

REPORT
OF THE ILLINOIS
JUDICIAL
CONFERENCE
2014



2014 REPORT OF THE ILLINOIS JUDICIAL CONFERENCE

2014 REPORT

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MEMBERSHIP OF JUDICIAL CONFERENCE OF ILLINOIS

The following are members of the Judicial Conference of Illinois during the 2014 Conference year.

SUPREME COURT

Hon. Rita B. Garman
Chief Justice
Fourth Judicial District

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

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

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

Hon. Lloyd A. Karmeier
Supreme Court Justice
Fifth Judicial District

Hon. Anne M. Burke
Supreme Court Justice
First Judicial District

Hon. Mary Jane Theis
Supreme Court Justice
First Judicial District

Appellate Court

Hon. P. Scott Neville, Jr.
Chairman, Executive Committee
First District Appellate Court

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

Hon. Michael J. Burke
Presiding Judge
Second District Appellate Court

Hon. Thomas M. Welch
Presiding Judge
Fifth District Appellate Court

Hon. Tom M. Lytton
Presiding Judge
Third District Appellate Court

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APPOINTEES

Hon. Adrienne W. Albrecht
Circuit Judge
Twenty-First Judicial Circuit

Hon. James J. Allen
Circuit Judge
Twelfth Judicial Circuit

Hon. Robert J. Anderson
Circuit Judge
Eighteenth Judicial Circuit

Hon. Dinah J. Archambeault
Associate Judge
Twelfth Judicial Circuit

Hon. John A. Barsanti
Circuit Judge
Sixteenth Judicial Circuit

Hon. Patricia Banks
Circuit Judge
Circuit Court of Cook County

Hon. Jennifer H. Bauknecht
Circuit Judge
Eleventh Judicial Circuit

William J. Becker
Associate Judge
Fourth Judicial Circuit

Hon. William S. Boyd
Associate Judge
Circuit Court of Cook County

Hon. Liam C. Brennan
Associate Judge
Eighteenth Judicial Circuit

Hon. George Bridges
Circuit Judge
Nineteenth Judicial Circuit

Hon. Mary M. Brosnahan
Circuit Judge
Circuit Court of Cook County

Hon. Mark H. Clarke
Chief Judge
First Judicial Circuit

Hon. Cynthia Y. Cobbs
Circuit Judge
Circuit Court of Cook County

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

Hon. Neil H. Cohen
Associate Judge
Circuit Court of Cook County

Hon. Maureen E. Connors
Appellate Court Judge
First District Appellate Court

Hon. Joy V. Cunningham
Appellate Court Judge
First District Appellate Court

Hon. Thomas M. Donnelly
Associate Judge
Circuit Court of Cook County

Hon. Mark A. Drummond
Circuit Judge
Eighth Judicial Circuit

Hon. Lynn M. Egan
Circuit Judge
Circuit Court of Cook County

Hon. Kathy Bradshaw Elliott
Circuit Judge
Twenty-First Judicial Circuit

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

Hon. Frank R. Fuhr
Circuit Judge
Fourteenth Judicial Circuit

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Hon. Crystel L. Gavlin
Associate Judge
Twelfth Judicial Circuit

Hon. Robert G. Gibson
Associate Judge
Eighteenth Judicial Circuit

Hon. Mark S. Goodwin
Associate Judge
Fifth Judicial Circuit

Hon. Robert E. Gordon
Appellate Court Judge
First District Appellate Court

Hon. John C. Griffin
Circuit Judge
Circuit Court of Cook County

Hon. Katherine Gorman Hubler
Circuit Judge
Tenth Judicial Circuit

Hon. Shelvin Louise Marie Hall
Appellate Court Judge
First District Appellate Court

Hon. David E. Haracz
Associate Judge
Circuit Court of Cook County

Hon. Bobby G. Hardwick
Circuit Judge
Eighth Judicial Circuit

Hon. Kimbara G. Harrell
Associate Judge
Second Judicial Circuit

Hon. Thomas E. Hoffman
Appellate Court Judge
First District Appellate Court

Hon. Janet R. Holmgren
Circuit Judge
Seventeenth Judicial Circuit

Hon. William H. Hooks
Circuit Judge
Circuit Court of Cook County

Hon. David A. Hylla
Chief Judge
Third Judicial Circuit

Hon. Julie K. Katz
Associate Judge
Twentieth Judicial Circuit

Hon. Stuart P. Katz
Associate Judge
Circuit Court of Cook County

Hon. Richard P. Klaus
Associate Judge
Sixth Judicial Circuit

Hon. Robert G. Kleeman
Circuit Judge
Eighteenth Judicial Circuit

Hon. Kimberly G. Koester
Circuit Judge
Fourth Judicial Circuit

Hon. Marjorie C. Laws
Circuit Judge
Circuit Court of Cook County

Hon. Joseph G. McGraw
Chief Judge
Seventeenth Judicial Circuit

Hon. William A. Mudge
Circuit Judge
Third Judicial Circuit

Hon. Thomas R. Mulroy
Associate Judge
Circuit Court of Cook County

Hon. Leonard Murray
Associate Judge
Circuit Court of Cook County

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Hon. Jeffrey W. O'Connor
Chief Judge
Fourteenth Judicial Circuit

Hon. David K. Overstreet
Circuit Judge
Second Judicial Circuit

Hon. Michael Panter
Associate Judge
Circuit Court of Cook County

Hon. Barbara N. Petrunaro
Circuit Judge
Twelfth Judicial Circuit

Hon. Kenneth L. Popejoy
Circuit Judge
Eighteenth Judicial Circuit

Hon. Joan E. Powell
Circuit Judge
Circuit Court of Cook County

Hon. Lorna E. Propes
Circuit Judge
Circuit Court of Cook County

Hon. Carolyn Quinn
Associate Judge
Circuit Court of Cook County

Hon. Elizabeth A. Robb
Chief Judge
Eleventh Judicial Circuit

Hon. Heinz M. Rudolf
Associate Judge
Twentieth Judicial Circuit

Hon. Colleen F. Sheehan
Circuit Judge
Circuit Court of Cook County

Hon. Mitchell K. Shick
Circuit Judge
Fifth Judicial Circuit

Hon. Carolyn Bailey Smoot
Circuit Judge
First Judicial Circuit

Hon. James E. Snyder
Associate Judge
Circuit Court of Cook County

Hon. Christopher C. Starck
Circuit Judge
Nineteenth Judicial Circuit

Hon. Domenica A. Stephenson
Associate Judge
Circuit Court of Cook County

Hon. Linnea E. Thompson
Circuit Judge
Fourteenth Judicial Circuit

Hon. April G. Troemper
Associate Judge
Seventh Judicial Circuit

Hon. Carl Anthony Walker
Circuit Judge
Circuit Court of Cook County

Hon. Lisa Holder White
Appellate Court Judge
Fourth District Appellate Court

Hon. Thaddeus Wilson
Circuit Judge
Circuit Court of Cook County

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MEMBERS OF EXECUTIVE COMMITTEE

Hon. Rita B. Garman, Chairman
Chief Justice
Fourth Judicial District

Hon. James J. Allen
Circuit Judge
Twelfth Judicial Circuit

Hon. William H. Hooks
Circuit Judge
Circuit Court of Cook County

Hon. Mark H. Clarke
Chief Judge
First Judicial Circuit

Hon. Julie K. Katz
Associate Judge
Twentieth Judicial Circuit

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

Hon. P. Scott Neville, Jr.
Appellate Judge
First District Appellate Court

Hon. Neil H. Cohen
Associate Judge
Circuit Court of Cook County

Hon. Elizabeth A. Robb
Chief Judge
Eleventh Judicial Circuit

Hon. Lynn M. Egan
Circuit Judge
Circuit Court of Cook County

Hon. Christopher C. Starck
Circuit Judge
Nineteenth Judicial Circuit

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

Hon. Linnea E. Thompson
Circuit Judge
Fourteenth Judicial Circuit

Hon. Robert G. Gibson
Associate Judge
Eighteenth Judicial Circuit

Hon. Lisa Holder White
Appellate Court Judge
Fourth District Appellate Court

Hon. Shelvin Louise Marie Hall
Appellate Court Judge
First District Appellate Court

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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)	30
Ten judges appointed from each downstate district (including one chief judge)	<u>40</u>
Total Conference Membership	82

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

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A noteworthy change in the Conference is that it includes associate judges. In addition to having all classifications of judges represented, the current structure continues to provide for diverse geographical representation. The current structure also allows for the appointment as an advisor any judge, lawyer, or person involved with the judicial branch or administration of justice.

Another important aspect of the 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 takes 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.

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"The Public Perception of the Illinois Court System"

2014 ANNUAL MEETING OF THE ILLINOIS JUDICIAL CONFERENCE The Westin Hotel ~ Lombard, Illinois

AGENDA

Thursday, October 23, 2014

- 7:30 - 9:00 a.m. **Buffet Breakfast & Registration**
- 9:00 - 9:15 a.m. **Judicial Conference Address**
Honorable Rita B. Garman, Chief Justice, Supreme Court of Illinois
- 9:15 - 10:30 a.m. **Presentation: "Strategies to Gauge and Improve the Public Perception of the Illinois Court System"**
Daniel J. Hall & Laura G. Klaversma from the National Center for State Courts
- 10:45 – 12:15 p.m. **Committee Meetings (Wrap up of any Committee Business; Issues/Innovations Relating to Agenda Theme and Particular Committee Field) – Facilitated by Members of the Committee on Strategic Planning**
- *Alternative Dispute Resolution Coordinating Committee*
 - *Automation and Technology Committee*
 - *Criminal Justice Committee*
 - *Committee on Discovery Procedures and Study Committee on Complex Litigation (joint meeting)*
 - *Committee on Education*
 - *Juvenile Justice Committee*
- 12:30 – 1:30 p.m. **Luncheon**
- 1:45 – 3:30 p.m. **Follow-up from Committee Meetings, Q&A**
(Presentations/Discussions from Committee Chairs)
- 3:30 p.m. **Adjournment**

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Annual Report to the General Assembly on 2014 Judicial Conference

Article VI, section 17, of the Illinois Constitution mandates that the Illinois Supreme Court convene an annual judicial conference to consider the work of the courts and to suggest improvements in the administration of justice. Illinois Supreme Court Rule 41 implements this constitutional mandate by defining the duties and the membership of the Illinois Judicial Conference. The Conference is composed of judges from every level of the judiciary and represents Illinois' five judicial districts. The Chief Justice of the Supreme Court of Illinois presides over the Conference, and the other Justices serve as members.

An Executive Committee acts on behalf of the Conference when it is not in session. The Executive Committee consists of fourteen judges, with six from the First Judicial District (Cook County) and two each from the Second, Third, Fourth, and Fifth Judicial Districts. The Executive Committee previews the written reports of the Conference committees and submits an annual meeting agenda for the Supreme Court's approval.

Eight standing committees carry out the work of the Conference throughout the year. These committees are: the Alternative Dispute Resolution Coordinating Committee, the Automation and Technology Committee, the Study Committee on Complex Litigation, the Criminal Justice Committee, the Committee on Discovery Procedures, the Committee on Education, the Juvenile Justice Committee, and the Committee on Strategic Planning. The committees' membership includes appellate, circuit, and associate judges who also serve as members of the Judicial Conference. Their work is aided by judges, law professors, and attorneys appointed by the Supreme Court as advisors. Senior level staff of the Administrative Office of the Illinois Courts serve as liaisons to support the committees' activities.

On October 23, 2014, the Illinois Judicial Conference convened its Annual Meeting in Lombard, Illinois, which was concentrated into one full day of meetings, rather than being spread out over several days, thereby minimizing the judges' time away from the bench and managing costs more effectively.

Chief Justice Rita B. Garman convened the meeting. In her opening remarks, Chief Justice Garman welcomed those in attendance, and recognized the current members of the Supreme Court. Chief Justice Garman noted that it is the role of the Conference to consider the work of the courts and to suggest improvements in the administration of justice.

Chief Justice Garman remarked that the topic of this year's Annual Meeting differed from past years. She noted that Conference participants were not there to talk about changes to court procedures, implementation of new technology in their courthouses, or approaches to dispute resolution. Instead, they were there to consider how the public perceives the judicial system and what can be done to improve public understanding of the judicial process.

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Chief Justice Garman referenced the “Judge Judy effect,” whereby judges have media misrepresentation issues to overcome. For example, litigants, whose exposure to the judicial process is based on television and movies, have the impression that judges are confrontational, that judges lack self-restraint, and that judges make rulings based on their own subjective impressions of the people before them. Chief Justice Garman noted that the public perception of the role of the judiciary is further influenced by inaccurate reports in the media.

Chief Justice Garman commented that this information is reinforced by what some call bar law, the kind of bar law that has nothing to do with the Bar admission or the Bar Association. Bar law describes things people tell each other at bars and taverns, like the parent who thinks he won’t have to pay child support if he doesn’t exercise his visitation rights, or the person who thinks that she has a common-law marriage because she has lived with her partner for seven years.

Chief Justice Garman indicated that these examples reveal that the general public has many misconceptions about the judicial process, both with regard to the outcomes of well-publicized cases and with regard to the overall role of the judiciary in our society. Individual judges cannot set the record straight with regard to specific cases. Judges cannot write a letter to the editor to explain why a newspaper’s report of a verdict was inaccurate. Judges cannot call a reporter to explain why certain evidence had to be excluded or why a mistrial had to be declared. Chief Justice Garman, therefore, stressed that as a group, the Conference members can do a much better job of educating the public about the work of the judiciary. The first step in the process is in understanding what the public believes about the judicial process, so that strategies can be formulated to respond to these beliefs.

Chief Justice Garman noted that data on public trust in the judicial system has been collected. For example, a 1999 survey conducted by the National Center for State Courts showed that while the public viewed the judiciary in a positive manner, there were some matters of serious concern. Almost eighty percent of participants agreed that judges are generally honest and fair in deciding cases. Eighty-five percent agreed that courts protect defendant’s Constitutional rights, and almost seventy-five percent agreed that court personnel are helpful and courteous.

However, Chief Justice Garman pointed out that the participants in the survey had less confidence in local courts and in other institutions such as public schools, police, or doctors. Only twenty-three percent have expressed a great deal of trust or confidence in the judicial system. As you would expect, some types of cases are the sources of more criticism; specifically family relations and juvenile delinquency. In addition, the survey showed that only sixty percent of respondents thought that the people involved in court cases understood the court’s rulings. Chief Justice Garman indicated that it is known from other research that a party’s trust and confidence in the judicial process is key to misperception of the legitimacy of judicial decisions.

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Chief Justice Garman commented that what people really care about when they come to court is being treated with dignity, being able to have their say, and being confident that the judge is neutral and trustworthy. If that individual feels that he or she has been treated fairly and that their side of the dispute has been given due consideration and that the judge making the decision was fair and unbiased, that person will be more likely to accept the decision of the court as legitimate and more likely to comply with the court's order.

Chief Justice Garman identified individual trust and confidence in the court system as the best defense against noncompliance with court orders or emotionally-charged reactions to the outcome. Striving to deliver not only substantive justice but procedural justice in our courtrooms is one way that judges also can improve the public perception at the micro level.

At the macro level, Chief Justice Garman noted that the Illinois Supreme Court has made transparency a significant part of the information outreach effort. Through its website, which contains links to a wide variety of resources not only for attorneys but for members of the public, citizens can view oral arguments and read the opinions when they are issued. They can access the Attorney Registration and Disciplinary Commission website and search an individual attorney's history. And they can read rules governing judicial conduct and the rules of professional responsibility.

Chief Justice Garman emphasized that the Access to Justice Commission also plays a vital role in the efforts to improve public understanding. She explained that when the Court establishes procedures to insure translation services for non-English speakers, or simplify certain routine proceedings such as name changes, we not only increase access to justice, we demonstrate that the court system is responsive to the needs of individuals. She also noted that the Illinois Supreme Court and the various committees of the Illinois Judicial Conference continue to look for ways to improve public perception.

In closing, Chief Justice Garman commented that, if members of the general public are well-informed about the workings of our court system, the role of judges in the trial court and in the appellate process, there will be more public confidence in our work, which would be a great achievement. Chief Justice Garman concluded by wishing that the participants return home with new ideas and commitments to serve the people of Illinois, and undertake to commit and develop strategies to help in improving public perception.

After the Chief Justice concluded her remarks, she introduced two speakers from the National Center for State Courts. Following the speakers' presentation, Conference members met to focus on issues and innovations relating to the theme of the Annual Meeting: "The Public Perception of the Illinois Court System."

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CONSENT CALENDAR

The Consent Calendar includes memorials for deceased judges, biographies for retired judges and a listing of new judges for the period August 1, 2013 through August 31, 2014.

2014 REPORT

RESOLUTION

IN MEMORY OF

THE HONORABLE VINCENT BENTIVENGA

The Honorable Vincent Bentivenga, former circuit judge for the Circuit Court of Cook County, passed away January 2, 2014.

Judge Bentivenga was born November 18, 1936. He received his law degree from DePaul University College of Law and was admitted to the bar in 1960. He served for twelve years as an assistant State's Attorney for Cook County and worked for five years with the Cook County Sheriff's Office. He was elected a circuit judge for the Circuit Court of Cook County in 1976, and served for more than twenty years as a criminal court judge before retiring.

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

2014 REPORT

RESOLUTION

IN MEMORY OF

THE HONORABLE GARRY BRYAN

The Honorable Garry Bryan, circuit judge for the Sixth Judicial Circuit, passed away August 21, 2014.

Judge Bryan was born October 8, 1953 in Harvey, Illinois. He received his law degree from The John Marshall Law School in 1980, and was admitted to the bar that same year. He was appointed circuit judge for the Sixth Judicial Circuit in 2008. He ran unopposed for election in 2010.

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

2014 REPORT

RESOLUTION

IN MEMORY OF

THE HONORABLE ANTHONY L. BURRELL

The Honorable Anthony L. Burrell, circuit judge for the Circuit Court of Cook County, passed away May 14, 2014.

Judge Burrell was born May 28, 1961. He received his law degree from Cornell Law School in 1987. Judge Burrell worked briefly in private practice as a defense attorney in Chicago before serving as an assistant State's Attorney for Cook County from 1989 to 1995. He was first elected a judge in 2002. He won re-election in 2008 and remained in that position until the time of his death.

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

2014 REPORT

RESOLUTION

IN MEMORY OF

THE HONORABLE DONALD CADAGIN

The Honorable Donald Cadagin, former circuit judge for the Seventh Judicial Circuit, passed away March 7, 2014.

Judge Cadagin was born November 25, 1940. He received his law degree from Loyola University School of Law, and was admitted to the bar in 1972. Judge Cadagin served as an assistant State's Attorney, Public Defender, and State's Attorney for Sangamon County. He was elected circuit judge for the Seventh Judicial Circuit in 1994, and retained that position until his retirement July 8, 2005.

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

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RESOLUTION

IN MEMORY OF

THE HONORABLE C. JOSEPH CAVANAGH

The Honorable C. Joseph Cavanagh, former circuit judge for the Seventh Judicial Circuit, passed away March 13, 2014.

Judge Cavanagh was born September 24, 1932. He received his law degree from Georgetown University Law School in 1960, and was admitted to the bar in 1961. He served two terms as Sangamon County State's Attorney. He was also elected as a Resident Circuit Judge for Sangamon County, serving for a time as Chief Judge of the Seventh Judicial Circuit. He retired from the bench March 31, 1993.

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

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RESOLUTION

IN MEMORY OF

THE HONORABLE MARGARET O. COFFIN

The Honorable Margaret O. Coffin, former associate judge for the Eighteenth Judicial Circuit, passed away December 21, 2013.

Judge Coffin was born January 26, 1925. She received her law degree from St. John's University School of Law, and was admitted to the bar on May 23, 1963. She was appointed an associate judge for the Eighteenth Judicial Circuit on March 1, 1985. She retired from the bench December 15, 1991.

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

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IN MEMORY OF

THE HONORABLE RAYMOND J. CONKLIN

The Honorable Raymond J. Conklin, associate judge for the Fourteenth Judicial Circuit, passed away July 4, 2014.

Judge Conklin was born September 17, 1949 in Rockford, Illinois. He received his law degree from University of Iowa College of Law, and was admitted to the bar in 1975. In 2004, he was appointed an associate judge for the Fourteenth Judicial Circuit.

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

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RESOLUTION

IN MEMORY OF

THE HONORABLE RICHARD J. ELROD

The Honorable Richard J. Elrod, circuit judge for the Circuit Court of Cook County, passed away April 19, 2014.

Judge Elrod was born February 17, 1934. He received his law degree from Northwestern University School of Law in 1958, and was admitted to the bar in 1959. From 1958 to 1970, he was an attorney for the City of Chicago. He was elected to the Illinois House of Representatives from 1967-1968. He served four consecutive terms as Cook County Sheriff between 1970 and 1986, and was appointed to the bench as a circuit judge for the Circuit Court of Cook County in August of 1988. He was elected to the position in 1990, and remained in that position until the time of his death.

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

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IN MEMORY OF

THE HONORABLE SUSAN FLEMING

The Honorable Susan Fleming, former circuit judge for the Circuit Court of Cook County, passed away February 11, 2014.

Judge Fleming was born October 2, 1947 in Chicago, Illinois. She received her law degree from The John Marshall Law School, and was admitted to the bar in 1979. Judge Fleming's legal career included positions as an assistant State's Attorney for Cook County and as the legal representative for Chicago area hospitals. In 1992, she was elected as a circuit judge for the Circuit Court of Cook County and retired from the bench in 2003.

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

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RESOLUTION

IN MEMORY OF

THE HONORABLE NELLO GAMBERDINO

The Honorable Nello Gamberdino, former associate judge for the Circuit Court of Cook County, passed away December 28, 2013.

Judge Gamberdino was born November 12, 1924. He received his law degree from DePaul University College of Law, and was admitted to the bar in 1961. He was appointed an associate judge for the Circuit Court of Cook County on July 1, 1983. He retired from the bench December 31, 2000.

