

REPORT
OF THE ILLINOIS
JUDICIAL
CONFERENCE
2015



2015 REPORT

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MEMBERSHIP OF JUDICIAL CONFERENCE OF ILLINOIS

The following are members of the Judicial Conference of Illinois during the 2015 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. Shelvin Louise Marie Hall
Chairman, Executive Committee
First District Appellate Court

Hon. M. Carol Pope
Presiding Judge
Fourth District Appellate Court

Hon. Mary S. Schostok
Presiding Judge
Second District Appellate Court

Hon. Judy Lynn Cates
Presiding Judge
Fifth District Appellate Court

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

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APPOINTEES

Hon. James J. Allen
Circuit Judge
Twelfth Judicial Circuit

Hon. Thomas R. Allen
Circuit Judge
Circuit Court of Cook County

Hon. Robert J. Anderson
Circuit Judge
Eighteenth Judicial Circuit

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

Hon. Dinah J. Archambeault
Associate Judge
Twelfth Judicial Circuit

Hon. Jennifer H. Bauknecht
Circuit Judge
Eleventh Judicial Circuit

Hon. William J. Becker
Associate Judge
Fourth Judicial Circuit

Hon. Shauna L. Boliker
Associate Judge
Circuit Court of Cook County

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

Hon. Liam C. Brennan
Circuit Judge
Eighteenth Judicial Circuit

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

Hon. Mark H. Clarke
Circuit Judge
First Judicial Circuit

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

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

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

Hon. Eugene P. Daugherty
Circuit Judge
Thirteenth Judicial Circuit

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

Hon. Paul M. Fullerton
Associate Judge
Eighteenth Judicial Circuit

Hon. Frank R. Fuhr
Circuit Judge
Fourteenth Judicial Circuit

Hon. Robert G. Gibson
Associate Judge
Eighteenth Judicial Circuit

Hon. Mark S. Goodwin
Associate Judge
Fifth Judicial Circuit

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

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

Hon. Daniel P. Guerin
Circuit Judge
Eighteenth Judicial Circuit

Hon. Bobby G. Hardwick
Circuit Judge
Eighth Judicial Circuit

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

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

Hon. David A. Hylla
Chief Circuit Judge
Third Judicial Circuit

Hon. Ronald M. Jacobson
Chief Judge
Fifteenth Judicial Circuit

Hon. Julie K. Katz
Associate Judge
Twentieth Judicial Circuit

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

Hon. Michael J. Kick
Chief Judge
Twenty-First Judicial Circuit

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. Stephen Kouri
Chief Judge
Tenth Judicial Circuit

Hon. Robert D. Kuzas
Circuit Judge
Circuit Court of Cook County

Hon. Diane M. Lagoski
Chief Judge
Eighth Judicial Circuit

Hon. Diane J. Larsen
Circuit Judge
Circuit Court of Cook County

Hon. Terrence J. Lavin
Appellate Judge
First District Appellate Court

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

Hon. Kevin T. Lee
Associate Judge
Circuit Court of Cook County

Hon. LeRoy K. Martin, Jr.
Circuit Judge
Circuit Court of Cook County

Hon. Michael P. McCuskey
Circuit Judge
Tenth Judicial Circuit

Hon. Joseph G. McGraw
Circuit Judge
Seventeenth Judicial Circuit

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Hon. Melissa A. Morgan
Circuit Judge
Second Judicial Circuit

Hon. William A. Mudge
Circuit Judge
Third Judicial Circuit

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

Hon. Karen L. O'Malley
Circuit Judge
Circuit Court of Cook County

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

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

Hon. Heinz M. Rudolf
Associate Judge
Twentieth Judicial Circuit

Hon. Jessica Colon Sayre
Associate Judge
Twelfth Judicial Circuit

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

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. Matthew L. Sullivan
Circuit Judge
Fifth Judicial Circuit

