <p><u>Guest Speaker:</u> Gene Griffin, J.D., Ph.D. Illinois Department of Human Services</p>	<p><u>Cook County:</u> Carol A. Kelly, Chair Andrew Beman Kathleen M. Pantle Paul Stralka</p> <p><u>Outside Cook County:</u> Gary W. Jacobs, 5th Ct. Heidi N. Ladd, 6th Ct. Theresa L. Ursin, 15th Ct. Kendall O. Wenzelman, 21st Ct</p> <p><u>Alternates:</u> Cook County: Stuart F. Lubin</p>		<p>Edward C. Ferguson</p> <p><u>AOIC Liaison</u> Lisa Jacobs</p>	<p>May 15-16, 2003 Crowne Plaza Springfield</p>

Committee on Education

2002-2003 SEMINAR SERIES

Regional Seminar

(Two Days)

TOPIC AND CHARGE	JUDICIAL FACULTY	PROFESSOR REPORTERS	COMMITTEE LIAISON	PRESENTATIONS
<p>LITERATURE AND THE LAW: WAR AND JUSTICE</p> <p>Examination of the tension between personal rights and freedoms and security issues in time of war.</p>	<p><u>Cook County:</u> Jacqueline P. Cox Michael J. Gallagher Shelvin Louise Marie Hall Stuart A. Nudelman</p> <p><u>Outside Cook County:</u> Ann A. Einhorn, 6th Ct., Chair Tom M. Lytton, 3rd District Robert D. McLaren, 2nd District</p> <p><u>Alternates:</u> <u>Cook County:</u> Amanda S. Toney</p> <p><u>Outside Cook County</u> Ellen A. Dauber, 20th Ct. Kent F. Slater, 3rd District</p>	<p>Susan McGury De Paul</p> <p>Thomas S. Ulen Univ. of Illinois</p>	<p>Mary Jane Theis</p> <p><u>AOIC Liaison</u> Joan Mason</p>	<p>May 8-9, 2003 Hilton Lisle/Naperville Lisle</p>

Committee on Education

2002-2003 SEMINAR SERIES

Regional Seminar
(Two Days)

TOPIC AND CHARGE	JUDICIAL FACULTY	GUEST SPEAKER	COMMITTEE LIAISON	PRESENTATIONS
<p>MANAGING YOUTHFUL AND HIGH-RISK OFFENDERS IN DUI CASES</p> <p>This annual seminar is funded by the Illinois Department of Transportation.</p>	<p><u>Cook County:</u> Hon. Lawrence E. Flood Hon. Jesse G. Reyes Hon. Colleen F. Sheehan</p> <p><u>Outside Cook County:</u> Donald D. Bernardi, 11th Ct., Chair Brian M. Nemenoff, 10th Ct. Perry R. Thompson, 18th Ct.</p> <p><u>Alternates:</u> Cook County:</p> <p>Outside Cook County William P. Balestri, 13th Ct. Holly F. Clemons, 6th Ct.</p>	<p>William L. White, M.A. Lighthouse Training Institute Bloomington</p>	<p>Edward C. Ferguson</p> <p><u>AOIC Liaison</u> Joan Mason</p>	<p>April 24-25, 2003 Radisson Bloomington</p>

Committee on Education

2002-2003 SEMINAR SERIES

Mini Seminar

(One Day)

TOPIC AND CHARGE	JUDICIAL FACULTY	COMMITTEE LIAISON	PRESENTATIONS
<p>ADOPTION LAW</p> <p>Including termination of parental rights, right to counsel, "foster care diff" issues and existing and new federal legislation.</p>	<p><u>Cook County:</u> Marcia Maras Patricia Martin Bishop</p> <p><u>Outside Cook County:</u> James K. Borbely, 5th Ct., Chair Barbara Crowder, 3rd Ct.</p> <p><u>Alternates:</u> Cook County: Patricia B. Holmes Michael J. Murphy</p> <p>Outside Cook County: Judith M. Brawka, 16th Ct. Jane D. Waller, 19th Ct.</p>	<p><u>AOIC Liaison</u> Joan Mason</p>	<p>September 25, 2002 Hawthorn Suites Champaign canceled</p> <p>April 2, 2003 Hampton Inn and Suites Chicago</p>

Committee on Education

2002-2003 SEMINAR SERIES

Mini Seminar
(One Day)