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

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RESOLUTION

IN MEMORY OF

THE HONORABLE DAVID HALL

The Honorable David Hall, former circuit judge for the Nineteenth Judicial Circuit, passed away May 20, 2014.

Judge Hall was born October 18, 1952. He received his law degree from Loyola University New Orleans College of Law in 1976, and was admitted to the bar in 1976. He was appointed as associate judge for the Nineteenth Judicial Circuit in 1989. In 2000, the Illinois Supreme Court appointed him a circuit judge. He was elected to two, six-year terms as a circuit judge. He retired from the bench in 2012.

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

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IN MEMORY OF

THE HONORABLE JAMES HARRIS

The Honorable James Harris, former circuit judge for the Circuit Court of Cook County, passed away May 28, 2014.

Judge Harris was born February 4, 1922. He received his law degree from The John Marshall Law School, and was admitted to the bar in 1950. He was in private practice from 1950-1977, and was appointed an associate judge in 1977. He was appointed a circuit judge in 1995. Judge Harris retired from the bench October 7, 1996.

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

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RESOLUTION

IN MEMORY OF

THE HONORABLE MICHAEL J. HOWLETT JR.

The Honorable Michael J. Howlett, Jr., circuit judge for the Circuit Court of Cook County, passed away March 16, 2014.

Judge Howlett was born July 10, 1948. He received his law degree from the University of Notre Dame Law School, and was admitted to the bar in 1973. Judge Howlett's legal career began with working for the U.S. Attorney's Office in Chicago. He also served as counsel to Cook County State's Attorney Dick Devine. He worked with Richard Phelan when Phelan was special counsel to the U.S. House Ethics Committee investigating Speaker Jim Wright, who resigned after the investigation.

In 1986, Judge Howlett ran for lieutenant governor on a ticket with Adlai Stevenson III. In 2005, Judge Howlett was appointed a circuit judge to fill a vacancy on the Circuit Court of Cook County and was elected in 2006 and in 2012.

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

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RESOLUTION

IN MEMORY OF

THE HONORABLE CHARLES JONES

The Honorable Charles Jones, former appellate judge for the Fifth District, passed away December 2, 2013.

Judge Jones was born September 14, 1924 in McLeansboro, Illinois. He received his law degree from the University of Illinois College of Law in 1950, and was admitted to the bar that same year. In 1954, he was elected county judge of Hamilton County and was re-elected in 1958 and 1962. In 1964, he was elected circuit judge for the Second Judicial Circuit. In 1971, he was assigned by the Illinois Supreme Court to the Fifth District Appellate Court. In 1974, he was elected an appellate judge for that court, where he served until his retirement on April 30, 1987.

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

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RESOLUTION

IN MEMORY OF

THE HONORABLE CLARENCE LIPNICK

The Honorable Clarence Lipnick, former associate judge for the Circuit Court of Cook County, passed away September 17, 2013.

Judge Lipnick was born March 7, 1921. He received his law degree from DePaul University College of Law, and was admitted to the bar in 1951. He was appointed an associate judge for the Circuit Court of Cook County in 1983. He retired from this position June 30, 2000.

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

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RESOLUTION

IN MEMORY OF

THE HONORABLE JOHN P. MEYER

The Honorable John P. Meyer, former circuit court judge for the Fifth Judicial Circuit, passed away October 31, 2013.

Judge Meyer was born August 17, 1920. He received his law degree from the University of Notre Dame Law School, and was admitted to the bar in 1947. During his legal career, he served as an assistant Attorney General for the State of Illinois. Judge Meyer was elected and served in the Illinois House of Representatives and Senate, and then later was elected circuit judge for the Fifth Judicial Circuit in 1980. He retired from the bench December 26, 1985.

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

2014 REPORT

RESOLUTION

IN MEMORY OF

THE HONORABLE MICHAEL J. MURRAY

The Honorable Michael J. Murray, former associate judge for the Circuit Court of Cook County, passed away August 23, 2014.

Judge Murray was born September 6, 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. During his legal career, he served as Chief Attorney for the Chicago Board of Education and was a partner at Murray & Girard, Ltd. Judge Murray was appointed an associate judge for the Circuit Court of Cook County July 2, 1987. He retired from that position December 31, 2007.

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

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RESOLUTION

IN MEMORY OF

THE HONORABLE GENE NOTTOLINI

The Honorable Gene Nottolini, former circuit judge for the Sixteenth Judicial Circuit, passed away September 5, 2013.

Judge Nottolini was born July 9, 1944 in Elgin, Illinois. He received his law degree from St. Louis University School of Law, and was admitted to the bar in 1968. He worked in the private sector from 1968 to 1984. In 1984, he was appointed an associate judge for the Sixteenth Judicial Circuit. He was appointed a circuit judge in 1988, elected in 1990 and retained until his retirement in 2005. Judge Nottolini served as chief judge of the Sixteenth Judicial Circuit from 1993 to 1996. He was recalled to the bench from August 1, 2007 to July 31, 2008.

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

2014 REPORT

RESOLUTION

IN MEMORY OF

THE HONORABLE BENJAMIN E. NOVOSELSKY

The Honorable Benjamin E. Novoselsky, former circuit judge for the Circuit Court of Cook County, passed away October 21, 2013.

Judge Novoselsky was born December 17, 1915. He received his law degree from DePaul University College of Law in 1938, and was admitted to the bar that same year. He was appointed an associate judge for the Circuit Court of Cook County in 1973. Judge Novoselky was elected circuit judge for the Circuit Court of Cook County in 1980. He retired from that position December 6, 1992 and, was recalled from 1993-2005.

The Illinois Judicial Circuit extends to the family of Judge Novoselsky its sincere expression of sympathy.

2014 REPORT

RESOLUTION

IN MEMORY OF

THE HONORABLE WILLIAM R. QUINLAN

The Honorable William R. Quinlan, former appellate judge for the First District, passed away October 1, 2013.

Judge Quinlan was born November 7, 1939. He received his law degree from Loyola University School of Law in 1963, and was admitted to the bar in 1964. He was elected a circuit judge for the Circuit Court of Cook County in 1980. Judge Quinlan was appointed to the First District Appellate Court in 1985 and elected the next year. In 1989, Judge Quinlan resigned from the Appellate Court to return to private practice. Judge Quinlan retired from private practice in 2011.

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

2014 REPORT

RESOLUTION

IN MEMORY OF

THE HONORABLE PATRICK QUINN

The Honorable Patrick Quinn, appellate judge for the First District, passed away January 8, 2014.

Judge Quinn was born October 1, 1953. He received his law degree from The John Marshall Law School in 1980, and was admitted to the bar that same year. Judge Quinn was an assistant State's Attorney for Cook County from 1981-1996. He was elected to the First District Appellate Court in 1996. Judge Quinn held that position until the time of his death.

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

2014 REPORT

RESOLUTION

IN MEMORY OF

THE HONORABLE RICHARD R. ROCHESTER

The Honorable Richard R. Rochester, former circuit judge for the Circuit Court of Cook County, passed away January 28, 2014.

Judge Rochester was born August 20, 1931 in Chicago, Illinois. He obtained his law degree from IIT/Chicago-Kent College of Law, and was admitted to the bar in 1959. Judge Rochester served in the private sector before his appointment as a circuit judge for the Circuit Court of Cook County in 1991. He retired August 2, 1993.

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

2014 REPORT

RESOLUTION

IN MEMORY OF

THE HONORABLE JOHN W. ROGERS

The Honorable John W. Rogers, former circuit judge for the Circuit Court of Cook County, passed away January 21, 2014.

Judge Rogers was born September 3, 1918. He received his law degree from the University of Chicago Law School in 1948, and was admitted to the bar that same year. He was appointed an associate judge in 1977, and was elected a circuit judge for the Circuit Court of Cook County in 1980. Judge Rogers retired from the bench in 1998.

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

2014 REPORT

RESOLUTION

IN MEMORY OF

THE HONORABLE JOHN E. SYPE

The Honorable John E. Sype, former circuit judge for the Seventeenth Judicial Circuit, passed away May 22, 2014.

Judge Sype was born March 27, 1916. He received his law degree from the University of Chicago Law School, and was admitted to the bar in 1939. He served as an assistant State's Attorney for Winnebago County. Judge Sype was appointed a circuit court judge in 1972, and remained in that position until his retirement in 1990.

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

2014 REPORT

RESOLUTION

IN MEMORY OF

THE HONORABLE CREED D. TUCKER

The Honorable Creed D. Tucker, former circuit judge for the Sixth Judicial Circuit, passed away September 6, 2013.

Judge Tucker was born April 30, 1924 in Glendale, California. He graduated from the University of Illinois College of Law in 1953, and was admitted to the bar in 1955. Judge Tucker worked in private practice in Champaign for a number of years. In 1966, he was appointed an associate judge in Champaign County, and was then elected a circuit judge for the Sixth Judicial Circuit. He spent 23 years on the bench, concluding his career as the presiding judge of the Sixth Judicial Circuit.

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

2014 REPORT

RESOLUTION

IN MEMORY OF

THE HONORABLE JOHN P. TULLY

The Honorable John P. Tully, former appellate judge for the First District, passed away January 23, 2014.

Judge Tully was born February 29, 1936. He received his law degree from DePaul University College of Law, and was admitted to the bar in 1970. Judge Tully practiced law for several years in the private sector. He served as a circuit judge for the Circuit Court of Cook County from 1984 to 1990, when he was elected an appellate judge for the First District. He retired from the bench December 31, 2009.

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

2014 REPORT

RESOLUTION

IN MEMORY OF

THE HONORABLE JOHN VERKLAN

The Honorable John Verklan, former associate judge for the Twelfth Judicial Circuit, passed away February 11, 2014.

Judge Verklan was born September 5, 1926. He received his law degree from Creighton University School of Law, and was admitted to the bar in 1953. Judge Verklan was a city attorney and school board attorney for Lockport, Illinois before being appointed an associate judge for the Twelfth Judicial Circuit in 1967. He retired from the bench in 1986.

The Illinois Judicial Council extends to the family of Judge Verklan its sincere expression of sympathy.

2014 REPORT

RESOLUTION

IN MEMORY OF

THE HONORABLE C. HOWARD WAMPLER

The Honorable C. Howard Wampler, former circuit judge for the Thirteenth Judicial circuit, passed away September 4, 2013.

Judge Wampler was born December 13, 1933. He received his law degree from the University of Illinois College of Law, and was admitted to the bar in 1958. He served as State's Attorney of Bureau County from 1964-68, and then briefly as Public Defender in 1970. Judge Wampler served three years as a magistrate and an associate judge before being appointed a circuit judge in 1974. He retired from the bench December 31, 1993.

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

2014 REPORT

RESOLUTION

IN MEMORY OF

THE HONORABLE WILLIE WHITING

The Honorable Willie Whiting, former circuit judge for the Circuit Court of Cook County, passed away August 29, 2013.

Judge Whiting was born June 5, 1924 in Chicago, Illinois. She received her law degree from The John Marshall Law School in 1950, and was admitted to the bar in 1951. She was also admitted to practice in 1964 before the United States Supreme Court. Judge Whiting was appointed a Cook County Magistrate in 1966 and appointed an associate judge for the Circuit Court of Cook County in 1971. In 1978, she was elected circuit judge for the Circuit Court of Cook County. Judge Whiting retired September 30, 2001.

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

2014 REPORT

RESOLUTION

IN MEMORY OF

THE HONORABLE GENE WILENS

The Honorable Gene Wilens, former associate judge for the Circuit Court of Cook County, passed away June 13, 2014.

Judge Wilens was born July 15, 1923. He received his law degree from The John Marshall Law School in 1950, and was admitted to the bar in 1951. He was appointed an associate judge for the Circuit Court of Cook County in 1979. He held that position until retiring November 30, 1997.

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

2014 REPORT

RESOLUTION

IN MEMORY OF

THE HONORABLE JAMES A. ZAFIRATOS

The Honorable James A. Zafiratos, former circuit judge for the Circuit Court of Cook County, passed away November 19, 2013.

Judge Zafiratos was born July 17, 1918. Judge Zafiratos received his law degree from The John Marshall Law School, and was admitted to the bar in 1948. He was appointed Magistrate of the Circuit Court of Cook County in 1965. He was elected circuit judge for the Circuit Court of Cook County in 1978. He retired from the bench May 31, 1997.

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

2014 REPORT

RETIRED JUDGES

BONO, Randall A. was born October 23, 1951. He received his law degree from the University of Louisville School of Law in 1976, and was admitted to the bar that same year. From November 27, 1995 to December 1, 1996, he served as a circuit judge for the Third Judicial Circuit. After his term expired, he was appointed an associate judge March 24, 1997. He resigned from that position March 15, 2000.

BROWN, F. Keith was born August 5, 1956. He received his law degree from Drake University Law School in 1981, and was admitted to the bar in 1982. Judge Brown served as an associate judge for the Sixteenth Judicial Circuit from 1991 to 1996, and was elected a circuit judge in 1996. He retired from the bench July 5, 2014.

CARROLL, Michael G. was born July 3, 1947. He received his law degree from the University of Illinois College of Law in 1974, and was admitted to the bar in 1975. Judge Carroll was in private practice prior to becoming a circuit judge for the Sixth Judicial Circuit in 2006. He retained that position until his retirement January 1, 2014.

CASTIGLIONE, Frank. was born October 31, 1953. He received his law degree from IIT/Chicago-Kent College of Law in 1979, and was admitted to the bar that same year. He was an assistant State's Attorney in Cook County, and was in private practice. In 1995, he was appointed to the Circuit Court of Cook County. After his term expired, he was appointed to serve as an associate judge December 2, 1997 for the Circuit Court of Cook County. He retained that position until retiring from the bench September 30, 2013.

CLARY, Michael D. was born March 1, 1954. He received his law degree from Southern Illinois University School of Law, and was admitted to the bar in 1979. Judge Clary was a State's Attorney in Vermilion County prior to his election as a circuit judge for the Fifth Judicial Circuit. He retained that position until retiring from the bench October 31, 2013.

DALY, Noreen M. was born December 18, 1955. She received her law degree from Loyola University School of Law, and was admitted to the bar in 1980. Judge Daly retired from the bench as an associate judge for the Circuit Court of Cook County March 31, 2014.

DONNELLY, Christopher J. was born September 19, 1956. He received his law degree from The John Marshall Law School, and was admitted to the bar in 1985. Prior to becoming a judge, he served as an assistant State's Attorney for Cook County. Judge Donnelly was elected a circuit judge for the Circuit Court of Cook County in 1994. He retired from the bench September 30, 2013.

DUDGEON, Thomas C. was born October 3, 1952. He received his law degree from Drake University Law School, and was admitted to the bar in 1977. He was appointed an associate judge for the Eighteenth Judicial Circuit June 1, 1992. He retired from the bench August 19, 2014.

2014 REPORT

FOREMAN, Fred was born August 22, 1948. He received his law degree from The John Marshall Law School in 1974, and was admitted to the bar that same year. He served as an assistant Public Defender and an assistant State's Attorney before being elected Lake County State's Attorney in 1980. He was appointed by then-President George H.W. Bush as U.S. Attorney for the Northern District of Illinois, serving from 1990 to 1993. He then was in private practice before being elected as a circuit judge for the Nineteenth Judicial Circuit in 2004. He served as chief circuit judge from 2012 until his retirement January 20, 2014.

FREDERICKSEN, Chris L. was born December 23, 1951. He received his law degree from Valparaiso University School of Law, and was admitted to the bar in 1977. He was appointed an associate judge for the Tenth Judicial Circuit January 1, 1999. He retired from the bench September 30, 2013.

GALLEY, Kevin R. was born June 22, 1954. He received his law degree from St. Louis University School of Law in 1980, and was admitted to the bar that same year. Prior to his 2002 election as a circuit judge for the Tenth Judicial Circuit, he was an associate judge for the Tenth Judicial Circuit. He retired from the bench July 2, 2014.

GOLDBERG, Allen S. was born May 5, 1942. He received his law degree from DePaul University College of Law, and was admitted to the bar in 1967. Prior to his election to the bench, he served as chief of the Felony Trial Division for the Cook County Public Defender's Office. He was elected a circuit judge for the Circuit Court of Cook County in 1992. He retired from the bench September 6, 2013.

GREENLIEF, Richard D. was born October 26, 1949. He received his law degree from Southern Illinois University School of Law, and was admitted to the bar in 1983. He was elected a circuit judge for the Eighth Judicial Circuit December 2, 1996. Prior to his retirement, he served as chief judge for four years. He retired from the bench July 6, 2014.

RUSCITTI GRUSSEL, Susan was born August 10, 1947. She received her law degree from The John Marshall Law School in 1979, and was admitted to the bar that same year. Prior to her election to the bench, Judge Ruscitti Grussel was an assistant State's Attorney for Cook County. In 1992, she was elected a circuit judge for the Circuit Court of Cook County. She retired from the bench December 31, 2013.

HADDAD, William J. was born September 6, 1945. He received his law degree from DePaul University College of Law in 1973, and was admitted to the bar that same year. Prior to his appointment to the bench, he worked as an assistant State's Attorney and in private practice. In 2003, he was appointed a circuit judge for the Circuit Court of Cook County. He retired from the bench September 6, 2013.

HAMER, Ted J. was born July 28, 1956. He received his law degree from The John Marshall Law School, and was admitted to the bar in 1981. Judge Hamer began work as an assistant State's Attorney in Henry County, and was elected Henry County's State's Attorney in 1994. In 2000, he became a circuit judge for the Fourteenth Judicial Circuit. He retired December 31, 2013.

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HARDY-CAMPBELL, LaQuetta was born December 12, 1951. She received her law degree from DePaul University College of Law, and was admitted to the bar in 1977. She was elected a circuit judge for the Circuit Court of Cook County December 7, 1998. She retired from the bench December 31, 2013.

HARRISON, Bennie Joe was born July 23, 1936. He received his law degree from the University of Kentucky College of Law, and was admitted to the bar in 1965. He was elected a circuit judge for the Second Judicial Circuit December 2, 1996. He retired from the bench November 30, 2013.

HOWARD, Garritt E. was born January 20, 1952. He received his law degree from IIT/Chicago-Kent College of Law, and was admitted to the bar in 1982. He served as an assistant State's Attorney for Cook County. He was appointed a circuit judge for the Circuit Court of Cook County in 1994. He was elected in 1994, retained in 2000, 2006, and 2012. He retired from the bench July 2, 2014.

HUSCHEN, John B. was born November 1, 1953. He received his law degree from The John Marshall Law School in 1980, and was admitted to the bar that same year. Judge Huschen served as a State's Attorney for Woodford County from 1988 to 1997. He was appointed a circuit judge for the Eleventh Judicial Circuit in January 1997, and was elected to the office in 1998. He retired March 31, 2014.

JENSEN, Keith was born November 8, 1951. He received his law degree from Washington University School of Law, and was admitted to the bar in 1977. He was appointed an associate judge for the Third Judicial Circuit May 14, 2007, and was reappointed in July, 2011. He retired from the bench August 31, 2014.

KAWAMOTO, Lynne was born June 13, 1950. She received her law degree from DePaul University College of Law, and was admitted to the bar in 1981. She was appointed an associate judge for the Circuit Court of Cook County February 1, 1991. She retired from the bench August 7, 2013.

KELLY, Carol A. was born May 5, 1952. She received her law degree from Loyola University School of Law, and was admitted to the bar in 1977. Prior to being elected as circuit judge in 1992 for the Circuit Court of Cook County, she worked as an assistant State's Attorney for Cook County. She retired from the bench January 30, 2014.

KOGAN, Randy A. was born September 10, 1949. Judge Kogan received her law degree from DePaul University College of Law, and was admitted to the bar in 1978. She was appointed an associate judge for the Circuit Court of Cook County June 17, 1988. She retired from that position December 31, 2013.

KUNKLE, William J. was born September 3, 1941. He received his law degree from Northwestern University School of Law in 1969, and was admitted to the bar that same year. He worked as an assistant State's Attorney for Cook County. In 2004, he was elected a circuit judge for the Circuit Court of Cook County, and retired from the bench July 2, 2014.

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LEWIS, Robert W. was born September 17, 1949. He received his law degree from Florida State University College of Law, and was admitted to the bar in 1974. He was appointed an associate judge for the Second Judicial Circuit January 29, 2001. He retired from that position October 2, 2013.

LOWRANCE, Michele F. was born July 5, 1948. She received her law degree from DePaul University College of Law in 1975, and was admitted to the bar that same year. Judge Lowrance served as a circuit judge for the Circuit Court of Cook County from 1995 until her retirement January 30, 2014.

MADDUX, William D. was born January 17, 1935. He received his law degree from Georgetown University Law Center in 1959 and was admitted to the bar that same year. Judge Maddux served mainly in the private sector prior to being appointed a circuit judge in 1991 for the Circuit Court of Cook County. He was elected in 1992 and retained that position until retiring January 11, 2014.

MCMILLEN, Alesia A. was born June 5, 1954. She received her law degree from DePaul University College of Law, and was admitted to the bar in 1980. She was elected a circuit judge for the Eighth Judicial Circuit December 7, 1998. Judge McMillen retired from the bench August 1, 2014.

MEYER, Barbara M. was born August 12, 1955. She received her law degree from Drake University Law School in 1979, and was admitted to the bar in 1980. She was elected a circuit judge for the Circuit Court of Cook County in 2002. Judge Meyer retired from the bench September 4, 2013.

MULHERN, Mary A. was born January 1, 1953. She received her law degree from DePaul University College of Law, and was admitted to the bar in 1977. She worked in private practice before her election as a circuit judge for the Circuit Court of Cook County in 1996. She retired from the bench November 30, 2013.

PACEY, Stephen R. was born November 10, 1948. He received his law degree from the University of Illinois College of Law in 1974, and was admitted to the bar that same year. He worked in private practice prior to his appointment as a circuit judge for the Eleventh Judicial Circuit in August 1996. Judge Pacey was elected to the position in 1998, and then retained in 2004 and 2010. Judge Pacey retired December 31, 2013.