Hon. Linnea E. Thompson
Circuit Judge
Fourteenth Judicial Circuit

Hon. April G. Troemper
Circuit Judge
Seventh Judicial Circuit

Hon. Bradley J. Waller
Circuit Judge
Twenty-Third Judicial Circuit

Hon. Lisa Holder White
Appellate Judge
Fourth District Appellate Court

Hon. Thaddeus L. 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
Circuit 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. Diane M. Lagoski
Chief Judge
Eighth Judicial Circuit

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

Hon. Christopher C. Starck
Circuit Judge
Nineteenth Judicial Circuit

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

Hon. Linnea E. Thompson
Circuit Judge
Fourteenth Judicial Circuit

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

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

Hon. Robert G. Gibson
Associate Judge
Eighteenth Judicial Circuit

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)	40
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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"Building and Sustaining the 21st Century Judiciary"

2015 ANNUAL MEETING OF THE ILLINOIS JUDICIAL CONFERENCE The Westin Hotel ~ Lombard, Illinois

AGENDA

Thursday, October 22, 2015

- 7:30 - 9:00 a.m. **Breakfast & Registration**
- 9:00 - 9:15 a.m. **Judicial Conference Address**
Honorable Rita B. Garman, Chief Justice, Supreme Court of Illinois
- 9:15 - 10:15 a.m. **Presentation: "Status of State Courts in 2015," Q&A**
Honorable John T. Broderick, former Chief Justice, Supreme Court of New Hampshire
- 10:15 - 11:30 a.m. **Presentation: 2015 Circuit Courts User Survey Results, Q&A**
*Honorable M. Carol Pope, Chair, Committee on Strategic Planning and
Dr. David E. Olson, Professor, Loyola University Chicago*
- 11:45 - 1:00 p.m. **Luncheon**
- 1:15 - 3:00 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*
 - *Civil Justice Committee*
 - *Criminal Justice Committee*
 - *Committee on Education*
 - *Juvenile Justice Committee*
- 3:00 - 3:45 p.m. **Committees' Recommendations, Q&A**
*(Presentations/Discussions from Committee Chairs on how to improve the judiciary in each
respective committee field – 2 suggestions per committee)*
- 3:45 p.m. **Adjournment**

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Annual Report to the General Assembly on 2015 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 requirement 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.

Pursuant to Illinois Supreme Court Rule 41, an Executive Committee acts on behalf of the Conference when it is not in session. The Executive Committee consists of fourteen judges: 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.

Six standing committees carry out the work of the Conference throughout the year. These committees are: the Alternative Dispute Resolution Coordinating Committee, the Civil Justice Committee, the Criminal Justice Committee, 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 serves as liaisons to support the committees' activities.

On October 22, 2015, the Illinois Judicial Conference held its annual meeting in Lombard, Illinois. The meeting was concentrated into one full day to minimize the judges' time away from the bench and to reduce costs.

Chief Justice Rita B. Garman convened the meeting. In her opening remarks, Chief Justice Garman welcomed those in attendance, including the current Justices of the Supreme Court. Chief Justice Garman began her comments by noting the forward-looking theme of this year's conference: Building and Sustaining the Judiciary.

The Chief Justice stated that when she was sworn in as Chief Justice in 2013, one of the initiatives she announced was to increase the use of technology in Illinois' courthouses and courtrooms as a means of making the judicial process more efficient and transparent. Chief Justice Garman advised the conference that progress has been made in the use of technology. She highlighted the expansion of e-filing throughout the state, which has the courts well on the way towards the eventual goal of a paperless system. Nonetheless, she cautioned that challenges remain. For example, digital media, while durable and economical, are not truly permanent because these media may degrade over time. Another challenge is keeping up with rapid advances in technology, which may render records preserved in one medium obsolete. The Chief Justice emphasized that planning and implementation of new technology must recognize these issues and press forward to realize the full benefit of the efficiencies and economies that electronic records will provide and to adopt new technology to modernize our judicial system.

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Chief Justice Garman also announced that the reviewing courts are nearing the final stages of designing and implementing a new electronic case management system that will allow tracking the progress of appeals from the case filing to the publication of the opinion. In addition, the record on appeal will be digitized, allowing justices, law clerks, and court staff to have access to electronic records. Chief Justice Garman added that the Court's website continues to expand and to include new content. She also stated that amendments to Supreme Court Rules and the Rules of Professional Conduct were promulgated to address the increasing importance of electronic communication and the challenge of maintaining client confidentiality in the digital age.

