

2011 Annual Illinois Judicial Conference
Thursday, October 13, 2011
10:45 a.m.
Hotel Sax
Chicago, Illinois
Honorable, Thomas L. Kilbride, Chief Justice

Good morning. I want to thank you for your attendance and your participation in this Conference. I want to thank especially Mike Tardy, our Acting Director for the Administrative Office and his staff, for putting together a great conference today.

Let me start the Conference by acknowledging our colleagues on the dais today. I will begin with the place where it should start ... on my left and your far right, is the one who recommended that we all think of ourselves as brothers and sisters as we serve on the Court. A fine gentleman, a scholar, a judge's judge. I would like you to stand and give a standing ovation for Justice Thomas Fitzgerald. Next to Justice Fitzgerald is my colleague Justice Mary Jane Theis from the First District. From the Fifth District, my colleague Justice Lloyd Karmeier. Of course, to my immediate left, and who is always to my left, Justice Bob Thomas from the Second District. And to my immediate right, Justice Charles Freeman. From the Fourth District, Justice Rita Garman. And also from the First District, seated to her right, is Justice Anne Burke. Next to Justice Burke is retired Justice John Nickels. Also, please welcome Justice John Stamos. And finally, but not least, former Chief Justice, Ben Miller.

Now I have to tell you that I'm not a big fan of what my wife calls the "L&L" speeches. That would be long and lofty. I will not guarantee that this is as short as I would like it to be, but it's definitely not going to be a lofty set of remarks. I can tell you I've been fortunate to be in the audience for a number of scintillating Judicial Conference addresses since 2000, when I joined the Court. I say that with all due respect to my colleagues, but the truth is I'm just not as good as my colleagues in delivering scintillating speeches.

I find this task today a very daunting one, so I called around to my colleagues on the Court to get some assistance. And I started at first with the gentleman to my left, to your right, Justice, brother, Bob Thomas. "Bob, do you have any recommendations for me, what I should say?" He gave me some great advice. He said, "No. I got nothing for you." So I had to call Justice Karmeier on another matter. I called him up and said, "Lloyd, how about you?" You know what he had to say. "Actually, being in Chicago presents a fundamental conflict for me. I would like to be in St. Louis to watch the National League Baseball Championship." And I'm sure he'll deny it, but Justice Freeman, when I called him said, "Well I'm glad it's you and it's not me." And then I thought, as a married husband, and father of three daughters, living with my wife Mary, should I call the three sisters on the Court? And of course I did. I called Justice Garman. I refer to her as the scholarly colleague. And she, as she describes it, sits in a very quiet small little office down in Danville, Illinois. All she could offer was, "Go Cardinals." On the other hand, I called Justice Burke. Well, I can tell you she has lots of recommendations, and I love them all. And Justice Theis demurred and said, "Well, would this help me move any closer to the March 20th primary?"

Let me focus seriously on three points after receiving such solid practical and enthusiastic guidance from my colleagues. As you know, our constitution mandates that we meet here today to suggest improvements in the administration of justice. I want to start, first, with the obvious - the

beginning, our home base of operations. From an administrative vantage point, we're in the midst of a transition with Mr. Michael Tardy as our new Acting Director. Director Cynthia Cobbs, whom we acknowledge and thank for her outstanding, loyal, and dedicated service, is no longer our Director. But Mike is a twenty-two year veteran of the Administrative Office. He also worked 10-plus years in the Cook County court system. He's worked under a number of Directors and Chief Justices, and I'm pleased to report that Mike is ably handling the Director's duties. But when you think about it, given any transition, whether it's the Administrative Office, or any organization, a business, whatever it may be, think back to when you practiced law in terms of trying to operate a business, and make money, make a profit. It's always wise, I think, to take a look at what we do well and at what we could do better.

Recently, on October 4th, I went to Springfield and met with staff of the Administrative Office. I haven't made the visit to the Administrative Office in Chicago, but I met with almost a hundred staff members in Springfield. There were about 90 AOIC staff, as well as a few guests who came down from Chicago. There might have been close to a hundred at the Springfield office. I addressed the entire assembly, and then also spent the day walking around meeting each employee. I didn't finish, but I'm going to go back next Monday to finish my one-on-one discussions with members of the Springfield Administrative Office. I asked all of them individually to think in their role as a member of the Administrative Office, how we can accomplish our common goal to serve the people of Illinois as best we can and to serve our court system. And I reminded the Administrative Office employees, and I want to remind all of you, that in any organization, to have a smooth operating organization, it requires participation, at every single level. From the lowest level paid individual in an organization to the highest paid. I'm not simply talking about performance of a job, but I'm talking about how the job should be done. And I believe that no one in any organization knows better how to accomplish a job than those doing the job on the street level. And in our court system, that starts with the clerks in the courthouses. It involves the circuit judges, and recognizing that top down management and supervision is necessary.