PILEGGI, William G. was born December 9, 1950. He received his law degree from IIT/Chicago-Kent College of Law in 1976, and was admitted to the bar that same year. He worked as an assistant State's Attorney for Cook County from 1976 to 1981, and worked in the private sector from 1981 to 1992. He was appointed an associate judge for the Circuit Court of Cook County in 1998. He retired from the bench September 30, 2013.

PUMILIA, Gary was born August 16, 1947. He received his law degree from Drake University Law School, and was admitted to the bar in 1974. He served with the Winnebago County Public Defender's office from 1976 to 2000, and was Winnebago County Public

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Defender from 1981 to 2000. He became an associate judge for the Seventeenth Judicial Circuit in 2000. He retired from the bench December 31, 2013.

SAWYER, Stephen G. was born October 29, 1953. He received his law degree from the University of Illinois College of Law, and was admitted to the bar in 1979. He was Wabash County State's Attorney from 1981-1992. He was appointed an associate judge for the Second Judicial Circuit in 1992, and was elected a circuit judge for the Second Judicial Circuit in 2002. Judge Sawyer retired from the bench December 31, 2013.

SIEGEL, Richard J. was born September 20, 1952. He received his law degree from Northern Illinois University College of Law, and was admitted to the bar in 1982. He worked as an assistant State's Attorney for Will County prior to his election as a circuit judge for the Twelfth Judicial Circuit in 2002. He retired from the bench December 31, 2013.

SIMPSON, Douglas was born August 30, 1955. He received his law degree from IIT/Chicago-Kent College of Law, and was admitted to the bar in 1986. He was appointed an associate judge for the Circuit Court of Cook County in 2005, and was reappointed in 2007 and 2011. He retired from the bench July 1, 2014.

SINGER, Henry M. was born November 28, 1952. He received his law degree from IIT/Chicago-Kent College of Law, and was admitted to the bar in 1976. He was appointed a circuit judge for the Circuit Court of Cook County January 2, 2003. Judge Singer retired from the bench November 30, 2013.

STUART, Jane L. was born October 26, 1944. She received her law degree from The John Marshall Law School in 1985, and was admitted to the bar that same year. She was elected a circuit judge for the Circuit Court of Cook County in 1996, and retired from the bench June 10, 2014.

SULLIVAN, James E. was born February 15, 1939. Judge Sullivan received his law degree from the University of Illinois College of Law, and was admitted to the bar in 1967. He was elected a circuit judge for the Circuit Court of Cook County from 1978 to 1991. In April 2011, he was recalled by the Court as a circuit judge for the Circuit Court of Cook County. He retired from the bench April 24, 2014.

SWEENEY, Rhoda was born September 8, 1939. She received her law degree from the IIT/Chicago-Kent College of Law, and was admitted to the bar in 1981. She was appointed a circuit judge for the Circuit Court of Cook County September 8, 1995. She was reappointed as a circuit judge December 10, 2003, and retired November 30, 2013.

SWEET, Dean E. was born September 24, 1947. He received his law degree from St. Louis University School of Law, and was admitted to the bar in 1976. Prior to becoming a judge, he was in private practice, served as a city attorney, and was an assistant State's Attorney. Judge Sweet was appointed an associate judge for the Third Judicial Circuit in 2010. He retired from the bench May 31, 2014.

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TUCKER, Thomas M. was born December 4, 1945. He received his law degree from the University of Notre Dame Law School, and was admitted to the bar in 1976. He was appointed an associate judge for the Circuit Court of Cook County August 11, 1989. He retired from that position December 4, 2013.

TUNGATE Sherri L.E. was born June 14, 1953. She received her law degree from Southern Illinois University School of Law in 1979, and was admitted to the bar that same year. Judge Tungate was elected to the position of circuit judge for the Fourth Judicial Circuit in 2000, after having served as an associate judge since 1994. She was retained as a circuit judge in 2006 and 2012. Judge Tungate retired from the bench January 30, 2014.

URSIN, Theresa L. was born August 30, 1956. She received her law degree from Northern Illinois University College of Law, and was admitted to the bar in 1982. She was appointed an associate judge for the Fifteenth Judicial Circuit August 26, 1999, appointed a circuit judge October 13, 2004, and was elected a circuit judge December 6, 2004. Judge Ursin retired from the bench August 31, 2014.

VECCHIO, Steven G. was born November 1, 1951. He received his law degree from Marquette University Law School, and was admitted to the bar in 1976. He was appointed an associate judge for the Seventeenth Judicial Circuit March 6, 1995. He retired from the bench December 5, 2013.

WALDECK, Joseph R. was born May 29, 1952. He received his law degree from the Northern Illinois University College of Law, and was admitted to the bar in 1979. Judge Waldeck was appointed an associate judge for the Nineteenth Judicial Circuit in 1995. He retired from the bench July 3, 2014.

WEXSTTEN, James M. was born April 29, 1950. He received his law degree from Southern Illinois University School of Law in 1976, and was admitted to the bar in 1977. Judge Wexstten was in private practice until being elected a circuit judge for the Second Judicial Circuit in 1988. He served as chief judge from 1991 to 1993, and then from 2000 to 2003. He was appointed an appellate judge for the Fifth District February 2, 2007, and was elected in 2008. Judge Wexstten retired January 29, 2014.

WILLIAMS, Shelli D. was born January 7, 1958. She received her law degree from Indiana University College of Law, and was admitted to the bar in 1989. Judge Williams was elected a circuit judge for the Circuit Court of Cook County in 1996. She retired from the bench July 2, 2014.

ZAPPA, Jr., Leo J. was born September 27, 1957. He received his law degree from the University of Tulsa College of Law in 1982, and was admitted to the bar in 1983. Judge Zappa was first elected as a circuit judge for the Seventh Judicial Circuit in 1992, and was retained in 1998, 2004, and 2010. He retired from the bench December 20, 2013.

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NEW JUDGES

Alfeld, Philip B. – Associate Judge, Third Judicial Circuit
Allegretti, John M. – Circuit Judge, Circuit Court of Cook County
Atterberry, Michael L. – Circuit Judge, Eighth Judicial Circuit
Boliker, Shauna L. – Associate Judge, Circuit Court of Cook County
Bowes, Karen J. – Associate Judge, Circuit Court of Cook County
Burch, Charles H.W. – Circuit Judge, Eighth Judicial Circuit
Carlson, David M. – Associate Judge, Twelfth Judicial Circuit
Carmody, Matthew J. – Associate Judge, Circuit Court of Cook County
Carroll, James R. – Associate Judge, Circuit Court of Cook County
Crisel, Jerry – Associate Judge, Second Judicial Circuit
Dirnbeck, Eric J. – Circuit Judge, Second Judicial Circuit
Duffy, Daniel P. – Circuit Judge, Circuit Court of Cook County
Durkin, Melissa A. – Associate Judge, Circuit Court of Cook County
Esrig, Jerry A. – Circuit Judge, Circuit Court of Cook County
Fitton, Matthew John – Circuit Judge, Eleventh Judicial Circuit
Garcia, David – Associate Judge, Twelfth Judicial Circuit
Gillespie, Aleksandra – Circuit Judge, Circuit Court of Cook County
Hood, Michael J. – Associate Judge, Circuit Court of Cook County
Kakac, Kevin C. – Circuit Judge, Second Judicial Circuit
Kutsunis, Theodore G. – Associate Judge, Fourteenth Judicial Circuit
Lee, Kevin Thomas – Associate Judge, Circuit Court of Cook County
Loftus, Anna M. – Circuit Judge, Circuit Court of Cook County
Lombardo, D. Christopher – Associate Judge, Nineteenth Judicial Circuit
Maurer, Matthew J. – Associate Judge, Seventh Judicial Circuit
Maldonado, Alfredo – Associate Judge, Circuit Court of Cook County
Martin, Marc W. – Circuit Judge, Circuit Court of Cook County
Martinez, Francis M. – Associate Judge, Seventeenth Judicial Circuit
Nicolosi, Philip J. – Associate Judge, Seventeenth Judicial Circuit
Pauel, Linda J. – Associate Judge, Circuit Court of Cook County
Raines, William B. – Circuit Judge, Circuit Court of Cook County
Reilly, Eve M. – Circuit Judge, Circuit Court of Cook County
Rivers, Kristal R. – Circuit Judge, Circuit Court of Cook County
Romanek, Abbey Fishman – Circuit Judge, Circuit Court of Cook County
Rosenblum, Steven Jay – Associate Judge, Circuit Court of Cook County
Schoenbein, Kirk D. – Associate Judge, Tenth Judicial Circuit
Sheafor, M. Don Jr. – Circuit Judge, Fourth Judicial Circuit
Slemer, Ronald R. – Associate Judge, Third Judicial Circuit
Telander, Brian F. – Circuit Judge, Eighteenth Judicial Circuit
Watkins, Steven G. – Circuit Judge, Circuit Court of Cook County
Webber, Roger B. – Associate Judge, Sixth Judicial Circuit
Workman, William G. – Associate Judge, Eleventh Judicial Circuit

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

Hon. David E. Haracz, Chair

Hon. Patricia Banks
Hon. William S. Boyd
Hon. Cynthia Y. Cobbs
Hon. Robert G. Gibson

Hon. Mark S. Goodwin
Hon. James E. Snyder.
Hon. Carl Anthony Walker

October 2014

2014 REPORT

I. STATEMENT ON COMMITTEE CONTINUATION

Since the 2012 Annual Meeting of the Illinois Judicial Conference, the Alternative Dispute Resolution Coordinating Committee ("Committee") has found the climate for alternative dispute resolution ("ADR") remains favorable and the legal community continues to be receptive to the various ADR processes. This Conference year, the Committee was busy with many activities, including obtaining comments from judges and attorneys who utilize mandatory mediation programs established pursuant to Illinois Supreme Court Rule 99 and 99.1 on the use and efficacy of those programs and development of standardized forms for use in those programs.

As part of the Committee's charge, the sixteen counties that operate a court-annexed mandatory arbitration programs continued to be monitored throughout the Conference year. Beginning in January of 2014, a new methodology of collecting statistical data from these programs was implemented after a six month pilot project. This new methodology utilizes an Access database program which not only standardizes the timing and type of information reported, but also provides more detail concerning the overall performance of each program pre and post arbitration hearing.

In 2013, the Committee developed a survey which was submitted to judges to obtain their insight on the efficacy and need for mandatory mediation programs. Based on the judicial responses, the Committee in 2014 developed a survey considering the perception attorneys have about assignment of cases to civil mediation. During the 2015 Conference Year, it is anticipated that the Committee will continue to monitor court-annexed mandatory arbitration programs, oversee and facilitate the improvement and expansion of civil mediation programs, consider proposed amendments to Supreme Court rules for mandatory arbitration, and continue to study and evaluate

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other alternative dispute resolution options. The Committee also will continue to work on the projects and priorities delineated by the Court and stand ready to accept new projects for Conference Year 2015.

Because the Committee continues to provide service to arbitration practitioners, make recommendations on mediation and arbitration program improvements, facilitate information to Illinois judges and lawyers, and promote the expansion of court-annexed alternative dispute resolution programs in the state of Illinois, the Committee respectfully requests that it be continued.

II. SUMMARY OF COMMITTEE ACTIVITIES

Conference Year 2014 Projects/Priorities

Project 1: Consider the Perceptions of Judges and Attorneys Surrounding Assignment of Cases to Civil Mediation.

The Committee received this charge for Conference Year 2012. After initial discussion of this charge, the Committee concluded there are two perceptions: the first perception was that parties in civil cases were being forced into mediation even after the parties had determined mediation was not feasible; the second perception was if the parties had agreed to mediation but could not choose a mediator, the trial judges were either appointing or strongly recommending use of particular mediators. Based on information received, the Committee concluded that the perceptions contained in each issue were unfounded. Once it was determined the two perceptions were false, the Committee began discussion on how to create a positive perception of the use of mediation in Illinois. The discussion has ranged from standardizing mediation processes to the feasibility of a mandatory mediation program similar to the current mandatory arbitration system. The Committee was requested to continue to explore this topic in 2013 and the request was granted.

During Conference Year 2013, Committee discussion regarding this charge resulted in the

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creation of a survey which was drafted and sent to judges in July of 2013. The survey sought to gather first-hand information about how judges view civil mediation, the frequency of its use, and the methodology of its implementation. There were one hundred and ten (110) replies and the results showed a generally positive attitude towards mandatory mediation. In particular, seventy eight percent (78%) of the responders had referred cases to mediation, fifty-six percent (56%) of the responders found mediation to be very helpful in achieving settlement of cases, and sixty percent (60%) of the responders found mediation quickened resolution of cases.

Based on the responses received from the judges, the Committee in 2014 drafted a survey for attorneys who practice in this area so as to understand their views and perceptions about mediation. To date there were four hundred and fifteen (415) replies to the survey and a preliminary review indicates a generally positive attitude towards mandatory mediation. In particular, forty two percent (42%) of the responders utilized mediation in civil cases, excluding mortgage foreclosure, with a value of more than fifty-thousand dollars in value (\$50,000.00). Fifty-two percent (52%) of the responders found mediation to be somewhat helpful in achieving settlement and the same percentage of responders found mediation quickened resolution of cases. Finally, sixty-four percent (64%) of the responders indicated that mediators were selected by agreement of the parties. Acceptance of replies to this survey continues and those replies will be incorporated into a final report which will be submitted to the Court during the first quarter of 2015.

Project 2: Examine Supreme Court Rule 99 (Mediation Programs) to Determine if the Rule Needs Expansion or Clarification to Standardize the Formulation of Requesting a New Mediation Program and the Day to Day Operation of Existing Mediation Programs.

The Committee believes that in order to fully address this charge, the data collected from the

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mediation survey discussed above needs to be analyzed. In particular, the frequency of mediation use, whether or not there is an adequate number of mediators available, how are the mediators trained and whether or not mediator compensation should be set by rule. Therefore, the Committee will be in a better position to answer this charge at the end of Conference Year 2015.

Project 3: Develop a Uniform Methodology of Statistical Reporting for all Mediation Programs.

In order to fully address this charge, the data collected from the mediation survey discussed above will need to be analyzed. In particular, it will be important to discover the number of cases sent to mediation in a calendar year (as well as the overall percentage of cases therein that were sent to mediation in the same time period). Therefore, the Committee will be in a better position to answer this charge at the end of Conference Year 2015.

Project 4: Develop Standardized Forms for Use by Mediation Programs.

A sub-committee began work on this charge by requesting each circuit to provide any forms used in Rule 99 and Rule 99.1 mediation programs. Multiple forms have been received and are being analyzed for similarities and differences which will be used a basis for drafting forms. The Committee will continue to address this charge in Conference Year 2015.

Project 5: Convene Alternative Dispute Resolution Program Administrators for the Purpose of Facilitating Informational Exchanges to Promote Program Efficacy.

The Committee met with the Mandatory Arbitration Program Administrators on June 20, 2014 at the 17th Circuit Mandatory Arbitration Center in Rockford. The Administrators advised that DuPage County had developed an Access Arbiter Program. This program utilized Microsoft Access, which assists in the selection of arbitrators and e-mails the selected arbitrators on the date and time of the hearings they have been selected to preside over. The Arbiter program has proven effective in time management, improved randomness in the selection of arbitrators and reduced

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costs, especially in the area of postage since notices no longer have to be mailed to the selected arbitrators. The Administrator for the DuPage County program advised that the DuPage County I.T. department would be willing to share the technology with the AOIC with a goal of distributing the program to each Arbitration center. The Administrators agreed that the program would be an extremely beneficial tool to assist in the day to day operation of the arbitration centers.

Each Administrator then reported on the status of arbitration case filing numbers. In general, the case filings and amount of cases proceeding to hearing are up from last year. The Administrators commented that mediations for various purposes being held in each center had increased, especially in those circuits with either a Rule 99 mandatory mediation program and/or Rule 99.1 mortgage foreclosure mediation program.

Issues concerning the newly implemented data collection system were also discussed among the mediators and committee members in attendance.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

The Committee requests to continue its work toward completing the projects and priorities outlined for Conference Year 2014 and other initiatives as directed by the Court.

During the 2015 Conference Year, the Committee will continue to monitor and assess court-annexed mandatory arbitration programs, suggest broad-based policy recommendations, explore and examine innovative dispute resolution techniques and continue studying the impact of rule amendments. In addition, the Committee will continue to study, draft and propose rule amendments in light of suggestions and information received from program participants, supervising judges and arbitration administrators. The Committee will continue to study the projects/priorities and other assignments delineated by the Court for the upcoming Conference

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year.

The Committee plans to facilitate the improvement and expansion of major civil case mediation programs. Based on the judicial and attorney survey results, the Committee would like to continue discussion with a goal of formulating ideas and suggestions on how to improve and enhance the perception of mediation in Illinois.

V. RECOMMENDATIONS

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

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

Hon. David A. Hylla, Chairperson

Hon. Adrienne W. Albrecht
Hon. F. Keith Brown
Hon. Katherine Gorman Hubler
Hon. Douglas L. Jarman
Hon. William A. Mudge

Hon. Lorna E. Propes
Hon. Carolyn Bailey Smoot
Hon. Christopher C. Starck
Hon. Thaddeus L. Wilson

October 2014

2014 REPORT

I. STATEMENT ON COMMITTEE CHARGE

For Conference Year 2014, the Supreme Court assigned the Automation and Technology Committee (Committee) with collaborating with the Administrative Office of the Illinois Courts on the establishment of a centralized governance structure comprised of key judicial branch stakeholders charged with reviewing and vetting e-Business requests and projects as a component of statewide e-business initiatives and data exchange programs. The Court also charged the Committee with continued monitoring of electronic filing and access programs in the trial courts. The Court asked that the Committee work through the Chief Circuit Judges to identify existing and planned e-Business initiatives in the circuit courts, denoting their purpose, technology, how they are implemented, and any gaps or recommendations for improving their use or deployment. The Court also charged the Committee to study the use of forms, technology implemented and workflow used to automate them, and any local rules used to govern their use.

II. SUMMARY OF COMMITTEE ACTIVITIES

Recommendation and Collaboration in Establishing an e-Business Governance Board

The Committee, primarily through the Committee Chair, worked closely with the Administrative Office of the Illinois Courts to frame and recommend to the Court a centralized e-Business Governance structure which would evaluate e-Business applications and requests for court data by ensuring consistency in the trial courts with regard to the purpose of the data requested, the exchange partners involved, data privacy issues, implementation of standards, and conformance with Supreme Court Rules, policies, and statutes. An e-Business Policy Advisory Board would be the central entity to review e-Business initiatives and requests for court data, making recommendations to the Court on standards, policies and rules. As well, at the direction

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of the e-Business Policy Advisory Board, an e-Business Technical Committee would develop detailed technical standards, NIEM data mappings, and documentation to normalize specific data fields and uniform data access / exchange programs between trial court case management systems, applications, and trading partners.

Membership on the e-Business Policy Advisory Board would consist of six judges (one the Board Chair), the Supreme Court Clerk, two Appellate Court Clerks, three circuit court clerks, four attorneys, and the AOIC's Assistant Directors of JMIS and Court Services Divisions. Members represent judges, clerks, and attorneys who have knowledge and experience in implementing e-Business projects in their respective courts and offices. Specific members were recommended to the Court who served on the Automation and Technology Committee, Supreme Court Special e-Business Committee, and e-Access Policy Advisory Group, all of which would be sunset.

Electronic Filing of Documents in Criminal Cases

The Supreme Court requested that the Committee work with the Administrative Office of the Illinois Courts to study and make recommendations on the electronic filing of documents in criminal cases. The Honorable John T. Elsner, Chief Judge, 18th Judicial Circuit and Mr. Chris Kachiroubas, Clerk of the 18th Judicial Circuit, submitted a request to the Court to expand electronic filing to include criminal cases. Changes to the Court's Electronic Filing Standards and Principles were reviewed and the proposed amendments were submitted to the Committee for analysis and feedback.

The Proposed changes to the Court's Electronic Filing Standards and Principles include:

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STANDARDS - Requirements for Electronic Filing

- Expanding the inclusion of judicial stakeholders in the planning and development of the electronic filing of court documents and citations to include the state's attorney, public defender, local law enforcement or the sheriff.
- Bulk filings of multiple cases or multiple documents combined into one PDF document in civil or criminal case types shall not be accepted.
- Documents with different civil or criminal case numbers must be filed individually in separate transactions. Filing of individual documents within a civil or criminal case should be accepted in a single e-Filing transaction.
- Multiple citations being electronically filed may be transmitted to the circuit clerk as a single transaction directly from the law enforcement agency.
- Documents filed in civil case types or by attorneys which do not comply with the format specified by the applicable statute or rule may be rejected. Documents filed by *pro se* or incarcerated defendants who do not comply with the format specified by the applicable statute or rule shall be reviewed for acceptance by the court prior to rejection.
- When appropriate, filings initiated by court partner agencies in criminal cases (i.e., state's attorney, public defender, attorney general, law enforcement) are exempt from the payment of filing fees and vendor fees for value-added services.
- The filing party must retain the original documents which are signed either conventionally or electronically.
- A means of electronic service on registered attorneys in criminal cases may be established as part of the e-filing system. When service is required by the clerk, the clerk of the court may serve electronically to the attorney and shall record in the official court record the effective date and time of service. Service of documents in criminal cases to a *pro se* defendant who is not represented by counsel shall, unless waived, be made as otherwise provided by rule or statute.

PRINCIPLES - Best Practices for Electronic Filing

- The decision to operate an e-filing program is optional for circuit courts. The clerk and chief judge or presiding judge of the court, or designee, upon application and approval by

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the Supreme Court, may require litigants and lawyers to file electronically court documents in civil case types authorized for electronic filing and may require lawyers to file electronically court documents in criminal case types by local rule or order. Documents required to be maintained in original form pursuant to the Manual on Recordkeeping established by the Court's *General Administrative Order on Recordkeeping in the Circuit Courts* or other rule or statute are excluded from electronic filing. The chief circuit judge may specify by rule or order additional documents not to be filed by electronic means.

e-Citations and e-Signatures

As a follow up to a conversation between the Honorable Michael J. Sullivan and the Honorable David A. Hylla, the electronic citation program, and in particular, the capture and retention of electronic and original wet-ink signatures on court documents / citations was briefly discussed. The topic was linked, in part, with the recommended changes to the Court's e-Filing Standards and Principles allowing for the filing of criminal cases, including e-Citations. Although the Court's Electronic Filing Standards and Principles allow for the imaging and use of e-documents, the practices below, requiring a 'wet-ink signature' and deposit of driver's licenses, may present a conflict with practice.