The Chief Justice next noted that the Circuit Courts have expanded the use of cameras in the courtrooms, a project that has been well-received by the media and the general public. The Chief Justice was pleased to announce that this innovation has been relatively free of controversy and that circuit court judges have reported no disruption or inconvenience as a result of the expanded media presence.

Chief Justice Garman commented that judges are increasingly being required to adjudicate matters involving highly technical issues, intellectual property disputes involving computer hardware and software, defamation and other suits involving the use of social media, and both civil and criminal cases arising from hacking and other digital privacy concerns. In response, the Chief Justice emphasized that to prepare judges to adjudicate these technological issues, judicial education must keep pace with the way technology is used and abused so that judges have the knowledge necessary to understand the issues in dispute, including the admissibility of digital evidence such as an e-mail, Facebook page, an app, or entirely new forms of digital information that may emerge in the future.

According to the Chief Justice, another area impacted by technology is jury service. She informed the Conference that when technology is used in the courtroom to communicate information to jurors, the jurors have a better understanding of the information presented, and are more attentive, more engaged, and more likely to recall important information during their deliberations. Chief Justice Garman therefore advised that courthouses will need to be equipped to utilize technology to the fullest extent possible. The Chief Justice also commented that technology can impact jury service when jurors use the internet and social media during the trial and deliberation phases to seek information about the case or communicate with a party or counsel. She noted that the civil and criminal pattern jury instructions have been amended to instruct judges to caution jurors about the use of the internet and social media. Judges are also urged to reinforce the message to jurors that an ongoing trial is not a proper subject for a Facebook post or tweet.

In closing, Chief Justice Garman indicated that ultimately technology is a means, and not an end in itself. She stated that the judicial process can be made more efficient and effective by wise adoptions of technologies that improve transparency and performance and that one way to build and sustain a judiciary in the 21st century is to train judges to be innovative and technologically adept. Chief Justice Garman hoped to use the conference, and the committees' meeting time at the conference to help the Court develop strategies for moving the court system forward in a responsible, efficient, and effective way.

Chief Justice Garman then introduced the Honorable John Broderick, former Chief Justice of the New Hampshire Supreme Court, who addressed the conference on the topic of where the Illinois

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court system stands in the first fifteen years of this century and where it needs redesign, and the Honorable Carol Pope, Appellate Judge, Fourth Judicial District and Chair of the Strategic Planning Committee, who informed the conference on the results of the 2015 Circuit Courts User Survey.

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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 September 1, 2014 through August 31, 2015.

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**RESOLUTION
IN MEMORY OF
THE HONORABLE RONALD J.P. BANKS**

The Honorable Ronald J.P. Banks, former circuit judge for the Circuit Court of Cook County, passed away January 1, 2015.

Judge Banks was born September 23, 1938. He received his law degree from DePaul University School of Law in 1968, and was admitted to the bar that same year. Judge Banks started his public career as a Cook County Assistant State's Attorney, and served as an associate judge before he was elected as a circuit judge for the Circuit Court of Cook County in 1982. He retired from the bench November 30, 1999.

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

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RESOLUTION IN MEMORY OF THE HONORABLE HENRY A. BUDZINSKI

The Honorable Henry A. Budzinski, former circuit judge for the Circuit Court of Cook County, passed away February 24, 2015.

Judge Budzinski was born November 5, 1923. He received his law degree from Loyola University School of Law in 1950, and was admitted to the bar that same year. In 1976, he was appointed an associate judge for the Circuit Court of Cook County, and was elected circuit judge for the Circuit Court of Cook County in 1984. He retained this position until 2002. In 2002, he was recalled as a circuit judge and retired from the bench November 30, 2010. Judge Budzinski retired after 34 years on the bench, including 18 years as Presiding Judge of the Probate Division of the Circuit Court of Cook County.