TOPIC AND CHARGE	JUDICIAL FACULTY	COMMITTEE LIAISON	PRESENTATIONS
<p>EMINENT DOMAIN</p> <p>Including proper procedural aspects of quick take, damages issues, management of jurors and site visit issues, and experts on damages.</p> <p><u>Guest Speaker:</u> Randy Johnson Certified Appraiser</p>	<p><u>Cook County:</u> Alexander P. White</p> <p><u>Outside Cook County:</u> Thomas R. Appleton, 4th Dst., Chair James M. Radcliffe, 20th Ct. Michael J. Sullivan, 19th Ct.</p> <p><u>Alternates:</u> Cook County: Raymond Funderburk Randy A. Kogan</p> <p>Outside Cook County: Michael R. Roseberry, 8th Ct.</p>	<p>Jane L. Stuart</p> <p><u>AOIC Liaison</u> Joan L. Mason</p>	<p>April 4, 2003 Hawthorn Suites Champaign Canceled</p>

Committee on Education

2002-2003 SEMINAR SERIES

Mini Seminar
(One Day)

TOPIC AND CHARGE	JUDICIAL FACULTY	COMMITTEE LIAISON	PRESENTATIONS
<p>INSURANCE LAW</p> <p>Including declaratory judgment actions, policy interpretation, duty to indemnify vs. duty to defend, guaranty fund, bad faith, selective tender, and policy cancellation protocol.</p>	<p><u>Cook County:</u> Stephen A. Schiller, Chair Richard A. Siebel</p> <p><u>Outside Cook County:</u> Edward R. Duncan, Jr., 18th Ct. Lisa Holder-White, 6th Ct.</p> <p><u>Alternates:</u> Cook County: John K. Madden Julia M. Nowicki</p> <p>Outside Cook County: Margaret J. Mullen, 19th Ct. Bonnie M. Wheaton, 18th Ct.</p>	<p>Gordon E. Maag</p> <p><u>AOIC Liaison</u> Lisa Jacobs</p>	<p>April 30, 2003 Wyndham Hotel Lisle</p>

Committee on Education

2002-2003 SEMINAR SERIES

Mini Seminar
(One Day)

TOPIC AND CHARGE	JUDICIAL FACULTY	COMMITTEE LIAISON	PRESENTATIONS
<p>POST-CONVICTION PETITIONS</p> <p>Including timing and <u>pro se</u> initiation of petitions, what constitutes a trial court' s initial investigation, and scope of the substantive hearing.</p>	<p><u>Cook County:</u> Michael P. Toomin, Chair Dennis J. Porter</p> <p><u>Outside Cook County:</u> Rosemary Collins, 17th Ct. Terrence J. Hopkins, 5th Dst.</p> <p><u>Alternates:</u> <u>Cook County:</u> Lawrence P. Fox Joseph G. Kazmierski, Jr.</p> <p><u>Outside Cook County:</u> Kathy S. Elliott, 21st Ct. Susan F. Hutchinson, 2nd Dst.</p>	<p>Stuart E. Palmer</p> <p><u>AOIC Liaison</u> Joan L. Mason</p>	<p>November 21, 2002 Wyndham Drake Oak Brook</p> <p>March 27, 2003 Crowne Plaza Springfield</p>

Committee on Education

2002-2003 SEMINAR SERIES

Special Program
(Two Days)

TOPIC AND CHARGE	FACULTY	LIAISON	PRESENTATIONS
<p><u>FACULTY DEVELOPMENT WORKSHOP</u></p> <p>This workshop helps judges plan and deliver more effective judicial education programs. Topics include principles of adult learning, different learning styles of judges, program development techniques and presentation skills.</p> <p>This is the fifth presentation of this program for Illinois judges. It consistently receives excellent ratings.</p> <p>Attendance is by invitation.</p>	<p>Louis Phillips, Ed. D.</p> <p>Dr. Phillips has a consulting practice in continuing education and training and has authored books and articles in this area. He is on the faculty of the National Judicial College and has presented this workshop for Illinois judges since 1997.</p> <p><u>Other Faculty:</u> Hon. Susan F. Hutchinson Donna Jones Ilsley, AOIC Patricia Rink, AOIC</p>	<p>Patricia Rink Donna Jones Ilsley</p>	<p>July 25-26, 2002 Hilton Lisle/Naperville Lisle</p>