- A February 15, 2013 Proposal to the Electronic Citation Program contains language which states:
 - "Each citation must be filed with the Circuit Clerk and contain the original signature(s) of the issuing officer, and, when required, the violator."
- Supreme Court Rule 526(e), Rule 556, and 625 ILCS 5/6-306.3 allow for a driver's license to be deposited in lieu of bail.

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- As such, circuit clerks are required to accept and store driver's licenses where they may elect to print a citation to match the deposited driver's license.

Because of the complexity, scope and Court's intention to centralize the vetting and analysis of e-Business initiatives, this topic may be best assigned and studied by the new e-Business Policy Advisory Board.

III. RECOMMENDATIONS

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

The Committee will work to transition pending assignments and work to the newly formed e-Business Policy Advisory Board.

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

Hon. Dinah J. Archambeault, Chair

Hon. Mary Margaret Brosnahan
Hon. Michael J. Burke
Hon. Mark A. Drummond
Hon. Tom M. Lytton
Hon. Joseph G. McGraw
Hon. Thomas R. Mulroy

Prof. Martha A. Pagliari, Reporter
Hon. Joan E. Powell
Hon. Carolyn Quinn
Hon. Christopher C. Starck
Hon. Michael J. Sullivan
Hon. Thaddeus L. Wilson

October 2014

2014 REPORT

I. EXECUTIVE SUMMARY

The purpose of the Illinois Judicial Conference Study Committee on Complex Litigation ("the Committee") is to make recommendations, through proposed rules or other procedures, to reduce the cost and increase the efficiency of protracted civil and criminal trials, which often involve multiple parties, multiple issues, and/or unique substantive or procedural considerations. Historically, the Committee's work has been focused on updating and revising its manuals for complex litigation (Civil and Criminal), and adding forms to the manual appendices. The Committee members include Illinois circuit court and appellate court judges who possess significant civil and/or criminal complex litigation experience.

For Conference Year 2014, the Supreme Court's charge to the Committee carried over some of the projects/priorities from Conference Year 2013. Chiefly, the Committee continued revising, updating and simplifying the Manual on Complex Criminal Litigation (Criminal Manual). The Criminal Manual had not been fully revised or updated since 2005. Accordingly, the Committee reviewed existing content within the Criminal Manual in order to identify material in need of revision or removal. The goal was to provide criminal trial judges with an updated statement of the current law and procedures associated with complex criminal litigation. Also carried over from Conference Year 2013 was the task of tracking and identifying changes to Illinois civil law and procedure that would necessitate updates or revisions to the Manual on Complex Civil Litigation, revised most recently in 2011.

The Committee was also notified that, after the conclusion of Conference Year 2014, it would be consolidated with the Discovery Procedures Committee to form a new Civil Justice Committee. In this regard, the Committee was charged with determining an appropriate committee

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to house and revise both Complex Litigation Manuals going forward. In addition, the Committee was charged with coordinating with the Committee on Discovery Procedures to develop recommendations for membership and tasks for the Civil Justice Committee for Conference Year 2015.

The Committee believes its work has played an important role in the mission of the Conference. Specifically, the completion of the revised Criminal and Civil Manuals has furthered the Committee's goal of providing topical, efficient reference guides for Illinois judges presiding over complex litigation.

II. SUMMARY OF COMMITTEE ACTIVITIES

The following offers a brief summary of the Committee's work on those projects/priorities undertaken in Conference Year 2014.

A. Finalize, Publish, and Circulate the 2nd Edition of the Manual on Complex Criminal Litigation: Notorious and High Profile Cases

In Conference Year 2014, the Committee was largely focused on drafting the remaining chapters of the new second edition of the Complex Criminal Manual. Previously, the Criminal Manual, created in 2005, was compared to the Criminal Procedure Benchbook to streamline the Manual and avoid duplication of content already in the Benchbook. A subcommittee recommended revisions to update and/or remove content of the manual, which the Committee voted to accept. The subcommittee recommended incorporating topics which included media issues and jury issues for the revised Manual. The Committee approved these additions. The Committee completed the final, finished product, which will be published in hard copy and CD-ROM format.

Thanks to the roadmap created by the subcommittee's proposed table of contents, individual

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chapters were assigned to Committee members to either review and update the content, or to draft content on those topics that had not been included in the previous version of the Manual. The chapters in the revised Complex Criminal Manual are as follows: **Chapter 1: Preliminary Issues in Complex Criminal Litigation: High Profile & Notorious Cases** serves as a primer to the Criminal Manual, explaining and defining notorious, complex and high profile cases and identifying preliminary management considerations. **Chapter 2: Media in the Courtroom** speaks to issues with the interaction between the court and the media in the coverage of criminal litigation proceedings. **Chapter 3: Security** discusses issues associated with keeping the courtroom, employees, litigants, jurors, and observers safe in the wake of the potentially dangerous situations that can arise during criminal trials. **Chapter 4: Special Prosecutors** addresses the unique circumstances and procedural implications raised by a request for the appointment of a special prosecutor, including grounds for such an appointment and compensation. **Chapter 5: Pretrial Motions** provides procedural guidance on pretrial motions concerning joinder and severance, and the legal principles that govern those procedures. **Chapter 6: Jury Issues** covers jury management issues including specialized voir dire procedures, sequestration of jurors, anonymous and dual juries, as well as issues that may arise with the use of social media and the internet.

The updated Manual was designed to be a concise and user-friendly guide for judges. Each chapter of the revised Manual includes a selection of sample orders and checklists related to topics that are essential to the judicial management of complex criminal cases.

B. Updates to the Manual on Complex Civil Litigation

In Conference Year 2014, the Committee contemplated annual revisions and updates to the 4th Edition of the Manual on Complex Civil Litigation, as well as review of the forms contained in

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the appendices. Each chapter of the Civil Manual was assigned to a Committee member for review. The Committee members reviewed the chapters and gave their updates for content and for the appendices. The updates were not significant in length and the Committee decided to publish the updates as a supplement to the 4th Edition of the Manual.

C. New Committee to House Criminal and Civil Manuals

As noted earlier, the Committee was tasked with identifying an existing Judicial Conference Committee to house and revise the Civil and Criminal Manuals after the disbandment of the Complex Litigation Committee. Committee members engaged in extensive discussion regarding this issue during multiple meetings. While the Committee's 2014 charge suggested both the Committee on Education and the Criminal Justice Committee as possibilities for takeover of the Manuals, the Committee ultimately determined that the Education Committee was the best fit, for several reasons. First, while the Committee felt that the Criminal Justice Committee would probably be a good fit for the Criminal Manual, given its broad statement of purpose to advise the Judicial Conference on all matters affecting criminal justice, the Committee ultimately felt the Criminal Justice Committee was not an appropriate committee to house the Civil Manual.

The Committee was of the opinion that responsibility for upkeep of both Manuals should be undertaken by a single committee; therefore it determined that the Committee on Education was the most appropriate committee for the task. The Committee on Education is tasked with identifying the educational needs for the Illinois judiciary and designing educational programs that address those needs. In addition, the Committee on Education is currently charged with reviewing and updating all judicial benchbooks, which it has done for some time. The Committee felt that this made the Committee on Education uniquely suited to undertake responsibility for the Civil and

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Criminal Manuals. Preliminary discussions between the Chair of the Study Committee on Complex Litigation and the Committee on Education were productive, with the Chair of the Committee on Education indicating a willingness to take on both Manuals in the future.

D. Recommendations for New Civil Justice Committee

As part of its Conference Year 2014 charge, the Committee was tasked with coordinating with the Committee on Discovery Procedures to develop recommendations for membership and tasks for the Civil Justice Committee for Conference Year 2015. The Study Committee met in March and April to discuss the issue on its own, and also held a joint meeting with the Committee on Discovery Procedures in May to finalize the proposal for the Civil Justice Committee. In addition, Chair Archambeault met several times with the Chair of the Discovery Procedures Committee, Judge Petrunaro, to develop a proposed statement of purpose, general charge, and projects/priorities for the 2015 Conference Year, based on input received from each of the respective Committees.

The resulting proposal was approved unanimously at the May 30th joint meeting of the two Committees. The proposed statement of purpose and general charge for the new Civil Justice Committee closely mirrors the corresponding language of the Criminal Justice Committee's statement of purpose and general charge, with revisions to allow for a focus on civil justice as opposed to criminal. The list of proposed projects and priorities for Conference Year 2015 was developed based on suggestions of the membership from both Committees, as well as input from AOIC staff and the AOIC Director.

III. RECOMMENDATIONS

The Study Committee on Complex Litigation makes the following recommendations to the

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Conference:

A. That all future updates, revisions, or changes to the the Manuals on Complex Civil and Criminal Litigation be undertaken by the Committee on Education.

B. That the Conference forward to the Court for its consideration the following recommended statement of purpose, general charge, projects/priorities, and membership criteria for the new Civil Justice Committee:

Illinois Judicial Conference Civil Justice Committee

CONFERENCE YEAR 2015

Statement of Purpose:

To advise the Judicial Conference in matters affecting civil justice.

General Charge:

The Committee shall review and make recommendations on matters affecting civil justice. The Committee will review, analyze and examine new issues arising out of legislation and case law that impact civil law and procedures and any aspect of civil justice.

Conference Year 2015 Projects/Priorities:

- Study ways to improve our civil jury trial system including consideration of the Sedona project for the Seventh Circuit.
- Study the impact of social media on jurors, including jury misconduct.
- Develop rules for class action cases.
- Re-examine our discovery rules to consider (1) adopting a mandatory disclosure requirement similar to Federal Rule of Civil Procedure 26 and (2) eliminating the discovery deposition.
- Study, examine and report on Supreme Court Rules as they relate to civil procedure and court processes.
- Undertake any such other projects or initiatives that are consistent with the Committee charge.

Membership of Committee:

- Range of 12-14 members.
- Composition of members should be reflective of all types of jurisdictions – large and small, metropolitan and rural.

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

Hon. William H. Hooks, Chairperson

Hon. Thomas R. Appleton
Hon. Neil H. Cohen
Hon. Kathy Bradshaw Elliott
Hon. Chrystel L. Gavlin
Hon. Janet R. Holmgren

Hon. Marjorie C. Laws
Hon. Leonard Murray
Hon. Mitchell K. Shick
Hon. Domenica A. Stephenson
Hon. Thomas W. Welch

October 2014

2014 REPORT

I. STATEMENT ON COMMITTEE CONTINUATION

The purpose of the Criminal Justice Committee, (Committee), of the Illinois Judicial Conference is to review and make recommendations on matters affecting the administration of criminal law, including legislative, case law and proposed Supreme Court rule changes.

2014 began a new era for the Committee. Since its inception, the Committee was known as the Criminal Law and Probation Administration Committee which addressed a number of critical issues related to criminal law and probation administration, including recommending amendments to Supreme Court Rules which were subsequently adopted by the Supreme Court, including Rule 605(b) and Rule 430, preparing and presenting to the Conference a pre-sentence investigation report format incorporating the principles of Evidence Based Practices, (EBP) and a one page EBP bench guide and a similar document created for use by probation officers, supervisors, and managers, and in 2007 presenting a Survey of Specialty Courts in Illinois which was updated in 2013. With this name change there is new focus dedicated to addressing issues that directly impact the day to day operations of the criminal justice system in Illinois.

During this conference year, the Committee addressed concerns about the use of video conferencing technology in criminal cases, whether or not Supreme Court Rule 402(d) should be amended to address ineffective assistance of counsel claims based on the United States Supreme Court decisions of *Missouri v. Frye* and *Lafler v. Cooper*. The Committee also discussed the proposed constitutional amendment entitled Victims Bill of Rights, the potential need to amend Rule 604(d) based on the decision of *People v. Tousignant*, 2014 IL 115329, and whether or not to propose an amendment to Rule 411 to require discovery prior to a defendant's appearance in bond court. Consistent with the Committee's charge of undertaking any such projects or

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initiatives that are consistent with the charge, discussion was held regarding the feasibility of providing judges with greater flexibility to deviate from the statutory mandatory minimum and maximum sentencing options by incorporating sentencing options similar to the federal system. Finally, the Committee also began discussion on how to better implement evidence based practices in the trial courts and probation departments.

The Committee is requesting to continue addressing matters affecting the criminal justice system.

II. SUMMARY OF COMMITTEE ACTIVITIES

Conference Year 2014 Projects/Priorities

Project 1: Address concerns about the use of video conference technology in criminal cases .

In 2012, the Criminal Law and Probation Administration Committee completed the charge to examine the feasibility of the use of video conference technology in criminal cases by proposing a rule which mirrors the existing statute for defendant's appearance by closed circuit television and video conference. During discussion of the proposed rule at the December 2012 Rules Committee Public Hearing, several concerns were raised about the use of video conferencing which led the Court to charge the Committee to further study this issue by compiling and analyzing data on past and current use of video conferencing and to determine the reasons some courts discontinued utilization of video conference technology.

To address the concerns about the use of videoconferencing in criminal cases expressed at the Rules Committee December 2012 public hearing, the Committee in 2013 developed a survey to assess the use of and attitude towards videoconference technology. That survey was sent to all the circuits. The responses to the survey revealed that seventeen (17) circuits utilize videoconference

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technology in criminal cases and do not want to discontinue its use. Further, the Committee was also able to ascertain that Cook County's use of videoconference technology in criminal cases was discontinued at the request of the Chief Judge due to concerns by the defense bar about how the technology was utilized, such as lack of privacy when speaking with the accused.

The Committee would again emphasize that the purpose behind the aforementioned proposed rule was that utilization of video conference technology is a chief judge initiative to be implemented within guidelines established by the Court or removed if there are issues with the technology or the use of the technology within the circuit.

Project 2: Address concerns about whether Supreme Court Rule 402(d) should be amended to deal with ineffective assistance of counsel claims based on the 2012 United States Supreme Court decisions of Missouri v. Frye and Lafler v. Cooper.

In April of 2013, Illinois Supreme Court Justice Mary Jane Theis posed a query to the Committee regarding whether an amendment to Rule 402(d) would reduce claims of ineffective assistance of counsel as a result of the United States Supreme Court decisions in *Missouri v. Frye*, 132 S. Ct. 1399 (2012) and *Lafler v. Cooper*, 132 S. Ct. 1376 (2012). The Criminal Law and Probation Administration Committee recommended at the conclusion of 2013 that an amendment to Rule 402 was not required because the defendant would be given additional *prima facie* grounds for filing a post-conviction petition, thus actually increasing the number of post conviction petitions.

However, additional information was requested in 2014 on this issue. A subcommittee consisting of Judge Cohen, Judge Hooks and Judge Stephenson met with Justice Theis to discuss this issue. Justice Theis opined that any proposed rule should contain the following mandates:

1. Defendant must be present in open court for the plea.
2. Plea agreements need to be in writing.
3. The prosecutor will provide the defendant and judge the sentencing range in open court and on the record.

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The Committee discussed the effects the recommended mandates would have on the court system. In particular if Rule 402 is amended, what, if any, negative impact could there be on the management of misdemeanor and traffic dockets. The Committee was reminded that one of the main reasons for originally recommending that a rule was not required was because it was believed that the defendant would be given additional grounds for a post conviction petition, especially because a rule would act as *prima facie* grounds for a post conviction petition. The Committee continues to discuss possible amendments to Rule 402(d) based on the *Frye* and *Laughler* cases including the possibility of obtaining stakeholder input and/or presenting a best practices guide on taking pleas rather than a rule.

Project 3: Study, examine and report on Supreme Court Rules as they relate to criminal procedure and court process.

On March 31, 2014, the Illinois Supreme Court issued the decision of *People v. Tousignant*, 2014 IL 115329. *Tousignant*, reversed a plea agreement because the certification did not contain both the plea and the sentence. After debate on the impact of this ruling, the Committee discussed the possibility of amending the relevant language of Rule 604(d) to remove the word "or" and substitute the word "and". The Committee is in the process of discussing proposed amendments Rule 604(d).

The Committee also discussed the issues and concerns raised in the report by Administrative Office of the Illinois Courts' review of the Cook County Bond Court system. One suggestion raised by the Committee was whether or not amending Rule 411 to require discovery prior to a defendant's appearance in bond court would be beneficial to the process and not just in Cook County but in the entire state. The Committee is in the process of drafting a proposed amendment to Rule 411 for

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discussion.

Project 4: Victim's Bill of Rights

On December 12, 2012, House Joint Resolution Constitutional Amendment 1 (HJRCA 1) was filed with the Clerk of the General Assembly. HJRCA 1 would amend Section 8.1 of Article 1 of the Illinois Constitution-Crime Victims Rights and if approved would be submitted to the electors of the State for adoption or rejection at the next general election. HJRCA 1 was adopted by the General Assembly on April 10, 2014 and will be on the ballot in November. After discussion, the Committee reached a consensus that this proposed amendment would not be beneficial to criminal proceedings in the trial courts.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

While the Committee made significant progress in addressing its charge for the current conference year, much of the work is ongoing and developing. The Committee is requesting to continue to address Justice Theis' concerns about whether Rule 402(d) should be amended to address ineffective assistance of counsel claims based on the United States Supreme Court decisions in *Missouri v. Frye* and *Lafler v. Cooper*, to continue discussion on implementing sentencing flexibility similar to the federal sentencing methodology, to address the possible need to amend Rule 604(d) based on the *Tousignant* decision, and to address the possibility of amending Rule 411 to require discovery prior to bond hearings.

As well the Committee would like to continue to review and make recommendations on matters affecting the administration of the criminal justice system and to continue to study, examine and report on proposed Supreme Court Rules as they relate to criminal procedure and court process. The Committee is dedicated to serving the Court in meeting the assigned projects and priorities, and

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producing quality information and a work product useful to courts and beyond.

IV. RECOMMENDATIONS

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

2014 REPORT

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

Hon. Barbara N. Petrunaro, Chairperson

Hon. William J. Becker
Hon. Maureen E. Connors
Hon. Lynn M. Egan
Hon. Frank R. Fuhr

Hon. Kimbara G. Harrell
Hon. Michael Panter
Hon. Kenneth L. Popejoy
Mr. Joseph R. Marconi, Esq.

Prof. Marc D. Ginsberg, Reporter

October 2014

2014 REPORT

I. STATEMENT OF COMMITTEE PURPOSE

The purpose of the Committee on Discovery Procedures (Committee) has been to review and assess discovery devices used in Illinois. It has been the goal of the Committee to propose recommendations that expedite discovery and eliminate any abuses of the discovery process. To accomplish this goal, the Committee over the years has researched significant discovery issues and has responded to discovery-related inquiries. The Committee, therefore, believes that it has provided valuable expertise in the area of civil discovery.

II. SUMMARY OF COMMITTEE ACTIVITIES

A. Committee Charge

The Committee is charged with studying and making recommendations on the discovery devices used in Illinois. The Committee also is charged with investigating and making recommendations on innovative means of expediting pretrial discovery and ending any abuses of the discovery process so as to promote early settlement discussions and encourage civility among attorneys. Finally, the Committee's charge includes reviewing and making recommendations on proposals concerning discovery matters submitted by the Supreme Court Rules Committee, other committees, or other sources.

In conjunction with its charge, the Committee considered three proposals that were forwarded to it from the Supreme Court Rules Committee.

Supreme Court Rules 205, 206 and 207

The Committee considered a proposal from the Illinois Court Reporters Association to amend paragraph (a) of Supreme Court Rule 205 to provide that only licensed court reporters take depositions, unless a court appoints another individual; to amend paragraph (f) of Supreme Court

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Rule 206 to require that a certified court reporter be present to take depositions stenographically and to amend paragraph (h) to clarify that when a deponent is deposed remotely by electronic means, the officer administering the oath and recording the deposition will record the deposition stenographically; and to amend paragraph (a) of Supreme Court Rule 207 to remove reference to "reporter" and to amend paragraph (b) to provide that the transcript is certified by the licensed court reporter. Following discussions, the Committee voted to not recommend adoption of the proposal. The Committee determined that the amendments were too expansive regarding the use of court reporters in all the instances noted. The Committee also expressed concern about the increase in cost resulting from adoption of the proposed amendments, particularly in small downstate jurisdictions. Pursuant to Supreme Court Rule 3, the Committee forwarded its recommendation to the Supreme Court Rules Committee.

Supreme Court Rule 208

The Committee considered a proposal from the Illinois State Bar Association to amend paragraph (d) of Supreme Court Rule 208 to give the trial court discretion to award a successful party: (1) fees charged by a physician who testifies as an independent expert witness; (2) fees charged by a videographer and court reporter for an evidence deposition used at trial; and (3) fees charged by an interpreter used to translate witness testimony used at trial. During its discussions, the Committee expressed concern about the proposal because it includes a new group of costs, and creates a benefit to a party that potentially did not incur costs. The Committee also commented that the current rule already affords the trial court discretion to address fees and charges. After several discussions, the Committee decided to not recommend adoption of the proposed amendment. The Committee, pursuant to Supreme Court Rule 3, forwarded its recommendation to the Supreme

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Court Rules Committee.

Supreme Court Rule 236

The Committee considered a proposal from the Illinois Trial Lawyers Association to amend Supreme Court Rule 236 to provide that the certification of a health care provider by the signature of appropriate medical personnel creates a rebuttable presumption that said bill is reasonable and necessary. The Committee expressed concern over the proposal because it viewed it as an effort to lessen the evidence necessary to prove the reasonableness and necessity of medical/hospital care. The Committee also indicated that the proposal was not necessary. The Committee therefore voted to reject the proposal. Pursuant to Supreme Court Rule 3, the Committee forwarded its recommendation to the Supreme Court Rules Committee.

B. Conference Year 2014 Projects/Priorities

The following subjects represent the projects/priorities assigned by the Supreme Court to the Committee for consideration in Conference Year 2014.