I offered to the Administrative Office staff, and I want to offer this to all of you, and I'd ask you to share it with all of your colleagues throughout our court system, I believe, and I'm confident that my colleagues on the Court believe this as well, that good ideas exist not simply at the top of any organization, but exist at all levels of the organization. And keeping that in mind, I believe that we should encourage creativity at the Administrative Office and within the judicial branch among judges, clerks, probation departments, and other individuals in our court system.

Now, Mr. Tardy and I have had a number of conversations. And I'm confident that he and his staff, and after my conversations with employees in the Springfield office on October 4th, they are all open to communication, including recommendations and even constructive criticism, on how we, together, need to get the job done.

To close on my first point about transition, I want to extend to all of you the same invitation I extended to employees and I handed each employee a memorandum from me with my office contact information. If there are any matters you believe are necessary and you deem it important enough, to contact me directly.

The second point is what I call e-Everything. Some more scholarly technical folks call it e-Business. I'm talking about e-Filing, e-Records, e-Guilty, e-Tickets, e-Warrants, just e-Everything else. But specifically I want to tell you where we are and where we hope to go with that concept. It's more than a concept its more of a plan, an action plan, to get it done. The idea to move forward

on e-Filing actually was raised by my colleague Justice Bob Thomas when he served as the Chief Justice. Our plan is to move forward as expeditiously as possible to get the job done. This past spring our Court shifted directions when it became clear that e-filing infrastructures had already moved forward on solidifying in various fronts throughout the state.

Face it, in large part, circuit clerks, who are independently elected, and county boards, who obviously are independently elected and really don't pay much attention to what we want to do, are not going to necessarily wait to hear directions from the Illinois Supreme Court. And the fact is, there are numerous case management software that already exist within circuit courts all around the State of Illinois.

We decided in the Spring that it would be a good idea to commence and convene a collaborative process among practicing attorneys, among trial judges, appellate justices, circuit clerks, our Clerk from our Court, the Illinois Supreme Court, and an appellate clerk who was once the president of the Illinois Court Clerk's Association. That committee has been working, after they were appointed and convened in May, really plowing forward studiously.

I've gone to all of the meetings, reviewing e-Filing standards in the circuits that have e-filing projects now, and, also, looking at e-filing operations around the country, including Mississippi, Alabama, Ohio, and, of course, there's some big fans of the PACER system in the federal court systems. There was a story about how Mississippi actually got the PACER system from the federal court system, the only state in the United States.

We tried to do that through our friend, Chief Judge Holderman. We're not gonna get it, it's never as easy as it sounds. Even the Mississippi system, and Skip Robertson, who's our technical guru, would clarify that it's not easy to peel away from your existing system to simply apply another operation.

Here's where we are. We're trying to approach this from a user standpoint, the folks that actually use e-Filing, whether it's the circuit clerks, the trial judges, the practicing attorneys. That's why we assembled this group. Today Judge Albrecht's committee continues its work. She's the chair of the Automation and Technology Committee of the Judicial Conference, to try and look at it from the judges' standpoint in the trial court, how would this work and work functionally well.

Judge Keith Brown made a great comment. He said, you know, if you think about it, if we were a business and not a state bureaucracy, you would look at it from the standpoint of what a business would do to make profits. How do you do it efficiently? How do you do it economically? We truly hope that this vantage, of looking at it from the user standpoint, will make some sense and will get to the final goal line.

Thus, if I may use an analogy, in the end, where we hope to go is to open the gates with some uniform standards realizing that counties and clerks already have things in place and we can't turn it upside down; but to give them flexibility on how to drive the e-filing vehicle to the same parking lot. Now, whether they drive it with a Chevy, they drive it with a Buick, they drive it with any other car, we want to get to the same place that works effectively and efficiently. Flexibility is going to have to be the key.

To wrap up the second point, I want to just highlight one of my goals that the Court has embraced and has tried to move things, technology-wise, e-wise, further. Because of Justice Ann

Jorgensen, through her leadership, and assistance, and cooperation, we have now approved an e-record system for the court record to be sent electronically and to be shared among all the justices in the Second District Appellate Court, to the parties, and the attorneys of record. That's already started.

The Fourth District is now contemplating the final touches to launch an e-record project in their Appellate Court District. And the Third District's in conversations with Justice Robert Carter. I understand they are now preparing to submit a proposal to our Court.