APPENDIX C

**Committee on Education
2003-2004 SEMINAR SERIES
Two-Day Regional
Seminar**

TOPIC AND CHARGE	JUDICIAL FACULTY	GUEST SPEAKERS/ PROFESSORS	COMMITTEE LIAISON	PRESENTATIONS
<p><u>Topic:</u></p> <p>ISSUES IN HANDLING NARCOTICS CASES</p> <p><u>Subtopics:</u></p> <p>__Trial and disposition issues, including search and seizure.</p>	<p><u>Cook County:</u></p> <ol style="list-style-type: none"> 1. Lawrence P. Fox, Chair 2. Dennis J. Porter 3. Kenneth J. Wadas <p><u>Outside Cook County:</u></p> <ol style="list-style-type: none"> 1. Dale A. Cini, 5th Circuit 2. Michael P. Kiley, 4th Circuit 3. Brockton D. Lockwood, 1st Ct. 4. Scott H. Walden, 8th Circuit <p><u>Alternates</u></p> <p><u>Cook County:</u></p> <ol style="list-style-type: none"> 1. Preston L. Bowie, Jr. 2. Stanley J. Sacks <p><u>Outside Cook County:</u></p> <ol style="list-style-type: none"> 1. James T. Doyle, 16th Circuit 2. John W. McGuire, 4th Circuit 3. Thomas H. Sutton, 2nd Circuit 	<p>To be named</p>	<p>Preston L. Bowie, Jr.</p> <p>Joan Mason, A.O.I.C. Liaison</p>	<p>Sept 25-26, 2003 Holiday Inn Mart Plaza Chicago</p>

Committee on Education

2003-2004 SEMINAR SERIES

Two-Day Regional Seminar

TOPIC AND CHARGE	JUDICIAL FACULTY	GUEST SPEAKERS/ PROFESSORS	COMMITTEE LIAISON	PRESENTATIONS
<p>Topic: __ EXPERTS</p> <p>Subtopics: __ Who is an expert, Supreme Court Rule 213, <u>Frye</u> hearings, use in summary judgment motions</p>	<p><u>Cook County:</u> 1. Lynn M. Egan 2. Stuart A. Nudelman 3. Karen G. Shields</p> <p><u>Outside Cook County:</u> 1. Hollis L. Webster, 18th Ct., Chair 2. John A. Barra, 10th Circuit 3. John K. Greanias, 6th Circuit</p> <p><u>Alternates</u> <u>Cook County:</u> 1. Jennifer Duncan-Brice 2. Peter A. Flynn</p> <p><u>Outside Cook County:</u> 1. James E. Garrison, 12th Circuit 2. Thomas E. Little, 6th Circuit</p>	<p>To be named</p>	<p>Hollis L. Webster</p> <p>Lisa Jacobs, A.O.I.C. Liaison</p>	<p>October 9-10, 2003 Hyatt Lisle Lisle</p>

Committee on Education

2003-2004 SEMINAR SERIES

Two-Day Regional Seminar

TOPIC AND CHARGE	JUDICIAL FACULTY	GUEST SPEAKERS/ PROFESSORS	COMMITTEE LIAISON	PRESENTATIONS
<p>Topic:</p> <p>CIVIL PRETRIAL MOTION PRACTICE</p> <p>Subtopics:</p> <p>Sec. 2-615 , 2-619, 2-1005, 103(b), 2-1009, jurisdiction, venue, forum non conveniens</p>	<p><u>Cook County:</u></p> <ol style="list-style-type: none"> Joseph N. Casciato Peter A. Flynn Diane J. Larsen <p><u>Outside Cook County:</u></p> <ol style="list-style-type: none"> Ronald D. Spears, 4th Ct., Chair Katherine M. McCarthy, 6th Ct. Stephen E. Walter, 19th Circuit <p><u>Alternates</u></p> <p><u>Cook County:</u></p> <ol style="list-style-type: none"> John A. Ward <p><u>Outside Cook County:</u></p> <ol style="list-style-type: none"> Robert E. Byrne, 2nd District 	<p>To be named</p>	<p>Lynn M. Egan</p> <p>Joan Mason, A.O.I.C. Liaison</p>	<p>Sept. 11-12, 2003 Hilton Hotel Springfield</p>