During Conference Year 2014, the Committee considered proposed changes offered by the Supreme Court Rules Committee to the Discovery Committee's proposed e-Discovery amendments, which were referred to the Court in Conference Year 2013. The proposed changes were suggested in light of comments made at the April 4, 2014 public hearing. The Committee agreed with those changes. Subsequently, the Court considered and adopted the proposed e-Discovery amendments jointly approved by both committees. The amendments became effective July 1, 2014.

The Committee also considered the related project of drafting guidelines to assist trial court judges in addressing e-Discovery issues. After much discussion, the Committee decided to draft a

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guide that would act as a reference tool for trial court judges faced with e-Discovery issues and disputes. The Reference Guide, which was adopted by the Committee, provides a summary of the e-Discovery amendments adopted by the Court, and includes some definitions, links to organizations addressing e-Discovery and citations to pertinent cases and articles.

As a final matter, the Committee, in coordination with the Study Committee on Complex Litigation, was charged with preparing for the consolidation of both committees in Conference Year 2015 into the Civil Justice Committee. Specifically, the committees were directed to address membership and tasks for the new committee. Following a joint meeting of both committees, it was recommended that the statement of purpose and charge for the new committee should mirror that of the Criminal Justice Committee with the change in reference from criminal matters to civil justice. It was also recommended that the membership of the new committee should range between 12-14 members and that the composition of members should be reflective of all types of jurisdictions. Specific projects that were recommended include studying ways to improve the civil jury trial system; studying the impact of social media on jurors; developing rules for class action cases; and re-examining our discovery rules to consider mandatory disclosure and eliminating the discovery deposition.

III. RECOMMENDATIONS

The Committee recommends to the Conference that it forward to the Court for its consideration the Committee's aforementioned e-Discovery Reference Guide as set forth in Exhibit A.

The Committee also recommends to the Conference that it forward to the Court for its consideration the Committee's aforementioned recommendations regarding statement of purpose,

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general charge, projects/priorities and membership criteria for the new Civil Justice Committee as set forth in Exhibit B.

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Exhibit A

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REFERENCE GUIDE

On July 1, 2014, amendments to Supreme Court rules that address e-discovery became effective. This Reference Guide is to provide a summary of the changes, assistance and support to trial court judges faced with e-discovery issues and disputes.

ESI (electronically stored information) has become and will continue to be an issue in most civil litigation. Paperless environments have become the norm for many companies and correspondence is very often now only maintained by email or in electronic form.

ESI also differs from paper based discovery in that its volume is almost always greater and ESI may be located in a number of diverse places. Also employees on an average, receive or send 100 electronic messages on a daily basis.

This guide is offered to Judges as a basic reference tool. We hope that it will assist Judges with the framework of where to look for help, provide examples of existing court orders that relate to e-discovery, and define the basic terms that you may encounter in this area.

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Supreme Court Rule 201(b)(4) - Definitions

Supreme Court Rule 201(b)(4) is now amended to state as follows:

(4) "Electronically Stored Information. ("ESI") shall include any writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations in any medium from which electronically stored information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form.

The Committee Comments provide:

Paragraph (b), subparagraph (1) was amended to conform with the definition in newly added paragraph (b), subparagraph (4) and complies with the Federal Rules of Civil Procedure.

Paragraph (b), subparagraph (4) was added to provide a definition of electronically stored information that comports with the Federal Rule of Civil Procedure 34 (a)(1)(a) and is intended to be flexible and expansive as technology changes.

The Committee submits the following citations as reference to the trial court in interpretation of Supreme Court Rule 201(b)(4):

The Sedona Conference Glossary E-Discovery & Digital Information Management (4th ed. 2014), available at <https://thesedonaconference.org/download-pub/3689>;

Barbara J. Rothstein, et al., *Managing Discovery of Electronic Information: A Pocket Guide for Judges*, Federal Judicial Center, at 35-40 (2d ed. 2012), available at [http://www.fjc.gov/public/pdf.nsf/lookup/eldscpkt2d_eb.pdf/\\$file/eldscpkt2d_eb.pdf](http://www.fjc.gov/public/pdf.nsf/lookup/eldscpkt2d_eb.pdf/$file/eldscpkt2d_eb.pdf).

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Supreme Court Rule 201(c)(3) - Proportionality and Cost-Shifting

Proportionality is a concept which allows the amount of e-discovery to be taken in a case to be limited. The concept is used to insure that discovery demands are matched to their true value and cost. The e-discovery process can be complex and costly; unfortunately, costly production and spoliation disputes often dominate e-discovery issues. The courts are now finding that proportionality is one of the most effective ways to control escalating e-discovery costs so that these costs do not completely upset the scales of justice.

Supreme Court Rule 201(c)(3) is now amended to state as follows:

(3) Proportionality. When making an order under this Section, the court may determine whether the likely burden or expense of the proposed discovery, including electronically stored information, outweighs the likely benefit, taking into account the amount in controversy, the resources of the parties, the importance of the issues in the litigation, and the importance of the requested discovery in resolving the issues.

The Committee Comments provide:

Paragraph (c), subparagraph (3) was added to address the production of materials when benefits do not outweigh the burden of producing especially in the area of electronically stored information.

Subparagraph (3) was added to address the production of materials when benefits do not outweigh the burden of producing them, especially in the area of electronically stored information (“ESI”).

The proportionality analysis called for by subparagraph (3) often may indicate that the following categories of ESI should not be discoverable: (A) “deleted,” “slack,” “fragmented,” or “unallocated” data on hard drives; (B) random access memory (RAM) or other ephemeral data; (C) on-line access data; (D) data in metadata fields that are frequently updated automatically; (E) backup data that is substantially duplicative of data that is more accessible elsewhere; (F) legacy data; (G) information whose retrieval cannot be accomplished without substantial additional programming or without transforming it into another form before search and retrieval can be achieved; and (H) other forms of ESI whose preservation or production requires extraordinary affirmative measures. See Seventh Circuit Electronic Discovery Committee, “Principles Relating to the Discovery of Electronically Stored Information,” Principle 2.04(d). In other cases, however, the proportionality analysis may support the discovery of some of the types of ESI on this list. Moreover, this list is not static, since technological changes eventually might reduce the cost of producing some of these types of ESI. Subparagraph (3) requires a case-by-case analysis that, among other things, takes into account currently available ESI

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technology. If any party intends to request the preservation or production of potentially burdensome categories of ESI, then that intention should be addressed at the initial case management conference in accordance with Supreme Court Rule 218(a)(10) or as soon thereafter as practicable.

The Committee submits the following citations as reference to the trial court in interpretation of Supreme Court Rule 201(c)(3):

Federal Rule of Civil Procedure 26(b)(2)(C) states:

(C) *When Required.* On motion or on its own, the court must limit the frequency or extent of discovery otherwise allowed by these rules or by local rule if it determines that:

(i) the discovery sought is unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome, or less expensive;

(ii) the party seeking discovery has had ample opportunity to obtain the information by discovery in the action; or

(iii) the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

Fed. R. Civ. P. 26.

The Committee submits that the following cases, addressing Fed. R. Civ. P. 26(b)(3) may provide assistance to the trial court in its interpretation of Illinois Supreme Court Rule 201(c)(3):

Wiginton v. CB Richard Ellis, Inc., 229 F.R.D. 568 (N.D. Ill. 2004);

Zubulake v. UBS Werburg, LLC, 217 F.R.D. 309, 318-19 (S.D.N.Y. 2003);

Rowe Entertainment, Inc. v. William Morris Agency, Inc., 205 F.R.D. 421 (S.D.N.Y. 2002).

See also Fed. R. Civ. P. 26 Advisory Committee Notes (2006 Amendment);

The Sedona Conference, *The Sedona Conference Principles of Proportionality*, Jan. 2013, at 7-14, available at

<https://thesedonaconference.org/publication/The%20Sedona%20Conference%20Commentary%20on%20Proportionality>;

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Barbara J. Rothstein, et al., *Managing Discovery of Electronic Information: A Pocket Guide for Judges*, Federal Judicial Center, at 13-20 (2d ed. 2012), available at [http://www.fjc.gov/public/pdf.nsf/lookup/eldscpkt2d_eb.pdf/\\$file/eldscpkt2d_eb.pdf](http://www.fjc.gov/public/pdf.nsf/lookup/eldscpkt2d_eb.pdf/$file/eldscpkt2d_eb.pdf).

Supreme Court Rule 201(p) - Clawback Provisions

Supreme Court Rule 201(p) was not changed, however, the Committee Comments state:

This provision is referred to as the "clawback" provision and comports with the new Code of Ethics requirement that if an attorney receives privileged documents, he or she must notify the other side.

The Committee submits the following citations as reference points for the trial courts on these issues:

Barbara J. Rothstein, et al., *Managing Discovery of Electronic Information: A Pocket Guide for Judges*, Federal Judicial Center, at 24-27 (2d ed. 2012), available at [http://www.fjc.gov/public/pdf.nsf/lookup/eldscpkt2d_eb.pdf/\\$file/eldscpkt2d_eb.pdf](http://www.fjc.gov/public/pdf.nsf/lookup/eldscpkt2d_eb.pdf/$file/eldscpkt2d_eb.pdf).

The Sedona Principles (Second Edition), Best Practices Recommendations and Principles for Addressing Electronic Document Production (June 2007), at 51-52, 54-55, available at <https://thesedonaconference.org/publication/The%20Sedona%20Principles>.

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Supreme Court Rule 218 - Case Management Conference

Supreme Court Rule 218 is now amended as follows:

(a) Initial Case Management Conference. Except as provided by local circuit court rule, which on petition of the chief judge of the circuit has been approved by the Supreme Court, the court shall hold a case management conference within 35 days after the parties are at issue and in no event more than 182 days following the filing of the complaint. At the conference counsel familiar with the case and authorized to act shall appear and the following shall be considered:

* * *

(10) any other matters which may aid in the disposition of the action including but not limited to issues involving electronically stored information and preservation.

The Committee Comments state:

Paragraph (a), subparagraph (10) is intended to encourage parties to use the case management conference to resolve issues concerning electronically stored information early in the case.

The Committee submits the following citations as reference to the trial court in implementation and interpretation of Supreme Court Rule 218:

The Sedona Conference Cooperation Proclamation, (May 2014) available at <https://thesedonaconference.org/publication/The%20Sedona%20Conference%C2%AE%20Cooperation%20Proclamation;>

Barbara J. Rothstein, et al., *Managing Discovery of Electronic Information: A Pocket Guide for Judges*, Federal Judicial Center, at 7-13 (2d ed. 2012), available at [http://www.fjc.gov/public/pdf.nsf/lookup/eldscpkt2d_eb.pdf/\\$file/eldscpkt2d_eb.pdf](http://www.fjc.gov/public/pdf.nsf/lookup/eldscpkt2d_eb.pdf/$file/eldscpkt2d_eb.pdf);

Seventh Circuit Pilot Program, with the link available at www.discoverypilot.com.

The Committee also provides the following draft e-Discovery Orders to trial courts for their reference:

Judge Grimm Standing Order on e-Discovery (District of Maryland), with the link available at http://ralphlosey.files.wordpress.com/2013/10/grimm_standard_discovery_order.pdf.

Hon. Peter Flynn, Circuit Court of Cook County (see attached Standing Order for Electronic Discovery);

Hon. Sanjay Tailor, Circuit Court of Cook County (see attached Standing Order on Discovery of Electronically Stored Information).

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Supreme Court Rule 219 - Spoliation/Sanctions/Preservation of ESI

Spoliation issues, sanctions and preservation of ESI are all issues that trial courts will likely encounter when dealing with e-discovery. No changes were made to Supreme Court Rule 219, but the Committee Comments state as follows:

The Committee believes that the rule is sufficient to cover sanction issues as they relate to electronic discovery. The rulings in *Shimanovsky v. GMC*, 181 Ill. 2d 112 (Ill. 1998) and *Adams v. Bath and Body Works*, 358 Ill. App. 3d 387 (1st Dist. 2005) contain detailed discussion of sanctions for discovery violations for the loss or destruction of relevant evidence and for the separate and distinct claim for the tort of negligent spoliation of evidence.

The Committee submits the additional following case law citations for assistance to trial courts in this area:

Cronin v. Kottke Associates, LLC, 2012 IL App (1st) 111632, 975 N.E.2d 680 *appeal denied*, 981 N.E.2d 996 (Ill. 2012) (brokers' disregard of trial court's orders for trial preparation and exchange of exhibits did not exhibit deliberate and contumacious disregard of court's authority, so as to justify, as sanction, dismissal of suit with prejudice);

Peal v. Lee, 403 Ill. App. 3d 197 (Ill. App. Ct. 1st Dist. 2010) (upholding trial court's Rule 219(c) dismissal of complaint for spoliation of ESI and failure to comply with discovery order);

See also Master Hand Contrs., Inc. v. Convent of the Sacred Heart of Chi., 2013 IL App (1st) 123788-U, P13 (Ill. App. Ct. 1st Dist. 2013) (unpublished Illinois opinion expressly stating that a trial judge may impose severe sanctions for a party's failure to comply with a court order to produce ESI).

The Committee further submits the following citations to the trial courts in assistance with these issues:

Barbara J. Rothstein, et al., *Managing Discovery of Electronic Information: A Pocket Guide for Judges*, Federal Judicial Center, at 24-31 (2d ed. 2012), available at [http://www.fjc.gov/public/pdf.nsf/lookup/eldscpkt2d_eb.pdf/\\$file/eldscpkt2d_eb.pdf](http://www.fjc.gov/public/pdf.nsf/lookup/eldscpkt2d_eb.pdf/$file/eldscpkt2d_eb.pdf);

Seventh Circuit Pilot Program, with the link available at www.discoverypilot.com.

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CHANCERY CALENDAR 4 DISCOVERY MOTIONS

Counsel know their files, client concerns, and litigation strategy. They are usually better positioned than the Court to resolve discovery disputes. The rules “contemplate that discovery will generally proceed without judicial intervention,” with most discovery questions being “resolved by counsel themselves.” *Williams v. A.E. Staley Mfg. Co.*, 83 Ill.2d 559, 563 (1981). In principle—*vide*—SCR 201(k)—discovery is meant to be collaborative rather than hostile.

Therefore:

- **Responsible Counsel.** Counsel are encouraged to read The Sedona Conference® Cooperation Proclamation (<https://thesedonaconference.org/>) carefully, and be prepared to discuss methods and techniques to accomplish cooperative fact-finding in their case at the initial status conference. Any contested discovery motion must show compliance with SCR 201(k), including showing, with specificity, that “counsel responsible for trial of the case” have *personally* attempted to resolve the dispute. Unless specifically excused by the Court, responsible trial counsel must present and oppose any contested discovery motion.
- **Privilege.** Privilege claims will not be entertained unless the claimant supplies a privilege log, *see* SCR 201(n), and also any affidavits or other proof necessary to lay a factual basis for the privilege claimed. “The burden of establishing the applicability of a discovery privilege rests with the party seeking to invoke the privilege.” *Chicago Trust Co. v. Cook County Hospital*, 298 Ill.App.3d 396, 401 (1st Dist. 1998).
- **Fees.** In addition to any other relief, if the Court finds a party’s position on a discovery motion (or in an antecedent SCR 201(k) conference) unreasonable, the Court will ordinarily direct the offending party to pay the costs of the motion. Similarly, if a motion to compel is granted due to a party’s complete and unexcused failure to respond to a discovery request in a timely manner, or if a motion to compel is denied (or a motion for protective order is granted) due to a party’s unreasonable rejection of a request for more time to respond to a discovery request, the Court will ordinarily impose the costs of the motion on the offending party. *See* SCR 219(c).
- **Discovery Timelines.** Counsel should have in mind that the response times provided by the Rules may not be reasonably adequate in particular circumstances. Counsel should also have in mind, however, that those response times *are not mere suggestions*. It is improper to neglect discovery responses on the theory that no response is really “required” until a motion to compel has been brought.
- **Electronic Discovery.** Counsel must include any requests for electronically-stored information in SCR 201(a) discovery requests. For more information, see the Court’s Electronic Discovery Standing Order.

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CHANCERY CALENDAR 4 ELECTRONIC DISCOVERY

Understanding of the feasibility, reasonableness, costs, and benefits of various aspects of electronic discovery will inevitably evolve as judges, attorneys, and parties to litigation gain more experience with ESI and as technology advances. In order to promote the early resolution of disputes regarding the discovery of electronically stored information (“ESI”) without Court intervention, and facilitate early and informal information exchange on commonly encountered issues relating to evidence preservation and discovery, paper and electronic, counsel should engage in e-discovery according to the following principles:

- **Cooperation.** An attorney’s zealous representation of a client is not compromised by conducting discovery in a cooperative manner. The failure of counsel or the parties to litigation to cooperate in facilitating and reasonably limiting discovery requests and responses raises litigation costs and contributes to the risk of sanctions. In that regard, counsel are encouraged to read The Sedona Conference® Cooperation Proclamation (<https://thesedonaconference.org/>) carefully, and be prepared to discuss methods and techniques to accomplish cooperative fact-finding in their case at the initial status conference.
- **Scope.** Requests for production of ESI should be relevant and reasonable. *See* SCR 201(b), (c). Requests and related responses should also be reasonably targeted, clear, and as specific as practicable.
- **Duty to Meet and Confer on Discovery and to Identify Disputes for Early Resolution.**
 - a) Prior to the initial status conference with the Court, counsel shall meet and discuss the application of the discovery process to their specific case. Among the issues to be discussed are:
 - 1) the identification of relevant and discoverable ESI and documents, including methods for identifying an initial subset of sources of ESI and documents that are most likely to contain the relevant and discoverable information as well as methodologies for culling the relevant and discoverable ESI and documents from that initial subset;
 - 2) the scope of discoverable ESI and documents to be preserved by the parties;
 - 3) the formats for preservation and production of ESI and documents;
 - 4) the potential for conducting discovery in phases or stages as a method for reducing costs and burden; and
 - 5) the potential need for a protective order and any procedures to which the parties might agree for handling inadvertent production of privileged

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information and other privilege waiver issues pursuant to Rule 502(c) of the Illinois Rules of Evidence.

- b) Disputes regarding ESI that counsel for the parties are unable to resolve shall be presented to the Court at the initial status conference, SCR 218(a) Initial Case Management Conference, or as soon as possible thereafter.
 - c) The attorneys for each party shall review and understand how their client's data is stored and retrieved before the meet and confer discussions in order to determine what issues must be addressed during the meet and confer discussions.
 - d) If the Court determines that any counsel or party in a case has failed to cooperate and participate in good faith in the meet and confer process or is impeding the purpose of these principles, the Court may require additional discussions prior to the commencement of discovery, and may impose sanctions, if appropriate.
- **E-Discovery Liaison(s).** In most cases, the meet and confer process will be aided by participation of an e-discovery liaison(s). In the event of a dispute concerning the preservation or production of ESI, each party shall designate an individual(s) to act as e-discovery liaison(s) for purposes of meeting, conferring, and attending court hearings on the subject. Regardless of whether the e-discovery liaison(s) is an attorney (in-house or outside counsel), a third party consultant, or an employee of the party, the e-discovery liaison(s) must:
- a) be prepared to participate in e-discovery dispute resolution;
 - b) be knowledgeable about the party's e-discovery efforts;
 - c) be, or have reasonable access to those who are, familiar with the party's electronic systems and capabilities in order to explain those systems and answer relevant questions; and
 - d) be, or have reasonable access to those who are, knowledgeable about the technical aspects of e-discovery, including electronic document storage, organization, and format issues, and relevant information retrieval technology, including search methodology.
- **Preservation Requests and Orders.**
- a) Appropriate preservation requests and preservation orders further the goals of these principles. Vague and overly broad preservation requests do not further the goals of these principles and are therefore disfavored. Vague and overly broad preservation orders should not be sought or entered. The information sought to be preserved through the use of a preservation letter request or order should be reasonable in scope and mindful of the factors set forth in SCR 201(c).
 - b) To the extent counsel or a party requests preservation of ESI through the use of a preservation letter, such requests should attempt to ensure the preservation of relevant and discoverable information and to facilitate cooperation between requesting and receiving counsel and parties by transmitting specific and useful

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information. Examples of such specific and useful information include, but are not limited to:

- 1) names of the parties;
 - 2) factual background of the potential legal claim(s) and identification of potential cause(s) of action;
 - 3) names of potential witnesses and other people reasonably anticipated to have relevant evidence;
 - 4) relevant time period; and
 - 5) other information that may assist the responding party in assessing what information to preserve.
- c) If the recipient of a preservation request chooses to respond, that response should provide the requesting counsel or party with useful information regarding the preservation efforts undertaken by the responding party. Examples of such useful and specific information include, but are not limited to, information that:
- 1) identifies what information the responding party is willing to preserve and the steps being taken in response to the preservation letter;
 - 2) identifies any disagreement(s) with the request to preserve; and
 - 3) identifies any further preservation issues that were not raised.
- d) Nothing in this Standing Order shall be construed as requiring the sending of a preservation request or requiring the sending of a response to such a request.

➤ **Scope of Preservation.**

- a) Every party to litigation and its counsel are responsible for taking reasonable and proportionate steps to preserve relevant and discoverable ESI within its possession, custody, or control. Determining which steps are reasonable and proportionate in particular litigation is a fact specific inquiry that will vary from case to case. The parties and counsel should address preservation issues at the outset of a case, and should continue to address them as the case progresses and their understanding of the issues and the facts improves.
- b) Discovery concerning the preservation and collection efforts of another party may be appropriate but, if used unadvisedly, can also contribute to the unnecessary expense and delay and may inappropriately implicate work product and attorney-client privileged matter. Accordingly, prior to initiating such discovery a party shall confer with the party from whom the information is sought concerning: (i) the specific need for such discovery, including its relevance to issues likely to arise in the litigation; and (ii) the suitability of alternative means for obtaining the information. Nothing herein exempts deponents on merits issues from answering questions concerning the preservation and collection of their documents, ESI, and tangible things.
- c) The parties and counsel should come to the meet and confer conference prepared to discuss the claims and defenses in the case including specific issues, time

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frame, potential damages, and targeted discovery that each anticipates requesting.