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

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RESOLUTION IN MEMORY OF THE HONORABLE CALVIN C. CAMPBELL

The Honorable Calvin C. Campbell, former appellate judge for the First District Appellate Court, passed away February 12, 2015.

Judge Campbell was born August 20, 1924 in Roanoke, Virginia. He received his law degree from the University of Chicago Law School in 1951, and was admitted to the bar that same year. He joined the Illinois Attorney General's office in 1957 and litigated cases there for 18 years, rising to chief of the Revenue Litigation Division. Judge Campbell was admitted to practice before the U.S. Supreme Court in 1966. In 1977, he was appointed circuit judge for the Circuit Court of Cook County, and in 1978 was elected to the Appellate Court. He served in that position until his retirement in 2008.

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

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**RESOLUTION
IN MEMORY OF
THE HONORABLE JOHN F. CIRRICIONE**

The Honorable John F. Cirricione, former associate judge for the Twelfth Judicial Circuit, passed away December 16, 2014.

Judge Cirricione was born April 24, 1926. He received his law degree from The John Marshall Law School, and was admitted to the bar in 1952. He served as a lawyer in private practice in Joliet for 31 years prior to being appointed an associate judge of the Twelfth Judicial Circuit in 1983, a position he held until his retirement from the bench in 2000.

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

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RESOLUTION IN MEMORY OF THE HONORABLE JAMES C. CRAVEN

The Honorable James C. Craven, former appellate judge for the Fourth District Appellate Court, passed away January 12, 2015.

Judge Craven was born August 7, 1925 in Greenfield, Tennessee. He received his law degree from the University of Illinois School of Law in 1950, and was admitted to the bar that same year. Judge Craven was in private practice prior to his election as appellate judge for the Fourth District Appellate Court in 1964, where he served until his retirement from the bench in 1981.

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

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**RESOLUTION
IN MEMORY OF
THE HONORABLE WILBUR E. CROOKS**

The Honorable Wilbur E. Crooks, former circuit judge for the Circuit Court of Cook County, passed away March 23, 2015.

Judge Crooks was born December 9, 1940 in Chicago, Illinois. He received his law degree from DePaul University College of Law, and was admitted to the bar in 1978. Judge Crooks served as a Cook County Assistant State's Attorney, and was elected to the bench in 1996. He retired from the bench November 30, 2005.

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

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**RESOLUTION
IN MEMORY OF
THE HONORABLE ROBERT A. DREW**

The Honorable Robert A. Drew, former circuit judge for the First Judicial Circuit, passed away June 6, 2015.

Judge Drew was born July 1, 1942 in Portland, Maine. He received his law degree from the University of Arkansas School of Law in 1973, and was admitted to the Illinois bar in 1977. Judge Drew was in private practice before being appointed a circuit judge for the First Judicial Circuit in 1995. He served in this position until his term expired and he left office in 1996.

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

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RESOLUTION IN MEMORY OF THE HONORABLE IMY J. FEUER

The Honorable Imy J. Feuer, former associate judge for the Seventh Judicial Circuit, passed away October 20, 2014.

Judge Feuer was born November 22, 1919 in Springfield, Illinois. He received his law degree from Lincoln College of Law, and was admitted to the bar in 1943. During his years of law practice he served in the City of Springfield Legal Department for 26 years in the various positions of assistant City Attorney, City Attorney, and Corporation Counsel. He was appointed an associate judge for the Seventh Judicial Circuit in 1971, serving until his retirement from the bench on November 25, 1979.

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

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RESOLUTION IN MEMORY OF THE HONORABLE MICHAEL R. GALASSO

The Honorable Michael R. Galasso, former appellate judge for the Second District Appellate Court, passed away January 23, 2015.

Judge Galasso was born April 29, 1936 in Chicago, Illinois. He received his law degree from IIT/Chicago-Kent College of Law in 1961, and was admitted to the bar that same year. He was appointed an associate judge for the Eighteenth Judicial Circuit in 1984, appointed circuit judge for the Eighteenth Judicial Circuit in 1988, and elected to the position in 1990. Judge Galasso went on to serve as Presiding Judge of the Domestic Relations and Law Divisions and Chief Judge of the Circuit Court of DuPage County. In 1999, Judge Galasso was assigned as an appellate judge to the Second District Appellate Court and appointed an appellate judge to the Second District Appellate Court in 2000. He remained in that position until his retirement in 2000.