Committee on Education

2003-2004 SEMINAR SERIES

Two-Day Regional Seminar

TOPIC AND CHARGE	JUDICIAL FACULTY	GUEST SPEAKERS/ PROFESSORS	COMMITTEE LIAISON	PRESENTATIONS
<p>Topic:</p> <p>MANAGING YOUTHFUL AND HIGH-RISK OFFENDERS IN DUI CASES</p> <p>This annual seminar is funded by a grant from the Illinois Department of Transportation.</p>	<p>Faculty will be selected in summer 2003.</p>	<p><u>Guest Speaker:</u></p> <p>William L. White, Lighthouse Training Institute</p>	<p>Edward C. Ferguson</p> <p>Joan Mason, A.O.I.C. Liaison</p>	<p>April 15-16, 2004 The Chateau Bloomington</p>

Committee on Education

2003-2004 SEMINAR SERIES

One-Day Mini Seminar

TOPIC AND CHARGE	JUDICIAL FACULTY	COMMITTEE LIAISON/ GUEST SPEAKERS	PRESENTATIONS
<p><u>Topic:</u></p> <p>APPELLATE ISSUES FOR TRIAL JUDGES</p> <p><u>Including:</u></p> <p>Making a record, interlocutory appeals (Rules 304 and 308), standard of review for administrative review cases</p>	<p><u>Cook County:</u></p> <ol style="list-style-type: none"> 1. Mary Jane Theis, Chair 2. Nancy J. Arnold <p><u>Outside Cook County:</u></p> <ol style="list-style-type: none"> 1. Robert W. Cook, 4th District 2. Bonnie M. Wheaton, 18th Ct. <p><u>Alternates</u></p> <p><u>Cook County:</u></p> <ol style="list-style-type: none"> 1. Themis N. Karnezis 2. Nancy J. Katz <p><u>Outside Cook County:</u></p> <ol style="list-style-type: none"> 1. Mary W. McDade, 3rd District 2. Timothy J. Slavin, 14th Circuit 	<p>Mary Jane Theis</p>	<p>May 6, 2004 Hilton Lisle/Naperville Lisle</p>

Committee on Education

2003-2004 SEMINAR SERIES

One-Day Mini Seminar

TOPIC AND CHARGE	JUDICIAL FACULTY	COMMITTEE LIAISON/ GUEST SPEAKERS	PRESENTATIONS
<p><u>Topic:</u></p> <p>SENTENCING</p> <p><u>Subtopics:</u></p> <p>Hot topics in sentencing</p>	<p><u>Cook County:</u></p> <ol style="list-style-type: none"> 1. Colleen McSweeney Moore 2. Stuart E. Palmer <p><u>Outside Cook County:</u></p> <ol style="list-style-type: none"> 1. Mark A. Schuering, 8th Ct., Chair 2. Ann B. Jorgensen, 18th Circuit <p><u>Alternates</u></p> <p><u>Cook County:</u></p> <ol style="list-style-type: none"> 1. Dennis J. Porter 2. Stanley J. Sacks <p><u>Outside Cook County:</u></p> <ol style="list-style-type: none"> 1. Kathryn E. Creswell, 18th Circuit 2. Michael P. Kiley, 4th Circuit 	<p>Stuart E. Palmer</p> <p>Joan Mason, A.O.I.C. Liaison</p>	<p>November 20, 2003 Holiday Inn Mart Plaza Chicago</p>

Committee on Education

2003-2004 SEMINAR SERIES

Faculty Development

TOPIC AND CHARGE	FACULTY	LIAISON	PRESENTATIONS
<p><u>FACULTY DEVELOPMENT WORKSHOP</u></p> <p>This workshop helps judges plan and deliver more effective judicial education programs. Topics include principles of adult learning, different learning styles of judges, program development techniques and presentation skills.</p> <p>This is the sixth presentation of this program for Illinois judges. It consistently receives excellent ratings.</p> <p>Attendance is by invitation (approved faculty and alternate faculty).</p>	<p>Louis Phillips, Ed. D.</p> <p>Dr. Phillips has a consulting practice in continuing education and training and has authored books and articles in this area. He is on the faculty of the National Judicial College and has presented this workshop for Illinois judges since 1997.</p>	<p>Susan F. Hutchinson</p>	<p>July 17-18, 2003 Lisle</p>

Judicial Conference Committee Charges and Rosters

ALTERNATIVE DISPUTE RESOLUTION COORDINATING COMMITTEE

The Committee shall:

Survey and compile detailed information about all existing court-supported dispute resolution programs and methods currently in use in the circuit courts of Illinois.