In addition, the parties and counsel should be prepared to discuss reasonably foreseeable preservation issues that relate directly to the information that the other party is seeking. The parties and counsel need not raise every conceivable issue that may arise concerning their preservation efforts; however, the identification of any such preservation issues should be specific.

d) The following categories of ESI generally are not discoverable in most cases, and if any party intends to request the preservation or production of these categories, then that intention should be discussed at the meet and confer or as soon thereafter as practicable:

- 1) “deleted,” “slack,” “fragmented,” or “unallocated” data on hard drives;
- 2) random access memory (RAM) or other ephemeral data;
- 3) on-line access data such as temporary internet files, history, cache, cookies, etc.;
- 4) data in metadata fields that are frequently updated automatically, such as last-opened dates;
- 5) backup data that is substantially duplicative of data that is more accessible elsewhere; and
- 6) other forms of ESI whose preservation requires extraordinary affirmative measures that are not utilized in the ordinary course of business.

e) If there is a dispute concerning the scope of a party’s preservation efforts, the parties or their counsel must meet and confer and fully explain their reasons for believing that additional efforts are, or are not, reasonable and proportionate, pursuant to SCR 201(c). If the parties are unable to resolve a preservation issue, then the issue should be raised promptly with the Court.

➤ **Identification of Electronically Stored Information.**

- a) At the SCR 218(a) conference or as soon thereafter as possible, counsel or the parties shall discuss potential methodologies for identifying ESI for production.
- b) Topics for discussion may include, but are not limited to, any plans to:
 - 1) eliminate duplicative ESI and whether such elimination will occur only within each particular custodian’s data set or whether it will occur across all custodians;
 - 2) filter data based on file type, date ranges, sender, receiver, custodian, search terms, or other similar parameters; and
 - 3) use keyword searching, mathematical or thesaurus-based topic or concept clustering, or other advanced culling technologies.

➤ **Production Format.**

- a) At the SCR 218(a) conference, counsel and the parties should make a good faith effort to agree on the format(s) for production of ESI (whether native or some

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- other reasonably usable form). If counsel or the parties are unable to resolve a production format issue, then the issue should be raised promptly with the Court.
- b) The parties should confer on whether ESI stored in a database or a database management system can be produced by querying the database for discoverable information, resulting in a report or a reasonably usable and exportable electronic file for review by the requesting counsel or party.
 - c) ESI and other tangible or hard copy documents that are not text-searchable need not be made text-searchable.
 - d) Generally, the requesting party is responsible for the incremental cost of creating its copy of requested information. Counsel or the parties are encouraged to discuss cost sharing for optical character recognition (OCR) or other upgrades of paper documents or non-text-searchable electronic images that may be contemplated by each party.
- **Judicial Expectations of Counsel.** Because discovery of ESI is being sought more frequently in civil litigation and the production and review of ESI can involve greater expense than discovery of paper documents, it is in the interest of justice that all judges, counsel, and parties to litigation become familiar with the fundamentals of discovery of ESI. It is expected that all counsel will have familiarized themselves with the electronic discovery provisions of Illinois Rules of Civil Procedure, including SCR 201(b)(1) and SCR 214 in connection with each litigation matter in which they file an appearance.
- **Duty of Continuing Education.** Judges, attorneys, and parties to litigation should continue to educate themselves on electronic discovery by consulting applicable case law, pertinent statutes, the Illinois Rules of Civil Procedure, the Illinois Rules of Evidence, The Sedona Conference® publications relating to electronic discovery, additional materials available on web sites of the courts, and of other organizations providing educational information regarding the discovery of ESI.

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT, LAW DIVISION

STANDING ORDER GOVERNING DISCOVERY OF ELECTRONICALLY STORED INFORMATION INDIVIDUAL COMMERCIAL CALENDAR "W" COURTROOM 2407

(effective January 1, 2012)

Unless the parties agree otherwise, this standing order governing discovery of electronically stored information (the "Protocol") shall apply to all cases on Commercial Calendar "W."¹ The purpose of the Protocol is to facilitate the just, speedy, and inexpensive conduct of discovery involving electronically stored information ("ESI") in civil cases, and to promote, whenever possible, the resolution of disputes regarding the discovery of ESI without court intervention. While the Protocol is intended to provide the parties with a framework to address and resolve a wide range of ESI issues, it is not intended to be inflexible. Nor is it exhaustive. The court expects that in using and applying this Protocol, the parties will consider the nature of the claim, the amount in controversy, agreements of the parties, the parties' relative ability to conduct ESI discovery, the type(s) of ESI subject to discovery, and such other factors as may be relevant under the circumstances. Therefore, not all aspects of this Protocol may be applicable to or practical for a particular matter. If the parties do not intend to seek discovery of ESI, this Protocol may be inapplicable to a particular case.

Pursuant to Supreme Court Rules 201 and 218, and the court's inherent authority to manage its docket, unless the parties agree otherwise, the parties shall use the Protocol in cases in which there will be discovery of ESI, and to resolve e-discovery issues informally and without court supervision whenever possible. Regardless of whether the parties follow this Protocol, the court will consider the principles contained herein in resolving discovery disputes, including whether sanctions should be awarded pursuant to Supreme Court Rule 219 and/or whether a special master or other outside discovery monitor should be appointed.

1. *Introduction.*

a. To aid in the management of ESI discovery, the parties shall meet, and discuss and file, no later than two weeks before the first Rule 218 conference in the case, a joint report summarizing the information required by Paragraph 2 below. If the parties have reached an agreement on all or any aspects of ESI discovery, the court will consider, and may enter, an order in the form completed by the parties (Form A). In the event that the parties cannot reach an agreement on how to conduct ESI discovery before the Rule 218 scheduling conference, the parties shall complete a joint report (Form B) identifying the issues which are the subject of disagreement, with each party's proposed resolution thereof, and shall submit the joint report not

¹ This standing order is based on the model standing order of the Commercial Litigation Committee of the Chicago Bar Association and other members of the bar. Their contributions to assisting Illinois state courts on electronic discovery issues are greatly appreciated.

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later than two weeks before the first Rule 218 conference herein. Absent the parties' written agreement or a ruling by the court, the following standards and provisions shall apply.

b. The court expects that, before meeting with opposing counsel, the attorneys for each party should become knowledgeable about their respective client's information management systems (including backup, archival and legacy data systems) and their operation, including how their client's ESI is stored and retrieved, in order to determine what issues must be addressed during the parties' meet and confer discussions. If the court determines that any counsel or party in a case has failed to cooperate and participate in good faith in the meet and confer process or is impeding the purpose of this Protocol, the court may require additional discussions prior to the commencement of discovery, and may impose sanctions, if appropriate.

2. *Exchange of E-discovery Materials.* Not less than two weeks before the first Rule 218 conference, the parties shall exchange the following information:

- a. the identification of ESI that the disclosing party may use to support its claims or defenses (unless used solely for impeachment) in the disclosing party's possession, custody or control;
- b. a list of the party's likely custodians of relevant ESI, including a brief description of each person's title and responsibilities;
- c. the steps that the party has undertaken or will undertake to identify, segregate and preserve all potentially relevant ESI and to inform likely custodians of their obligation to preserve such ESI;
- d. a list of each party's information management system(s) containing potentially relevant ESI that has been in place at all relevant times and a general description of each system, including the nature, scope, character, organization, and formats employed in each system;
- e. other pertinent information about their ESI systems and whether potentially relevant ESI is of limited accessibility (e.g., maintained on an electronic media or legacy system that is no longer in use, maintained in back-up or redundant electronic storage media, or for which retrieval otherwise involves substantial cost);
- f. the name of the individual or individuals responsible for the party's document retention policies ("Retention Coordinator(s)");
- g. a copy of the party's current written document retention policy governing the retention and disposal of ESI, and copies of any other written document retention policies governing ESI in effect during all relevant times, or, if no such written policy exists, a general description of the party's electronic document retention practices;
- h. the name of the individual who shall serve as the party's "E-Discovery Liaison" as described in Paragraph 4 below; and
- i. a description of any issues reasonably anticipated to arise in connection with discovery of ESI.

To the extent that the state of the pleadings does not permit a meaningful discussion of the above issues by the time of the first Rule 218 conference, the parties shall submit a statement to the court explaining what must occur in order for them to have a meaningful discussion of the

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above issues and either agree on a date by which this information will be mutually exchanged or submit the issue for resolution by the court at the first Rule 218 scheduling conference.

3. *Discovery conference.* The parties shall be prepared to discuss the parameters of their anticipated ESI discovery at the Rule 218 conference scheduled in this matter.

4. *E-Discovery Liaison.* To promote communication and cooperation between the parties, each party shall designate an individual to assist in meeting, conferring and responding to ESI discovery requests ("the E-Discovery Liaison"). Regardless of whether the E-Discovery Liaison is an attorney (in-house or outside counsel), a third party consultant, or an employee of the party, the E-Discovery Liaison must:

- a. be prepared to participate in ESI discovery dispute resolutions;
- b. be responsible for organizing the party's ESI discovery efforts to insure consistency and thoroughness and, generally, to facilitate the ESI discovery process pursuant to this Protocol;
- c. be, or have immediate access to those who are, familiar with the party's electronic systems and capabilities in order to explain these systems and answer relevant questions; and
- d. be, or have immediate access to those who are, knowledgeable about the technical aspects of ESI discovery, including electronic document storage, organization, and format issues, and relevant information retrieval technology, including search methodology.

5. *Search methodology.* If the parties intend to employ an electronic search to locate relevant ESI, the parties shall disclose any restrictions as to scope and method which might affect their ability to conduct a thorough electronic search of the ESI, including a specific identification of any search terms used. The parties shall endeavor in good faith to reach agreement as to a method of limiting the ESI to be produced through: (a) the elimination of duplicative ESI; (b) the use of filter data based on file type, date ranges, sender, receiver, custodian, and/or (3) use of keyword searching, mathematical or thesaurus-based topic or concept clustering, or other advanced culling technologies. The parties shall endeavor in good faith to reach agreement on the words, terms, and phrases or other criteria to be used in the search, with the assistance of the respective E-Discovery Liaison. The parties also shall endeavor in good faith to reach agreement as to the timing and conditions of any additional searches which may become necessary in the normal course of discovery. In all cases, the parties shall be mindful of the need to keep benefits and costs roughly commensurate. The parties are reminded of the provisions of Paragraph 9 below.

6. *Timing of e-discovery.* Discovery of ESI shall proceed in the following sequenced fashion. After receiving requests for document production, the parties shall search their ESI, other than those identified as limited accessibility ESI, and produce responsive ESI in accordance with Supreme Court Rule 214 with the following modifications:

- a. electronic searches of documents identified as of limited accessibility shall not be conducted unless agreed by the parties or ordered by the court, and not until the initial electronic document search has been completed;
- b. requests for information expected to be found in limited accessibility documents must be narrowly focused with a factual basis supporting the request; and

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c. on-site inspections of electronic media by the opposing party shall not be permitted, absent exceptional circumstances where good cause and specific need have been demonstrated.

7. *Format of ESI Production.* The parties should make a good faith effort to agree on the format(s) for production of ESI (whether native or some other reasonably usable form). If the parties cannot agree on the format for the production of ESI and the pertinent document request does not specify a production format reasonably available to the producing party, the producing party shall produce the responsive information in the format in which it is ordinarily maintained by the producing party. Absent exceptional circumstances, ESI that is electronically searchable in its original format shall be produced in an electronically searchable format. ESI that is not text-searchable need not be made text-searchable. This modifies the statement in Rule 214 that all retrievable information in computer storage be produced in printed form.

8. *Privilege.* Prior to the first Rule 218 conference, the parties shall discuss the procedures for handling inadvertent production of privileged ESI. ESI that contains privileged information or attorney work product shall be immediately returned to the producing party's E-Discovery Liaison if the document(s) appear on its face to have been inadvertently produced or if there is prompt notice from the opposing party of the inadvertent production. All copies shall be returned to the producing party's E-Discovery Liaison or immediately destroyed by the receiving party.

9. *Costs.* Generally, the costs of discovery shall be borne by the producing party. However, the court will consider apportioning the costs of electronic discovery upon a showing of good cause. The court may limit or condition discovery and/or shift the costs of discovery between or among parties if it determines that the burden or expense of proposed discovery outweighs its likely benefit, taking into account all pertinent factors, including the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, the importance of the proposed discovery in resolving the issues, and whether the proposed discovery material can be obtained from other sources.

10. *Compliance Discovery.* Discovery regarding compliance with discovery procedures, including this Protocol, if necessary, shall be according to the Supreme Court Rules and Code of Civil Procedure.

Entered:

/s/ Sanjay T. Tailor
Sanjay T. Tailor

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FORM A

JOINT REPORT ON ELECTRONIC DISCOVERY

DO NOT FILE THE COMPLETED VERSION OF THIS FORM OR ANYTHING PREPARED IN CONNECTION WITH THE PREPARATION OF THIS FORM UNLESS INSTRUCTED BY THE COURT TO DO SO.

WHEN THIS FORM HAS BEEN COMPLETED, IT SHALL SET FORTH, AT THE TOP, THE TITLE OF THIS FORM ("Form A – Joint Report on Electronic Discovery"), FOLLOWED BY THE BELOW IDENTIFYING INFORMATION AND THEREAFTER THE FORMAT SET FORTH IN THIS FORM.

Identifying Information

Case Name: _____

Case Number: _____ Judge: _____

PLAINTIFF(S) _____

Name, Address, Phone Number of Counsel for Plaintiff(s): _____

Signature and Date of Counsel for Plaintiff(s): _____

DEFENDANT(S): _____

Name, Address, Phone Number of Counsel for Defendant(s): _____

Signature and Date of Counsel for Defendant(s): _____

I. ESI OF PLAINTIFF(S)

A. The ESI that the Plaintiff may use to support his/her/its claims or defenses (unless used solely for impeachment) in the Plaintiff's possession, custody or control.

B. Most likely custodians of the relevant ESI identified in I.A above:

Name	Title	Responsibilities
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C. Relevant information management system containing identified in I.A above that has been in place from _____ [date] to present:

System Name	Time in Place	Description
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D. Other pertinent information about how ESI of Plaintiff(s) is stored, including any issues of limited accessibility:

E. Retention Coordinator(s) for Plaintiff(s):

Name	Title/Company	Contact Information
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F. Plaintiff s written records and information retention policies governing the retention and disposal of ESI from ____ [date] to present:

____Are attached

AND/OR

____Are described below:

G. E-Discovery Liaison for Plaintiff(s):

Name	Title/Company	Contact Information
------	---------------	---------------------

H. Other pertinent information about ESI, including any problems reasonably anticipated to arise in connection with discovery of ESI of Plaintiff(s):

II. ESI OF DEFENDANT(S)

A. The ESI that the Defendant may use to support his/her/its claims or defenses (unless used solely for impeachment) in the Defendant's possession, custody, or control.

B. Most likely custodians of the relevant ESI indentified in I.A above:

Name	Title	Responsibilities
------	-------	------------------

C. Relevant information management system containing indentified in I.A above that has been in place from _____[date] to present:

System Name	Time in Place	Description
-------------	---------------	-------------

D. Other pertinent information about how ESI of Defendant(s) is stored, including any issues of limited accessibility:

E. Retention Coordinator(s) for Defendant(s):

Name	Title/Company	Contact Information
------	---------------	---------------------

F. Defendants' written records and information retention policies governing the retention and disposal of ESI from _____ [date] to present:

____Are attached

AND/OR

____Are described below:

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G. E-Discovery Liaison for Defendant(s):

Name	Title/Company	Contact Information
------	---------------	---------------------

H. Other pertinent information about ESI, including any problems reasonably anticipated to arise in connection with discovery of ESI of Defendant(s):

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FORM B

CONTESTED ELECTRONIC DISCOVERY

This form is to be followed and completed by all parties requesting and responding to electronic discovery requests that are contested and for which resolution by the court is sought. It is to be typed following the EXACT format of this form, referencing and setting forth verbatim the specific section heading and number of this form and responded to where applicable. Any documents attached to the completed version of this form are similarly to be identified with reference to a specific section heading and number of this form. The completed version of this form is to be submitted to ALL parties, even those not involved, and the court PRIOR to any hearing or discussion by the court on any contested electronic discovery issues.

The use of the word "documents" in this form includes but is not limited to e-mails, electronic files, letters, and other written discovery.

If any portion of this form cannot be completed on the basis of a privilege, it should be so noted and sufficiently identified for possible in camera review by the court.

DO NOT FILE THE COMPLETED VERSION OF THIS FORM OR ANYTHING PREPARED IN CONNECTION WITH THE PREPARATION OF THIS FORM UNLESS INSTRUCTED BY THE COURT TO DO SO.

WHEN THIS FORM HAS BEEN COMPLETED, IT SHALL SET FORTH, AT THE TOP, THE TITLE OF THIS FORM ("Form B - Contested Electronic Discovery"), FOLLOWED BY THE BELOW IDENTIFYING INFORMATION AND THEREAFTER THE FORMAT SET FORTH IN THIS FORM.

Case Name: _____

Case Number: _____ Judge: _____

REQUESTING PARTY: _____

Name, Address, Phone Number of Counsel for Requesting Party: _____

Signature and Date of Counsel for Requesting Party: _____

RESPONDING PARTY: _____

Name, Address, Phone Number of Counsel for Responding Party or Parties: _____

Signature and Date of Counsel for Responding Party or Parties: _____

I. REQUESTS FOR ELECTRONIC DISCOVERY

(To be completed by the requesting party)

1. The name of the party or parties requesting the electronic discovery and the name of the party or parties to whom the request(s) are directed.

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2. Has a preservation letter/litigation hold or similar request, such as an oral request, been made to the responding party or parties? If so, set forth in detail the specifics of such request(s), including any oral request, and attach any documents (e.g., e-mails, letters, written discovery request, etc.) that set forth such request(s).

3. Has there been a response to your preservation/litigation hold letter or similar request such as an oral request, from the responding party or parties? If so, set forth in detail the specifics of such response(s), including any oral response, and attach any documents (e.g., e-mails, letters, written discovery response, etc.) that set forth such response(s).

4. Has a request, including an oral request, for electronic discovery been made to the responding party or parties? If so, set forth the specifics of such request(s), including any oral request, and attach any documents (e.g., e-mails, letters, written discovery request, etc.) that set forth such request(s).

5. Has there been a response, including an oral response, to your request for electronic discovery from the responding party or parties? If so, set forth the specifics of such response(s) and attach any documents (e.g. e-mails, letters, written discovery response, etc.) that set forth such response(s).

6. With respect to the electronic discovery requested, provide the following information:

(a) Describe the location(s) of the electronic discovery requested (e.g., e-mail server, personal computer--including name of person assigned to that personal computer--thumb drive, Blackberry, network server, internet server), including a detailed explanation as to why those locations were selected and are likely to contain the requested information.

(b) The time frame for the requested discovery, including an explanation as to why that time frame is reasonable.

(c) The format for the requested electronic discovery (e.g., forensic image, native file format, back-up tapes, etc.), including an explanation as to why the requested format(s) are reasonable.

(d) Any search protocol(s) that are to be used for any electronic discovery search, including a detailed explanation as to why the search protocol(s) were chosen.

II. TIME SENSITIVE ELECTRONIC DISCOVERY

This portion of the Contested Electronic Discovery form is to be used ONLY if the requested electronic discovery is time-sensitive, such as in connection with a TRO or a reasonable belief that the relevant electronic information is in danger of being erased or altered. The information provided in this section of the form will only include electronic discovery requests that have already been identified in section I of this form.

The requesting party shall complete the subsections below, and the responding party or parties shall provide a response to each subsection.

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1. The requesting party is to set forth in detail the electronic discovery that is time-sensitive and the basis for the requesting party's belief that it is time-sensitive. The requesting party is to attach any documents that support its contention that the requested electronic discovery is time-sensitive, including a detailed summary of any oral communications on this issue.

2. The responding party or parties is/are to respond, attaching any documents that dispute the requesting party's belief that the requested discovery is time-sensitive, including a detailed summary of any oral communications on this issue.

3. If the requesting party can not set forth in detail the electronic discovery that is time-sensitive and the basis for the requesting party's belief that it is time sensitive, the requesting party is to provide an explanation as to why that cannot be done at this time.

III. RESPONSES TO REQUESTS FOR ELECTRONIC DISCOVERY

(To be completed by the responding party.)

1. Provide a detailed written response to § I(2), including any areas of agreement as well as disputed statements.

2. Provide a detailed written response to §I(3), including any areas of agreement as well as disputed statements.

3. Provide a detailed written response to §I(4), including any areas of agreement as well as disputed statements.

4. Provide a detailed written response to §I(5), including any areas of agreement as well as disputed statements.

5. Provide a detailed written response to §I(6), including any areas of agreement as well as disputed statements.

6. Describe the estimated cost(s), including but not limited to anticipated attorney time, paralegal time, outside electronic discovery vendor costs and other costs/expenses, in retrieving the requested electronic discovery, itemizing the cost/expense for each type and attaching any documentation in support of such estimated costs/expenses.

The requesting party may reply, including, if appropriate, why it cannot make a response at this time.

7. If you believe the requested discovery is unduly burdensome, please explain and attach any documents that support your contention.

The requesting party may reply, including, if appropriate, why it cannot make a response at this time.

2014 REPORT

8. Has any discussion occurred with the requesting party regarding subsections 6 and 7 of this portion? If so, please provide a detailed summary of those discussions including any documentation (from the requesting party as well) regarding such discussions.

The requesting party shall respond only to the extent it disputes the responding party's or parties' description of such discussions.

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Exhibit B

2014 REPORT

Illinois Judicial Conference Civil Justice Committee

CONFERENCE YEAR 2015

Statement of Purpose:

To advise the Judicial Conference in matters affecting civil justice.

General Charge:

The Committee shall review and make recommendations on matters affecting civil justice. The Committee will review, analyze and examine new issues arising out of legislation and case law that impact civil law and procedures and any aspect of civil justice.