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

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RESOLUTION IN MEMORY OF THE HONORABLE WILLIAM D. HENDERSON

The Honorable William D. Henderson, former circuit judge for the Ninth Judicial Circuit, passed away March 25, 2015.

Judge Henderson was born March 14, 1944 in Emmetsburg, Iowa. He received his law degree from the University of Iowa College of Law in 1968, and was admitted to the Illinois bar in 1974. He served as an assistant State's Attorney for McDonough County then won the election for State's Attorney in 1976. In 1979, he was appointed as an associate judge in the Ninth Judicial Circuit and held the position for seven years before being elected circuit judge in 1986. During his judicial career, he also served as chief circuit judge. He retired from the bench November 30, 2010.

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

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**RESOLUTION
IN MEMORY OF
THE HONORABLE LEO E. HOLT**

The Honorable Leo E. Holt, former circuit judge for the Circuit Court of Cook County, passed away September 12, 2014.

Judge Holt was born July 2, 1927 in Chicago, Illinois. He received his law degree from The John Marshall Law School in 1959, and was admitted to the bar that same year. Judge Holt worked in private practice as a defense attorney in Chicago until his 1986 election as circuit judge for the Circuit Court of Cook County. He retired from the bench December 5, 2004.

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

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**RESOLUTION
IN MEMORY OF
THE HONORABLE HOWARD R. KAUFMAN**

The Honorable Howard R. Kaufman, former associate judge for the Circuit Court of Cook County, passed away May 29, 2015.

Judge Kaufman was born August 1, 1930. He received his law degree from Northwestern University School of Law in 1957, and was admitted to the bar that same year. Judge Kaufman worked as a prosecutor and in private practice prior to becoming an associate judge for the Circuit Court of Cook County in 1981. He retired from the bench September 15, 1991.

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

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RESOLUTION IN MEMORY OF THE HONORABLE JOHN T. KELEHER

The Honorable John T. Keleher, former circuit judge for the Circuit Court of Cook County, passed away November 13, 2014.

Judge Keleher was born October 29, 1923. He received his law degree from Loyola University School of Law in 1951, and was admitted to the bar that same year. Judge Keleher was in private practice while also serving as faculty at Loyola and Kent law schools. He was appointed an associate judge in Cook County in 1977 before being elected to the Cook County Circuit Court in 1988. He retired from the bench in 1993.

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

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**RESOLUTION
IN MEMORY OF
THE HONORABLE RONALD E. MAGNES**

The Honorable Ronald E. Magnes, former associate judge for the Circuit Court of Cook County, passed away January 17, 2015.

Judge Magnes was born June 22, 1932 in Chicago, Illinois. He was admitted to the bar in 1962. He was an assistant State's Attorney for Cook County from 1965 to 1981 and appointed an associate judge for the Circuit Court of Cook County in 1982. He retained that position until his retirement from the bench December 31, 1996.

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

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**RESOLUTION
IN MEMORY OF
THE HONORABLE JOHN J. MANNION**

The Honorable John J. Mannion, former associate judge for the Circuit Court of Cook County, passed away November 15, 2014.

Judge Mannion was born November 24, 1936. He received his law degree from Chicago-Kent College of Law in 1974 and was admitted to the bar that same year. Judge Mannion was an assistant State's Attorney for Cook County before being appointed an associate judge for the Circuit Court of Cook County in 1984. He retired from the bench September 30, 2006.

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

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**RESOLUTION
IN MEMORY OF
THE HONORABLE ROBERT L. MASSEY**

The Honorable Robert L. Massey, former circuit judge for the Circuit Court of Cook County, passed away August 9, 2015.

Judge Massey was born July 21, 1921. He was admitted to the bar in 1948. Before he was elected a circuit judge for the Circuit Court of Cook County in 1964, he served as an Illinois representative in 1955 and 1956, and served as 36th ward alderman. He retired from the bench December 29, 1983.