Examine the range of civil and criminal dispute resolution processes utilized in other jurisdictions and make recommendations regarding programs and techniques suitable for adoption in Illinois.

Explore experimental and innovative dispute processing techniques which may offer particular promise for improving resolution options for specialized case types.

Develop and recommend Supreme Court standards for the adoption of various types of dispute resolution programs by the circuit courts, including methods for ongoing evaluation.

Study options for funding court-annexed dispute resolution programs, including appropriate methods for seeking, soliciting, and applying for grants from public or private sources.

Monitor and assess on a continuous basis the performance of circuit court dispute resolution programs approved by the Supreme Court and make regular periodic reports to the Conference regarding their operations.

Suggest broad-based policy recommendations by which circuit courts can be encouraged to integrate alternative dispute resolution programs as part of a more comprehensive and coordinated approach to caseload management.

COMMITTEE ROSTER
Conference Members

Hon. Claudia Conlon
Hon. Robert E. Gordon
Hon. Randy A. Kogan

Hon. William D. Maddux
Hon. Lewis E. Mallott
Hon. Stephen R. Pacey

Hon. Lance R. Peterson

Associate Members

Hon. Donald J. Fabian

Advisors

Harris H. Agnew
Kent Lawrence

Cheryl I. Niro
John T. Phipps

Anton J. Valukas

COMMITTEE STAFF LIAISON: Anthony Trapani

COMMITTEE ON CRIMINAL LAW AND PROBATION ADMINISTRATION

The Committee shall:

Monitor and provide recommendations (including standards) on issues affecting the probation system.

Review procedures relating to the annual plan required by Section 204-7 of the Probation and Court Services Act.

Monitor statistical projections of workload. Review the work measurement formula for probation and pretrial services offices and make recommendations on such formula.

Review and comment to the Conference on matters affecting the administration of criminal justice.

COMMITTEE ROSTER**Conference Members**

Hon. Thomas R. Appleton	Hon. Sue E. Myerscough
Hon. Amy M. Bertani-Tomczak	Hon. Steven H. Nardulli
Hon. Vincent M. Gaughan	Hon. Lewis Nixon
Hon. Terrence J. Hopkins	Hon. James L. Rhodes
Hon. Donald C. Hudson	Hon. Teresa Righter
Hon. Kurt Klein	Hon. Mary Schostok
Hon. John Knight	Hon. Eddie A. Stephens
Hon. Vincent J. Lopinot	Hon. Michael P. Toomin
Hon. Colleen McSweeney-Moore	Hon. Walter Williams

Associate Members

None

Advisors

None

COMMITTEE STAFF LIAISON: Norman Werth

COMMITTEE ON DISCOVERY PROCEDURES

The Committee shall:

Review and make recommendations on discovery matters.

Monitor and evaluate the discovery devices used in Illinois including, but not limited to, depositions, interrogatories, requests for production of documents or tangible things or inspection of real property, disclosures of expert witnesses, and requests for admission.

Investigate and make recommendations on innovative means of expediting pretrial discovery and ending any abuses of the discovery process.

COMMITTEE ROSTER

Conference Members

Hon. Ann Callis
Hon. Joseph N. Casciato
Hon. Deborah M. Dooling
Hon. James R. Glenn

Hon. Frederick J. Kapala
Hon. Tom M. Lytton
Hon. Mary Anne Mason
Hon. James J. Mesich

Associate Members

None

Advisors

David B. Mueller
Donald J. Parker

Eugene I. Pavalon
Paul E. Root

COMMITTEE STAFF LIAISON: Janeve Botica Zekich

STUDY COMMITTEE ON JUVENILE JUSTICE

The Committee shall:

Study and make recommendations on detention of juveniles and the screening process used to determine the detention of juveniles by court services personnel.

Study and make recommendations on such other aspects of the juvenile justice system as may be necessary.

Make suggestions on necessary training for judges and court support personnel.

Monitor the implementation of those recommendations of the Study Committee on Juvenile Justice which are approved by the Supreme Court, for the purpose of refining and reinforcing the study committee's recommendations.

Prepare supplemental updates to the juvenile law benchbook for submission to the Executive Committee of the Conference for approval for appropriate distribution.

COMMITTEE ROSTER**Conference Members**

Hon. C. Stanley Austin
 Hon. Lynne Kawamoto
 Hon. Diane M. Lagoski
 Hon. Patricia Martin Bishop
 Hon. John R. McClean, Jr.