Conference Year 2015 Projects/Priorities:

- Study ways to improve our civil jury trial system including consideration of the Sedona project for the Seventh Circuit.
- Study the impact of social media on jurors, including jury misconduct.
- Develop rules for class action cases.
- Re-examine our discovery rules to consider (1) adopting a mandatory disclosure requirement similar to Federal Rule of Civil Procedure 26 and (2) eliminating the discovery deposition.
- Study, examine and report on Supreme Court Rules as they relate to civil procedure and court processes.
- Undertake any such other projects or initiatives that are consistent with the Committee charge.

Membership of Committee:

- Range of 12-14 members.
- Composition of members should be reflective of all types of jurisdictions – large and small, metropolitan and rural.

2014 REPORT

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

Hon. Thomas More Donnelly, Chairperson

Hon. Mary Jane Theis, Supreme Court Liaison

Hon. Robert J. Anderson
Hon. Andrew Berman
Hon. Robert C. Bollinger
Hon. Liam C. Brennan
Hon. Mark H. Clarke
Hon. Joy V. Cunningham
Hon. Craig H. DeArmond
Hon. Robert E. Gordon
Hon. John C. Griffin
Hon. Shelvin Louise Marie Hall
Hon. Thomas E. Hoffman
Hon. Susan F. Hutchinson
Hon. Julie K. Katz

Hon. Nancy J. Katz
Hon. Kathleen O. Kauffmann
Hon. Laura C. Liu
Hon. Katherine M. McCarthy
Hon. P. Scott Neville, Jr.
Hon. Kathleen M. Pantle
Hon. Tracy W. Resch
Hon. Heinz M. Rudolf
Hon. Daniel B. Shanes
Hon. Scott A. Shore
Hon. James E. Snyder
Hon. Ronald D. Spears
Hon. Lisa Holder White

October 2014

2014 REPORT

I. STATEMENT ON COMMITTEE CONTINUATION

Consistent with the purpose and provisions of the Supreme Court's *Comprehensive Judicial Education Plan for Illinois Judges*, the Committee on Education was established to identify the educational needs of the Illinois judiciary and design educational programs to meet those needs. In conjunction with the general charge to the Committee, the Court provided the following list of Conference Year 2014 projects and priorities:

- ✓ Explore and develop a draft model for a Supreme Court Judicial College, identifying its benefits, structure and procedures.
- ✓ Initiate planning for the *2015 Advanced Judicial Academy*.
- ✓ Present the annual *DUI/Traffic Seminar* in May 2014.
- ✓ Plan the *New Judge Seminar* in January 2015 (moved to February 2015).
- ✓ Present *Education Conference 2014*.
- ✓ Review and update judicial benchbooks.
- ✓ Continue the commitment to recruit diverse faculty reflective of the geographic, racial, ethnic, gender and cultural differences in the Illinois judiciary.
- ✓ Undertake any such other projects or initiatives that are consistent with the Committee charge.

The Committee completed each of the above Conference Year 2014 projects and priorities set by the Court. In Conference Year 2015, the Committee, in partnership with the Administrative Office of the Illinois Courts, will continue to deliver judicial education programs for new and experienced jurists reflective of the substantive, procedural, ethical and professional areas of significance to members of the Illinois judiciary and its stakeholders.

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The 2014 Conference Year began with the presentation of *New Judge Seminar*, December 9 – 13, 2013, followed by the 2014 presentation of Education Conference, held January 27 – 31 and April 7 – 11, a two-day multidisciplinary *DUI/Traffic Seminar*, May 7 – 8, and a two day *Faculty Development Workshop*, September 11 – 12. This in-person Workshop will be preceded by two webinars on session objectives and learning activities.

II. SUMMARY OF COMMITTEE ACTIVITIES

Advanced Judicial Academy

The eighth biennial *Advanced Judicial Academy* will be held June 8 – 12, 2015 at the University of Illinois College of Law in Champaign. The Academy theme, *Science in the Courtroom*, will offer an opportunity for judges to critically and analytically consider the intersection of science, the law and other disciplines in a casual university setting. The 2015 Academy will seek to improve judicial knowledge of the general principles of science and scientific methodology and will assist judges in becoming more informed decision makers with respect to the evaluation and use of scientific evidence, through practical application, exercises and presentations. Judges are nominated to attend the Academy by their chief circuit judge or in the case of appellate judges, the presiding justice of the appellate district, or in the first appellate district, the Chair of the Executive Committee.

Benchbooks

Benchbooks continue to be valuable resource for judges in chambers and on the bench. *Civil Law and Procedure*, *Criminal Law and Procedure*, *Domestic Violence*, *DUI/Traffic*, *Evidence* and *Family Law and Procedure* are updated annually and new editions released each year, generally in the fall and made available to Illinois judges as a bound volume, CD, and via

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access to the Illinois Judicial Portal. Beginning in Conference Year 2015, the Committee on Education anticipates managing the Juvenile Justice Benchbooks, Volume I – Delinquency and Volume II – Abuse and Neglect. The Administrative Office distributes over 4,000 bound copies of Benchbooks and 1,000 CD's each Conference year.

Education Conference

Education Conference is held each biennium in even years for the benefit of the entire Illinois judiciary pursuant to the *Comprehensive Judicial Education Plan for Illinois Judges* adopted by the Illinois Supreme Court. Pursuant to the Plan, each Illinois judge is required to achieve thirty hours of judicial education credit every two years and through participation in Education Conference. The Conference offers a flexible format and generally between 65 – 80 sessions, many repeated twice, in subject matters related to civil, criminal, family and ethics, professionalism and judicial conduct.

The Conference, held January 27 – 31 and April 7 – 11, garnered an overall rating of 4.7 on a 5.0 scale for the January session and 4.6 for the April session. 2014 Conference sessions were prepared and presented under the guidance of the Committee on Education and the Administrative Office by one hundred and sixty-nine (169) presenters, including active and retired judges, law professors, medical professionals, state judicial branch employees, state and federal agency staff and other content-area experts from various fields. Of the 169 faculty, 121 were active Illinois judges. New to Education Conference 2014 was the addition of the annual Appellate Court Conference held on Monday, April 7th during the second session of Ed Con.

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Faculty Development Workshop

Faculty development provides an opportunity for prospective faculty to meet in person, in small groups and large groups over a day and half of interactive sessions focused on enhancing presentation style, delivery and audience awareness. Specific skills focus on the identification of learning objectives, the importance of these objectives, and their relationship to selected materials, use of technology and learning activities, all for the purpose of increasing audience participation and knowledge post-session. The next workshop will be held September 11 – 12, 2014.

Faculty Recruitment

The Administrative Office maintains a database of members of the Illinois judiciary who have indicated their interest in serving as training faculty, or as members of a Benchbook writing team. Faculty and benchbook volunteer forms are posted on the Supreme Court's website under judicial education on the judicial portal and provided at each judicial education event. Judge's interested in serving as faculty, or as a member of a benchbook writing team, may submit a volunteer form to the Administrative Office at any time.

Illinois Judicial College

The Committee on Education was asked by the Supreme Court to explore and develop a draft model for a Supreme Court Judicial College or Illinois Judicial College, including the identification of its benefits, structure and procedures. The Committee has created a workgroup that will focus on this goal and prepare a formal recommendation to be submitted to the Supreme Court.

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New Judge Seminar

New Judge Seminar is a week-long training for judges who are within one year of transitioning to the bench. The next seminar will be held February 2 – 6, 2015. Over the course of a week, a diverse range of substantive and procedural subject matters will be presented. The *2015 New Judge Seminar* will continue to offer substantive and procedural presentations in areas of the law most helpful to new judges, as well as the discussion of issues affecting self-represented litigants. Sessions will be interactive and engaging, and will highlight the use of benchbooks as a judicial resource. *New Judge Seminar* was last presented December 9 – 13, 2013, and received an overall rating of 4.8 out of 5.0.

Seminars and Trainings

The Committee on Education offers one and two day seminars which allow for the exploration and discussion of a specific topic in greater detail, two such training events will be offered during the 2014-2015 Conference year, namely, *A Training on Self-Represented Litigants and other Access to Justice Issues*, October 22, 2014 and the annual *DUI/Traffic* seminar, a multidisciplinary event to be held May 19 – 20, 2015.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

The Committee proposes to continue activities in Conference Year 2015 including the related judicial training events noted below:

- *DUI/Traffic Seminar*, May 19 – 20, 2015
- *New Judge Seminar*, February 2 – 6, 2015
- *Advanced Judicial Academy*, June 8 – 12, 2015

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- Continue development of the framework for an Illinois Judicial College

IV. RECOMMENDATIONS

The Committee makes no recommendations to the Conference at this time.

2014 REPORT

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

Hon. Jennifer H. Bauknecht, Chairperson

Hon. James J. Allen

Hon. George Bridges

Hon. Cynthia Y. Cobbs

Hon. Bobby G. Hardwick

Hon. Stuart P. Katz

Hon. Richard P. Klaus

Hon. Robert G. Kleeman

Hon. Kimberly G. Koester

Hon. David K. Overstreet

Hon. Elizabeth A. Robb

Hon. Colleen F. Sheehan

Hon. April G. Troemper

Prof. Lawrence Schlam, Reporter

October 2014

2014 REPORT

I. STATEMENT OF COMMITTEE CONTINUATION

The Juvenile Justice Committee is charged with reviewing and assessing practices related to the processing of juvenile delinquency, abuse, neglect, and dependency cases. The Committee's stated purpose is to provide judges with current developments in the processing of juvenile court cases through up-dating and distributing the *Illinois Juvenile Law Benchbook*. In addition, the Committee reviews emerging issues in juvenile law and makes recommendations regarding training for juvenile court judges on those issues.

Historically, the Committee has focused considerable attention on creating and updating the juvenile benchbook, which consists of two volumes that are updated in alternating years. As will be discussed in more detail in the body of this report, it is recommended that this responsibility be transferred to the Committee on Education. However, the Committee believes that its work in reviewing and assessing current trends in juvenile justice, reviewing and assessing practices relating to the processing of juvenile delinquency, abuse, neglect and dependency cases, and providing instruction and recommendations for the handling of juvenile cases to judges is a valuable source of information for judges who preside over juvenile matters in Illinois. For this reason, the Committee requests that it be permitted to continue its work in Conference Year 2015.

II. SUMMARY OF COMMITTEE ACTIVITIES

A. Committee Charge

The Committee is charged with reviewing and assessing the practices related to the processing of juvenile delinquency, abuse, neglect, and dependency cases. The Committee is

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also charged with preparing supplemental updates to the Juvenile Law Benchbook for distribution to judges presiding over juvenile proceedings. Finally, the Committee's charge includes making recommendations regarding training for juvenile court judges on emerging issues of juvenile law identified during the course of its work on the benchbook or during Committee meetings. This charge provides the framework to guide the Committee's work during the Conference year.

Consistent with this charge, during this Conference year, the Committee will complete its update of Volume II of the Juvenile Law Benchbook. Volume II, published in 2002 and most recently updated in 2012, addresses proceedings brought in juvenile court that involve allegations of abused, neglected and dependent minors. In preparing the update to Volume II, the Committee researched statutory changes and relevant case law through June 2014. The Committee anticipates that its update to Volume II will be available for the New Judge Seminar in February 2015.

B. Conference Year 2013 Continued Projects/Priorities

In 2013, the Court requested that the Committee analyze its recommendations for proposed legislative changes to select provisions of the Juvenile Court Act and the Sex Offender Registration Act, including any support and impediments for the proposed amendments. The Committee requested that consideration of recommending changes to the Sex Offender Registration Act be deferred to the 2014 Conference year in anticipation of a pending report on the subject.

During this Conference year, the anticipated report was released by the Illinois Juvenile

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Justice Commission. The report, entitled *Improving Illinois' Response to Sexual Offenses Committed By Youth, Recommendations for Law, Policy, and Practice*, found that Illinois is one of only twenty states with mandatory sex offender registration requirements for juveniles without any consideration to the other factors such as age, risk of reoffending, background, etc. The Committee reviewed this report together with other sources, including a recent report published by the Human Rights Watch, emerging science on adolescent brain development and recent decisions by the United States Supreme Court. Based upon our review of the most current data and information, the Committee recommends that the Court support a legislative change to the Sex Offender Registration Act. Specifically, it is the Committee's recommendation that the Act be modified to give judges discretion in determining whether public safety requires that a juvenile register as a sex offender after considering specific factors in relation to that juvenile. The proposed modification is attached as Exhibit A together with a justification for the change and citations to the referenced authority.

C. Conference Year 2014 Projects/ Priorities

The following topics represent the projects/ priorities assigned by the Supreme Court to the Committee for consideration in Conference Year 2014.

1. Sharing of Information Among Schools, Law Enforcement and Courts

The Court requested that the Committee study the procedural and legal barriers to the sharing of information among schools, law enforcement, and the courts, including an assessment of whether school conduct should be shared with the courts and the appropriate links to records between schools and community law enforcement. A number of barriers and issues were identified by the Committee through discussion including inconsistency across the State and

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within Chicago in regards to access to school information as well as what information is actually provided; privacy and due process concerns particularly in regards to psychological reports and HIPAA laws; and concerns about how schools will use information they receive from law enforcement and the courts (such as a basis to suspend or expel a child). There are significant procedural barriers between HIPPA laws, the Illinois School Code, law enforcement regulations and the Juvenile Court Act. The Committee believes that these procedural barriers need to be addressed by the legislature in order to effectuate any real change. Toward that end, there is a state-wide sub-committee presently addressing these issues in conjunction with the Illinois Juvenile Justice Leadership Council. It appears that this state-wide sub-committee which consists of members of the executive, legislative and judicial branches of government is in a better position to address these issues.

The Committee found that depending on the community size and the relationship between the various stakeholders, information flows fairly easily between schools and the courts. Some communities, such as McLean County, operate under a Memorandum of Understanding as to the various roles of the respective agencies and how information will and will not be used. It appears that there is no consistency across the State in regards to exactly what information the schools have readily available and are willing to share with the courts. After considering these issues, the Committee determined that it would take significant legislative action to effectuate any real change in regards to the sharing of information between schools, law enforcement and the courts. However, the Committee would encourage judges handling juvenile cases to engage local schools as much as possible in juvenile court hearings as that provides the court with greater access to school information.

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2. Review Judicial Canons

The Committee was charged with examining the Illinois Judicial Canons to consider amendments allowing judges to more actively participate in developing community based programs for diversion and participate more actively in statutorily created Juvenile Justice Councils. The Committee specifically considered Rule 64, Canon 4, and opined that there is nothing in that language that would prohibit judges from actively participating in the development of community based diversion programs and local Juvenile Justice Councils. However, as there appears to be some apprehension and concern on the part of judges, the Committee suggests that a comment be adopted to provide further clarification. Specifically, the Committee recommends the following comment:

Rule 64, Canon 4, proposed comment: A judge may serve on a committee that includes other judges, attorneys and members of the community for the purpose of developing programs or initiatives aimed at improving the outcomes for juveniles involved in the juvenile court system, or adults in the criminal court system. Such programs may include diversion, restorative justice and problem-solving court programs, among others.

3. Housing the Juvenile Benchbooks

As a final project, the Committee was asked to coordinate with the Committee on Education to determine the appropriate committee to house and update the juvenile benchbooks. Historically, the Committee has been responsible for updating the benchbook which consists of two volumes. Volume I pertains to proceedings brought in juvenile court that involve allegations of delinquency, addicted minors, minors requiring authoritative intervention (MRAI), and truant minors in need of supervision. Volume II addresses proceedings brought in juvenile court that involve allegations of abused, neglected and dependent minors. Each volume is organized transactionally, whereby issues are identified and discussed in the order in which they arise

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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. Each volume also contains an appendix which provides procedural checklists and sample forms that can be used by judges.

This Committee discussed at length the pros and cons of transferring the Juvenile Law Benchbook to the Committee on Education. In the end, although the Committee would be happy to continue providing the updates, for purposes of consistency and central housing, it was felt that the Committee on Education would be a more appropriate Committee to house the benchbook. We communicated with the Chairman of the Committee on Education and the Benchbook sub-committee chair, both of whom expressed an interest in providing the updates. The Committee on Education has agreed to accept this responsibility. The Committee suggests that Professor Schlam continue in his current role of updating the benchbook and that at least one member of the Juvenile Justice Committee serve on the benchbook sub-committee to serve as a liason between the two Committees.

III. PROPOSED ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During our Committee meetings, there was some discussion concerning the maximum age at which DCFS can be appointed guardian of an adjudicated juvenile delinquent. Presently, the maximum age is 15 years old. A Committee member contacted the Deputy General Counsel at DCFS who estimated that 10% of their guardians who are delinquent minors are 15. She also indicated that DCFS takes no position on raising the maximum age. The Committee requests that it be permitted to explore this issue further in the 2015 Conference Year and to determine whether it is appropriate to recommend an increase in the maximum age.

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IV. RECOMMENDATIONS

The Committee recommends to the Conference that it forward to the Court for its consideration the following:

- A.** That the Sex Offender Registration Act be modified as set forth in Exhibit A.
- B.** That a comment be added to Rule 64, Canon 4 as set forth above.
- C.** That the Committee on Education house and update the juvenile benchbooks.

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Exhibit A

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PROPOSED MODIFICATION TO THE CODE OF CRIMINAL CONDUCT:

730 ILCS 150/3-5. **Application of Act to adjudicated juvenile delinquents**

Sec. 3-5. Application of Act to adjudicated juvenile delinquents

(a) In all cases involving an adjudicated juvenile delinquent who meets the definition of sex offender as set forth in paragraph (5) of subsection (A) of Section 2 of this Act, the court ~~shall~~may order the minor to register as a sex offender if it finds by clear and convincing evidence that the minor poses a substantial risk of re-offending. In determining whether the minor poses a substantial risk of re-offending, the Court shall consider the aggravating and mitigating factors in addition to, but not limited to the following factors, none of which is more important than any other:

1. A risk assessment performed by an evaluator approved by the Sex Offender Management Board;
2. The sex offender history of the juvenile;
3. The age of the juvenile at the time of the commission of the offense;
4. Information relating to the juvenile's mental, physical, educational and social history;
5. the use of force or violence during the commission of the sex offense
6. whether the minor's actions were an on-going course of conduct over period of time
7. the wishes of victim and victim's family
8. whether there were multiple victims
9. the nature of the sexual contact
10. whether the minor was found guilty based upon an accountability theory
11. any other factors deemed relevant by the court.

JUSTIFICATION FOR CHANGE:

Children are constitutionally different from adults.... [J]uveniles have diminished culpability and greater prospects for reform ... [and] are less deserving of the most severe punishments.... [c]hildren have a lack of maturity and an underdeveloped sense of responsibility ... [c]hildren are more vulnerable ... to negative influences and outside pressures ... [a]nd ...a child's character is not as well formed as an adult's.— *Miller v. Alabama*, United States Supreme Court, 2012 (No. 10-9646, slip op. at 8 (2012)).

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The general purpose of the Sex Offender Registration Act is to enhance public safety by enabling law enforcement agencies to keep track of sex offenders. *Leshner v. Trent*, 407 Ill.App.3d 1170, 944 N.E.2d 479, 348 Ill.Dec. 526 (5th Dist. 2011). The Sex Offender Registration Act was amended in 2007 to require juvenile delinquents who commit sexual offenses to comply with the registration requirements under the Act. Since that time, considerable research has been conducted which shows that requiring juveniles to register as sex offenders does not enhance public safety, most youth who sexually offend never repeat their conduct, and adolescent brain development is a significant factor in juvenile behavior.

A recent study released by the Illinois Juvenile Justice Commission found that Illinois is one of only twenty states with mandatory sex offender registration requirements for juveniles without any consideration to the age of the juvenile, the risk of reoffending, background or other individualized considerations.¹ This same study also found that “[the] current practice of requiring youth to register as sex offenders and imposing collateral restrictions without regard to risk does not enhance public safety [and...] can actually undermine rehabilitation and the long-term well-being of victims, families, youth, and communities.”² Further, most youth who sexually offend never repeat their harmful conduct.³ Ultimately, the Illinois Juvenile Justice Commission recommended that the General Assembly remove juveniles from the current sex offender registry requirements and notification requirements.⁴

Another recent report issued by the Human Rights Watch entitled “Raised By The Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the US, ISBN: 978-1-62313-0084, May 2013 outlines the dramatic long-term impact registration requirements have on a juvenile with no corresponding benefit to society. In regards to recidivism rates for juveniles, that report notes as follows:

Recidivism rates for juvenile sex offenders is relatively low, especially when compared to adult sex offenders. Several studies have found recidivism rates for all youth sex offenders (violent and nonviolent offenses) at between four and seven percent, with one recent study finding as low as one percent.⁵ A

¹ Improving Illinois’ Response to Sexual Offenses Committed By Youth, Recommendations for Law, Policy, and Practice. March, 2014, Illinois Juvenile Justice Commission. A report to the Governor and General Assembly pursuant to Public Act 097-0163., <http://ijjc.illinois.gov/youthsexualoffenses>, Appendix D. (hereinafter, IJC study March 2014)

² IJC study, March 2014, Finding #8

³ IJC study, March 2014, Finding #6.

⁴ IJC study, March 2014, Recommendation #3.

⁵ Michael Caldwell, “Sexual Offense Adjudication and Recidivism Among Juvenile Offenders,” *Sexual Abuse: A Journal of Research and Treatment*, vol. 19 (2007), pp. 107-113; Donna Vandiver, “A Prospective Analysis of Juvenile Male Sex Offenders: Characteristics and Recidivism Rates as Adults,” *Journal of Interpersonal Violence*, vol. 21 (2006), pp. 673-688; E.J. Letourneau et al., “Do sex offender registration and notification requirements deter juvenile sex crimes?” *Criminal Justice and Behavior*, vol. 37 (2010), pp. 553-569. See also Finkelhor, Ormrod, and Chaffin, “Juveniles Who Commit Sex Offenses Against Minors,” <https://www.ncjrs.gov/pdffiles1/ojdp/227763>, p.3 (noting that “multiple short and long-term clinical followup studies of juvenile sex offenders consistently demonstrate that a large majority (about 85-95 percent) of sex offending youth have no arrests or reports for future sex crimes.”).