Our Illinois Supreme Court is attempting to launch our own e-filing system with court documents at the Illinois Supreme Court. And we are gathering information. We put out a request for information to get vendors to assist us in putting that together.

Westlaw, who publishes our jury instructions, both civil and criminal, agreed last week that we may now post the instructions on our website. They don't want us to post the table of contents or the index, but we have a contract with them that's going to expire shortly. We are going to post those instructions online and also have the book available for judges and practitioners who want a physical set of the instructions in their hands.

As you know, we are already publishing online our court opinions. Rule 23 opinions are now available online, and, of course, there's a whole other world of e-guilty pleas, warrants, and so forth. I want you to keep this in mind. In speaking on this topic with Mike Tardy, he gave me the statistics. A five-year average of new case filings, for the last five years is over four million per year. Now, think about that for a minute. We all know that every filing has at least one page. We don't know what the average is, if it's 5, if it's 15, if it's 20. Take a factor of four. Take a factor of five. With four million a year that's a lot of sheets of paper. And you stack that on top of the millions and millions of pieces of paper that exist from past years, the last 5 years, the last 10 years, 25 years, 50 years. That's a mountain of paper. And here's the fact that we need to embrace: circuit clerks are drowning in the mountain of paper records that they have.

Last week when I visited the Lake County Circuit Court after an address to the Lake County Bar Association, the clerk brought me in through the parking lot on the lower level. I walked into the clerk's office and just racks, you'd think I was walking through a library with just stacks and stacks of files. And these are just the current ones. The cost for the space of storage, and the cost for the personnel to store these records alone represents significant sums of money. These are just some of the reasons why we must use technology to stem the avalanche.

To kind of wrap up, if I may, on this second point, I want to read to you a statement about computers, and then I'm going to tell you after I read it, it's a short quote, where it came from and who said it. Think back to when you first were introduced to computers. Here's the quote: "I know a lot of you don't like computers. You don't want them, and you don't want to have anything to do with them. But, ladies and gentleman, not only are they here, but they're here to stay. And the sooner you understand what they can do for you and assume the responsibility of being a part of that change instead of fighting the change, the better off we'll all be." That was a statement given by Mary Lou Holter from the IBM Corporation out of Baltimore in 1992. She said that at a conference Chief Justice Miller convened, a Future of the Courts Conference in 1992. They talked in 1992 about how you'll be able to e-file documents. They didn't use that phrase. The judge will be able to sit in one county, it was Henry County, and look at the court documents on a screen that

exist in the circuit clerk's office in Rock Island County. They talked about that. I'm not sure that we've heeded the call from 1992 that well.

So let me transition with that very quickly. I've got to give part of this credit to Tony Trapani. Tony is the liaison with the Administrative Office. These are conversations I had with Mr. Tardy and Tony. Tony, I think if he could, and I'd allow him to, would get up here and give this talk himself, but we're not gonna do that today.

The third and final point is that I ask for your assistance throughout the coming months to examine carefully what we do and what we should do to improve our court system. As I said earlier, the Illinois Constitution mandates us to look at and suggest improvements in the administration of justice. I think one question is, what is the status of this Judicial Conference? I'm not talking about tearing it down and throwing it out, but are we structured in the way that we think we can promote things efficiently, effectively to make sense for the entire court system? Are we making progress, and what practical common sense suggestions can we propose to move the ball forward? Not just to compile reports and read reports, but getting things done. How do we get the job done? And one recommendation, among many that I received from Justice Burke, and I think having gone through a judicial campaign a year ago, and I'm grateful to be here; I wasn't sure a year ago I'd be here today; how do we improve the public's view of the judiciary? That's something we need to think about. And what do we do about it?

But today in conclusion, let me say this. I offer you these suggestions, and to go back, it's always helpful to look back to see where we need to go forward. I think we should do what Chief Justice Miller did over 20 years ago when he convened a Future of the Court's Conference in 1992.

I don't remember the exact numbers, but I think it was in the ballpark of 300 or 350 participants, and only 150 of those participants were judges and attorneys in the court system. The rest were non-lawyers, nonlegal folks, business folks, people from education, and so forth came together. That was in 1992.

In 2002, Tim Eaton, then president of the Illinois State Bar Association, convened a Future of the Court's Conference. Knowing that I'm just one vote, I may be the Chief, but I still have to have authorization from my colleagues, and I haven't done that yet. But I have discussed this preliminarily, and it's my plan, and my hope that either in 2012, or no later than 2013, we can convene another Future of the Court's Conference.

So I'm asking you to put your thinking caps on. And again, I thank you for your work today. Thank you very much. I'm told by Brother Bob that that's it. You're free to go.