Hon. David W. Slater
 Hon. Daniel J. Stack
 Hon. Edna Turkington
 Hon. Kendall O. Wenzelman
 Hon. Milton S. Wharton

Associate Members

None

Advisor

Professor Suzanne S. Greene

COMMITTEE STAFF LIAISON: Elizabeth Paton

STUDY COMMITTEE ON COMPLEX LITIGATION

The Committee shall:

Study and make recommendations for procedures to reduce the cost and delay attendant to lengthy civil and criminal trials.

Make recommendations concerning problems typically associated with protracted litigation.

Study and disseminate information about practices and procedures that Illinois judges have found successful in bringing complex cases to fair and prompt disposition.

Prepare revisions or updates as necessary for the *Manual for Complex Litigation* which shall be submitted to the Executive Committee for approval for appropriate distribution to Illinois judges.

COMMITTEE ROSTER**Conference Members**

Hon. Mary Ellen Coghlan
 Hon. Eugene P. Daugherty
 Hon. Dorothy Kirie Kinnaird
 Hon. Gerald R. Kinney

Hon. Clyde L. Kuehn
 Hon. Stuart A. Nudelman
 Hon. Dennis J. Porter
 Hon. Ellis E. Reid

Hon. Stephen A. Schiller

Associate Members

Hon. Herman S. Haase

Hon. Robert P. LeChien

Advisors

William R. Quinlan

Professor Mark C. Weber

COMMITTEE STAFF LIAISON: Marcia M. Meis

COMMITTEE ON AUTOMATION AND TECHNOLOGY

The Committee shall:

Evaluate, monitor, coordinate and make recommendations on automation systems of the judiciary.

Develop broad automation goals, objectives and priorities.

Develop policies which will promote the effective and efficient use and expansion of automation in the courts which may include, if feasible, the development of formats for the automated reporting of statistical data for annual reports.

Coordinate the development of a long range plan for automation in the judiciary, including planning for automation expansion and the incorporation of new technologies into the courts.

Make policy recommendations on issues such as public access to information contained in the judiciary's automated systems.

Assess the adequacy of resources to support the automation program.

Evaluate all aspects of computer-assisted legal research and make recommendations as necessary.

Prepare estimated costs of all recommendations and an analysis of cost effectiveness of each recommendation.

COMMITTEE ROSTER**Conference Members**

Hon. Robert E. Byrne
Hon. James K. Donovan
Hon. Charles H. Frank

Hon. John K. Greanias
Hon. Mary W. McDade
Hon. Edna Turkington

Hon. Grant S. Wegner

Associate Members

Hon. R. Peter Grometer
Hon. Robert J. Hillebrand

Hon. Thomas H. Sutton
Hon. David A. Youck

COMMITTEE STAFF LIAISONS: Daniel R. Mueller & Skip Robertson

COMMITTEE ON EDUCATION

The Committee shall:

Develop a long-term plan for state-wide judicial education and short-term plans for judicial education. In formulating these plans the Committee shall include, as part of its considerations, emerging sociological, cultural, medical, and technical issues that impact upon the process of judicial decision making and administration.

Be responsible for identifying the training needs of the judiciary; make budget projections and recommendations for continuing judicial education throughout the state on an annual basis; recommend educational topics, faculty and program formats; and perform an analysis of the cost effectiveness of judicial education programs.

Develop a procedure and criteria for approving programs that are offered by organizations or individuals other than those planned by the Committee on Education.

Develop and recommend for the Supreme Court standards for continuing judicial education and a method of recording the attendance of judicial officers at judicial education programs.

COMMITTEE ROSTER

Conference Members

Hon. Preston L. Bowie, Jr.
Hon. James K. Donovan
Hon. Edward C. Ferguson
Hon. Alan J. Greiman
Hon. Susan F. Hutchinson

Hon. Lori R. Lefstein
Hon. Stuart E. Palmer
Hon. M. Carol Pope
Hon. Jane L. Stuart
Hon. Mary Jane Theis

Hon. Hollis L. Webster

Associate Members

Hon. James K. Borbely
Hon. Dale A. Cini
Hon. David R. Donnersberger

Hon. Lynn M. Egan
Hon. James R. Epstein
Hon. John K. Greanias

Advisors

None

COMMITTEE STAFF LIAISON: Lisa Jacobs