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meta analysis that reviewed 63 data sets reporting on the re-offense behavior of 11,219 youth sex offenders found an estimated mean sexual recidivism rate of 7.08 percent across a 5-year follow-up period.⁶ These rates should be compared with a 13 percent recidivism rate for adults who commit sexual offenses⁷ and a national recidivism rate of 40 percent for all criminal offenses.⁸

The intent of sex offender registration and notification laws, in general, was to protect children from sexual victimization and exploitation by adults.⁹ Requiring juveniles to register as sex offenders, particularly when there is no correlation between juvenile sex offenses and future conduct, does not accomplish that goal. In fact, current registration requirements have the opposite effect often separating juveniles from their families, siblings and communities and hindering their ability to obtain housing, an education and gainful employment. For these reasons, the mandatory registration requirement for juveniles should be modified so that only those juveniles who are at risk for re-offending are required to register.

Major barriers to modifying the Sex Offender Registration Act include legislative support for the change as well as public perception. Further educating both the legislature and the public on the current research would be helpful. It is also believed that the proposed modifications would offer the legislature a compromise to the Illinois Juvenile Justice Commission's recommendation that juveniles be completely removed from the registration requirements. Finally, giving discretion to judges, after considering all of the circumstances of the offense together with the aforementioned factors, is consistent with the purpose and intent of the Juvenile Court Act of 1987.

⁶ Caldwell, "Study characteristics and recidivism base rates in juvenile sex offender recidivism," *International Journal of Offender Therapy and Comparative Criminology*, pp. 197-212.

⁷ R. Karl Hanson and Monique T. Bussiere, "Predicting Relapse: A Meta-Analysis of Sexual Offender Recidivism Studies," *Journal of Consulting and Clinical Psychology*, vol. 66(1998), pp.348-362.

⁸ Pew Center on the States, "State of Recidivism: The Revolving Door of America's Prisons," April 2011, http://www.pewcenteronthestates.org/news_room_detail.aspx?id=85899358615 (accessed November 30, 2011). The 40percent recidivism rate applies to prison inmates released in 1999 who returned to prison within three years due to a new criminal conviction or for violating conditions of release.

⁹ Barbaree, Marshall, and Hudson, *The Juvenile Sex Offender* .

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**ANNUAL REPORT
OF THE
COMMITTEE ON STRATEGIC PLANNING
TO THE ILLINOIS JUDICIAL CONFERENCE**

Hon. M. Carol Pope, Chairperson

Clerk Carla L. Bender
Hon. F. Keith Brown
Hon. Mark H. Clarke
Hon. Mary Ellen Coghlan
Hon. Neil H. Cohen
Mr. J. Timothy Eaton, Esq.

Hon. Shelvin Louise Marie Hall
Hon. Elizabeth A. Robb
Hon. S. Gene Schwarm
Hon. Christopher C. Starck
Mr. John E. Thies, Esq.
Hon. Linnea E. Thompson

October 2014

2014 REPORT

I. STATEMENT OF COMMITTEE CONTINUATION

The mission of the Committee on Strategic Planning ("Committee") is to initiate and develop strategic goals and objectives that strengthen and improve the operation and work of the Illinois courts, the functioning and efficiency of the judiciary, and the public's perception of and confidence in the Illinois justice system. The Committee functions as an advisory "think tank" for the Supreme Court of Illinois ("the Supreme Court") in its oversight of the integrity and vitality of the judicial process. The Committee provides a structured approach to the future—by developing short term and long term plans—and allows the Supreme Court to better plan and address any number of challenges posed by a complex social and governmental environment in which there are limited financial and human resources. The Committee will try to anticipate future changes and develop projects aimed at finding out where we are and where we want to go as a court system.

The Committee has undertaken projects designed to provide valuable information to the Supreme Court to assist it in determining ways to ensure the Illinois court system is functioning in a just and efficient manner. The Committee therefore requests it be permitted to continue its work in Conference Year 2015.

II. SUMMARY OF COMMITTEE ACTIVITIES

A. Committee Charge

The Committee's charge is to assist the Supreme Court in advancing its goal of an impartial, accessible and efficient justice system by identifying emerging trends and issues affecting the delivery of justice and developing specific objectives and actions to address each trend and issue. As such, the Committee also functions as an advisory "think tank" to research

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and offer tactical responses to such matters as future trends, economics and public policies that will impact the future of the courts.

B. Conference Year 2014 Projects/Priorities

For the 2014 Illinois Judicial Conference Year, the Supreme Court requested the Committee discuss and devise next steps with respect to the strategic action plans prepared by other Illinois Judicial Conference committees during the 2013 Annual Meeting of the Illinois Judicial Conference and to coordinate/collaborate with the Executive Committee to bring these suggestions to action. The Supreme Court also requested the Committee undertake any such other projects or initiatives consistent with the Committee's charge.

In consideration of the projects and priorities assigned by the Supreme Court, the Committee reviewed all strategic action plans from the 2013 Illinois Judicial Conference Annual Meeting. Based on the strategic action plans, the Committee divided into two subcommittees: a short range planning subcommittee and a long range planning subcommittee.

Short Range Planning Subcommittee:

The Short Range Planning Subcommittee focused on the task of creating an access and fairness survey to address the issue of court performance. The Subcommittee considered the National Center for State Courts (NCSC) CourTools Access and Fairness Survey. Utilizing the NCSC survey as a model, modifications were made to more effectively elicit information regarding court user satisfaction (or lack thereof) with respect to access to the court and fairness by the judiciary. The survey would create a baseline to show where the courts are on issues of access and fairness in the eyes of the consumers of court services. If weaknesses are disclosed in the court system, the subcommittee would thereafter make recommendations for addressing

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those issues.

The draft survey was submitted to the full Committee for consideration. The Committee approved the draft survey with additional modifications. The Committee suggested, instead of statewide, the survey be conducted at pilot sites in 15-20 counties of different size jurisdictions. The Committee, however, determined the implementation of the survey, including issues relating to volunteers, costs, and compilation of results, should be discussed with the Conference of Chief Circuit Judges. The Subcommittee also determined subsequent surveys involving other court stakeholders (*i.e.*, probation, sheriff's office, clerks, court reporters) would be a valuable tool and source of important information on improving the efficiency of the court system.

Long Range Planning Subcommittee:

The objective of the Long Range Planning Subcommittee is to envision the ideal future of the Illinois court system and make recommendations that will ensure the future Illinois court system is efficient and effective in its administration of justice. In order to achieve this objective, the Subcommittee views itself and its ideas as not limited by current statutes or the Illinois Constitution. The future recommendations of the Subcommittee may require that statutes or even the Illinois Constitution itself be amended.

The Subcommittee has determined improving the administration of justice in Illinois would require (1) a more unified State court system; (2) a technology plan with room for modernization for all courts statewide, that would include the capability of all systems communicating with each other, even if using different software; (3) an appointed Clerk of Court system where the Clerk(s) of Court are appointed by and under the auspices of the Illinois Supreme Court or its designee; and (4) a single source of funding system for the courts that

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would unify the Illinois court system.

With respect to having a truly unified court system in Illinois, the Subcommittee has discussed the current impediments to having a more unified court system. The Subcommittee determined one of the impediments is the current independent Clerk of Court system whereby a Clerk of Court is elected for each county. It was largely agreed by the Subcommittee a Clerk of Court system where the Clerk(s) of Court are appointed by the Illinois Supreme Court or its designee (e.g. resident judge) and organized in such a way that makes practical sense is preferable to the current independent clerk system.

The Subcommittee determined in order for the future Illinois court system to be efficient and effective, the technology employed by the courts and the clerks of court must be modern, efficient and effective. The main impediment to this goal is the lack of a unified technology system. Counties employ different vendors for technology purposes and thus there are disparities between counties in terms of the type of equipment they use and the types of programs they use for essential clerk functions like automation and e-filing. Largely these disparities can be attributed to funding, as every county funds technology differently. Regardless of funding disparities, the Subcommittee agreed a unified technology plan statewide is an important priority and will be helpful in the unification of the Illinois court system. Steps should be taken to ensure each clerk's system can communicate with every other clerk's system in the state.

The Subcommittee also determined a single source of court funding controlled as much as possible by the Illinois Supreme Court would improve the efficiency and effectiveness of the Illinois court system's administration of justice. The Subcommittee has specifically discussed

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the current problem of counties earmarking court fees for purposes unrelated to the court system and the quagmire that has developed as a result of over 50 legislative and county enactments concerning fees. The effort and resources expended on properly assessing, collecting and dispersing the myriad of fees and add-ons required to be assessed have the potential of overwhelming the system and take valuable time and resources away from the courts and clerks. The Subcommittee has also discussed the problem with relying on the State to disperse funds properly to the courts.

In order to be certain the direction the Subcommittee is taking is the best course of action for the Illinois court system, the Subcommittee determined it should explore the option of having an outside study conducted to assess the court system's level of efficiency and also make recommendations for changes within the Illinois court system. Such a study would also examine current technology differences across the state and propose how a technology plan could unify the system. The Subcommittee is currently in the process of exploring this option, including considering the cost of such a study.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During the 2015 Illinois Judicial Conference year, the Committee requests it be permitted to:

1. Coordinate with the Conference of Chief Circuit Judges to implement the Committee's proposed Access and Fairness Survey in pilot sites.
2. Investigate the feasibility of conducting a comprehensive study of the efficiency of the Illinois court system. A neutral party such as the National Center for State Courts

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would conduct the study and provide valuable information and guidance as to what steps the Illinois court system should take to become more efficient.

3. Develop a strategic plan to create a single realistic, reliable, and comprehensive source of funding for the courts. The goal of such a plan would be the equitable and stable distribution of funding throughout the Illinois court system.
4. Develop a strategic plan to create a more unified court system including investigating the efficiency of the current clerk of court structure.
5. Develop a strategic plan to establish a seamless, integrated technology system that is available throughout the state, where automation systems and the data contained therein are usable and readable by any authorized user anywhere in Illinois without regard to differences in software of local eFiling and eRecords vendors.
6. Develop a strategic plan to ensure courts in all counties and circuits have access to the same technology.

IV. RECOMMENDATIONS

The Committee recommends to the Conference it forward to the Supreme Court for its consideration the proposed Access and Fairness Survey, which is attached as Exhibit A, to be conducted in pilot sites for 15-20 counties.

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Exhibit A

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Illinois Circuit Courts

ACCESS AND FAIRNESS SURVEY/COURT PERFORMANCE QUESTIONNAIRE

On behalf of the judges and staff of the Illinois Circuit Courts, THANK YOU for participating in this survey.
Your completion of this survey will help us to improve court services.

I. BACKGROUND INFORMATION

1. What did you do at court today?
(check all that apply)
 Search records/obtain documents
 File papers
 Make a payment
 Get information
 Appear as a witness
 Lawyer representing a client
 Jury duty
 Attend a hearing or trial
 Party to a legal matter
 Other: _____

2. What type of case brought you to the courthouse today?
 Civil Matter
 Criminal
 Divorce, Child Custody, or Support
 Domestic Violence
 Juvenile Matter
 Landlord/Tenant
 Probate
 Small Claims
 Traffic
 Other: _____

3. How often are you typically in this courthouse?
(Choose the closest estimate)
 This is my first time
 Once a year or less
 Several times a year
 Regularly

4. Are you represented by an attorney?
 Yes
 No

5. Which age category do you fit into?
 18 or younger
 19 – 35
 36 – 50
 51 – 65
 over 65

6. What is your gender?
 Male
 Female

7. How do you identify yourself?
 American Indian or Alaska Native
 Native
 Asian
 Black or African American
 Hispanic or Latino
 Native Hawaiian or Other Pacific Islander
 White or Caucasian
 Mixed Race
 Other: _____

Instructions: Using the scale below, please tell us how much you agree with the following statements by circling the appropriate number:

II. ACCESS TO THE COURT	Strongly Disagree	Disagree	Neither Agree Nor Disagree	Agree	Strongly Agree	N/A (not applicable)
1a) Finding the courthouse was easy.	1	2	3	4	5	n/a
1b) Finding the courtroom was easy.	1	2	3	4	5	n/a
2a) The forms I needed were available.	1	2	3	4	5	n/a
2b) The forms I needed were clear and easy to understand.	1	2	3	4	5	n/a
3a) I was able to physically access the courthouse easily.	1	2	3	4	5	n/a
3b) I was able to physically access the courtroom easily.	1	2	3	4	5	n/a
4) I was able to understand the language used in the courtroom.	1	2	3	4	5	n/a
5) I was able to get my court business done in a reasonable amount of time.	1	2	3	4	5	n/a
6a) I was treated with courtesy and respect by the judge.	1	2	3	4	5	n/a
6b) I was treated with courtesy and respect by the court security staff.	1	2	3	4	5	n/a
6c) I was treated with courtesy and respect by the circuit clerk staff.	1	2	3	4	5	n/a
7) The court's website was useful. (If not used, please mark N/A)	1	2	3	4	5	n/a

Please complete questions 8-15 **only if you were a party to a legal matter and appeared before a judge today.**

III. FAIRNESS	Strongly Disagree	Disagree	Neither Agree Nor Disagree	Agree	Strongly Agree	N/A (not applicable)
8) The judge started court on time.	1	2	3	4	5	n/a
9) At the beginning of court, the judge adequately explained what to expect in the courtroom today.	1	2	3	4	5	n/a
10) The judge listened to my side of the story before he or she made a decision.	1	2	3	4	5	n/a
11) The judge had the information necessary to make good decisions about my case.	1	2	3	4	5	n/a
12) I was treated the same as everyone else.	1	2	3	4	5	n/a

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ALTERNATIVE DISPUTE RESOLUTION COORDINATING COMMITTEE

CONFERENCE YEAR 2014

Statement of Purpose:

The Committee shall examine the range of civil dispute resolution processes utilized in other jurisdictions, convene alternative dispute resolution program administrators for the purpose of facilitating informational exchanges to promote program efficacy, and monitor the progress of all court-sponsored alternative dispute resolution programs.

General Charge:

The Committee shall examine the range of civil dispute resolution processes utilized in other jurisdictions and make recommendations regarding programs and various types of dispute resolution techniques suitable for adoption in Illinois, including methods for ongoing evaluation. The Committee shall develop recommendations for implementing and administering dispute resolution programs that remain affordable, appropriate, and provide an efficient alternative to protracted litigation. The Committee shall monitor and assess on a continuous basis the performance of circuit court mandatory arbitration programs and mandatory mediation programs approved by the Supreme Court and make regular reports regarding their operations. The Committee shall develop uniform reporting requirements for circuit courts in the collection and monitoring of statistical information for mandatory arbitration and mandatory mediation cases. The Committee will also examine and develop training programs in ADR techniques and practices to promote consistency in ADR services. The Committee shall also explore the feasibility of expanding ADR into other courts.

COMMITTEE ROSTER

Conference Members

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Hon. Cynthia Y. Cobbs
Hon. Robert G. Gibson

Hon. Mark S. Goodwin
Hon. David E. Haracz
Hon. James E. Snyder
Hon. Carl Anthony Walker

Advisors

None

COMMITTEE STAFF LIAISON: B. Paul Taylor

2014 REPORT

COMMITTEE ON AUTOMATION & TECHNOLOGY

CONFERENCE YEAR 2014

Statement of Purpose:

The Automation and Technology Committee shall provide consultation, guidance, and recommendations regarding standards, policies and procedures relating to the use of technology and automation within the judicial branch.

General Charge:

The Committee shall develop general guidelines which promote the effective and efficient use of technology and automation in the trial courts including recommendations for statewide standards, protocols, or procedures. The Committee shall analyze and develop recommendations related to rules and statutory changes that will manage the use of technology within the courts. The Committee's work also includes the review and evaluation of technology applications and their impact on the operation and workflow of the court. The Committee will also research and recommend response protocols to resolve security issues which may affect the use of technology. The Automation and Technology Committee, working in conjunction with the Special Supreme Court Committee on EBusiness, shall represent the judges' standpoint for the development and implementation of ebusiness applications in the Illinois court system, including but not limited to e-filing. The Automation and Technology Committee shall develop general guidelines and statewide standards, protocols, or procedures on the use of e-business in the trial courts, the Appellate Court, and the Supreme Court; analyze applicable rules and statutes and develop recommendations for any changes necessary for the use of e-business within the courts; and review and evaluate e-business applications and impact on the operation and workflow of the courts.

COMMITTEE ROSTER

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Hon. David A. Hylla
Hon. William A. Mudge

Hon. Lorna E. Propes
Hon. Carolyn Bailey Smoot
Hon. Christopher C. Starck
Hon. Thaddeus L. Wilson

Advisors

Hon. F. Keith Brown

Hon. Douglas L. Jarman

COMMITTEE STAFF LIAISON: Skip Robertson

2014 REPORT

STUDY COMMITTEE ON COMPLEX LITIGATION

CONFERENCE YEAR 2014

Statement of Purpose:

The Study Committee shall make recommendations, through proposed rules or other procedures, to reduce the cost and delay attendant to lengthy civil and criminal trials with multiple parties or issues. The Committee shall provide updates as necessary to its Manual for Complex Litigation (Civil and Criminal).

General Charge:

The Committee shall prepare revisions, updates, and new topics as necessary, for the Manual for Complex Litigation, including the maintenance of forms and links to forms provided throughout the Manual.

COMMITTEE ROSTER

Conference Members

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Hon. Michael J. Burke	Hon. Carolyn Quinn
Hon. Mark A. Drummond	Hon. Christopher C. Starck
Hon. Tom M. Lytton	Hon. Thaddeus L. Wilson
Hon. Joseph G. McGraw	

Advisors

Martha A. Pagliari, Professor, Reporter	Hon. Michael J. Sullivan
---	--------------------------

COMMITTEE STAFF LIAISON: Amy Bowne

2014 REPORT

CRIMINAL JUSTICE COMMITTEE

CONFERENCE YEAR 2014

Statement of Purpose:

To advise the Judicial Conference in matters affecting criminal justice.

General Charge:

The Committee shall review and make recommendations on matters affecting criminal justice. The Committee will review, analyze, and examine new issues arising out of legislation and case law that impact criminal law and procedures and any aspect of criminal justice.

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Conference Members

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Hon. William H. Hooks

Hon. Marjorie C. Laws
Hon. Leonard Murray
Hon. Mitchell K. Shick
Hon. Domenica A. Stephenson
Hon. Thomas W. Welch

Advisors

None

COMMITTEE STAFF LIAISON: B. Paul Taylor

2014 REPORT

COMMITTEE ON DISCOVERY PROCEDURES

CONFERENCE YEAR 2014

Statement of Purpose:

The Committee on Discovery Procedures shall review and assess discovery devices used in Illinois, with the goal of making recommendations to expedite discovery and to eliminate any abuses of the discovery process.

General Charge:

The Committee shall study and make recommendations on 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. The Committee shall investigate and make recommendations on innovative means of expediting pretrial discovery and ending any abuses of the discovery process so as to promote early settlement discussions and to encourage civility among attorneys. The Committee will also review and make recommendations on proposals concerning discovery matters submitted by the Supreme Court Rules Committee, other Committees or other sources.

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Hon. Kenneth L. Popejoy

Advisors

Marc D. Ginsburg, Professor, Reporter

Joseph R. Marconi, Esq.

COMMITTEE STAFF LIAISON: Jan B. Zekich

2014 REPORT

COMMITTEE ON EDUCATION

CONFERENCE YEAR 2014

Statement of Purpose:

Consistent with the purpose and the provisions of the Supreme Court's *Comprehensive Judicial Education Plan for Illinois Judges*, the Committee shall identify the educational needs for the Illinois judiciary and design educational programs that address those needs.

General Charge:

The Committee shall develop and recommend a "core" judicial education curriculum for Illinois judges which identifies the key judicial education topics and issues to be addressed through the judicial education activities each Conference year. This will include identifying emerging legal, sociological, cultural, and technical issues that may impact decision making and court administration by Illinois judges. Based on the core curriculum, the Committee shall recommend and develop programs for new and experienced Illinois Judges. To do so, the Committee shall recommend topics and faculty for the annual New Judge Seminar and Seminar Series, and, in alternate years, the Education Conference and the Advanced Judicial Academy. The Committee in coordination with the Administrative Office will also assess the judicial education needs, expectations and program participation of Illinois judges. The Committee shall also review and recommend judicial education programs, offered by organizations and entities other than the Supreme Court, to be approved for the award of continuing judicial education credits.

COMMITTEE ROSTER

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	Hon. Ronald D. Spears

SUPREME COURT LIAISON: Hon. Mary Jane Theis
COMMITTEE STAFF LIAISON: Cyrana Mott

2014 REPORT

COMMITTEE ON JUVENILE JUSTICE

CONFERENCE YEAR 2014

Statement of Purpose:

The Juvenile Justice Committee shall review and assess practices related to the processing of juvenile delinquency, abuse, neglect, and dependency cases. The Committee shall provide judges with current developments in the processing of juvenile court cases through up-dating and distributing the juvenile law benchbook (Volumes I and II).

General Charge:

The Committee shall study and make recommendations on the processing of juvenile delinquency, abuse, neglect, and dependency cases; prepare supplemental updates to the juvenile law benchbooks for distribution to judges reviewing such proceedings brought in juvenile court; and, make recommendations regarding training for juvenile court judges on emerging issues of juvenile law identified during the course of the Committee's work on the benchbook or during Committee meetings.

COMMITTEE ROSTER

Conference Members

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Hon. Jennifer H. Bauknecht

Hon. George Bridges

Hon. Cynthia Y. Cobbs

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2014 REPORT

COMMITTEE ON STRATEGIC PLANNING

CONFERENCE YEAR 2014

Statement of Purpose:

The Committee on Strategic Planning shall provide consultation, guidance and recommendations regarding long-range planning for the Illinois courts.

General Charge:

The Committee will assist the Supreme Court in advancing its goal of an impartial, accessible and efficient justice system by identifying emerging trends and issues affecting the delivery of justice and developing specific objectives, and actions to address each trend and issue. As such, the Committee would also function as an advisory "think tank" to research and offer tactical responses to such matters as future trends, economics, and public policies that will impact the future of courts.

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