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

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RESOLUTION IN MEMORY OF THE HONORABLE PATRICK F. MCLAUGHLIN

The Honorable Patrick F. McLaughlin, former circuit judge for the Second Judicial Circuit, passed away August 28, 2015.

Judge McLaughlin was born August 2, 1947. He received his law degree from St. Louis University School of Law in 1974, and was admitted to the Illinois bar that same year. He began his law practice in St. Louis, Missouri before moving to Illinois. He was elected a circuit judge for the Second Judicial Circuit in 1986 and served in that capacity until 1997. During his tenure in Illinois, he sat, at times, as a special judge of the Illinois Court of Appeals. In 1997, Judge McLaughlin was appointed as a U.S. Administrative Law Judge with the Social Security Administration and assigned to Jacksonville, Florida.

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

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**RESOLUTION
IN MEMORY OF
THE HONORABLE ALAN E. MORRILL**

The Honorable Alan E. Morrill, former associate judge for the Circuit Court of Cook County, passed away September 19, 2014.

Judge Morrill was born August 30, 1925 in Tulsa, Oklahoma. He received his law degree from The John Marshall Law School in 1951, and was admitted to the bar that same year. Judge Morrill worked in private practice in Chicago until his 1979 appointment as associate judge for the Circuit Court of Cook County. He retired from the bench August 31, 1986.

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

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RESOLUTION IN MEMORY OF THE HONORABLE MICHAEL J. O'MALLEY

The Honorable Michael J. O'Malley, former circuit judge for the Twentieth Judicial Circuit, passed away October 11, 2014.

Judge O'Malley was born June 20, 1953. He received his law degree from Lewis University College of Law in 1979, and was admitted to the bar November 5, 1979. Judge O'Malley worked in private practice before serving as both an assistant State's Attorney and assistant Public Defender in St. Clair County. He was appointed associate judge for the Twentieth Judicial Circuit on February 1, 1985, appointed circuit judge for the Twentieth Judicial Circuit on May 1, 1990, and elected to the position December 3, 1990. He retired from the bench July 31, 2010.

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

2015 REPORT

RESOLUTION IN MEMORY OF THE HONORABLE ROMIE J. PALMER

The Honorable Romie J. Palmer, former circuit judge for the Circuit Court of Cook County, passed away December 16, 2014.

Judge Palmer was born April 10, 1921 in Pontotoc, Mississippi. He received his law degree from DePaul University College of Law, and was admitted to the bar in 1950. He served in the Illinois House of Representatives from 1969 to 1976. Judge Palmer was elected a circuit judge for the Circuit Court of Cook County in 1976. He retired from the bench December 31, 1991.

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

2015 REPORT

**RESOLUTION
IN MEMORY OF
THE HONORABLE FRANCIS J. REILLY**

The Honorable Francis J. Reilly, former associate judge for the Circuit Court of Cook County, passed away March 21, 2015.

Judge Reilly was born September 7, 1920 in New Hampton, Iowa. He received his law degree from DePaul University College of Law, and was admitted to the bar in 1943. He served in the private sector before being appointed an associate judge for the Circuit Court of Cook County in 1981. He retired from the bench in 1994.

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

2015 REPORT

RESOLUTION IN MEMORY OF THE HONORABLE RICHARD C. RIPPLE

The Honorable Richard C. Ripple, former circuit judge for the Ninth Judicial Circuit, passed away January 24, 2015.

Judge Ripple was born September 9, 1934 in Maquoketa, Iowa. He received his law degree from the University of Iowa College of Law in 1958, and was admitted to the Illinois bar that same year. He practiced law in the private sector until his appointment as an associate judge in 1976. In 1988, he became a circuit judge for the Ninth Judicial Circuit and became the chief judge for the circuit in 1991. Judge Ripple retired in 1997.

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

2015 REPORT

**RESOLUTION
IN MEMORY OF
THE HONORABLE LOREN E. SCHNACK**

The Honorable Loren E. Schnack, former associate judge for the Eighth Judicial Circuit, passed away August 26, 2015.

Judge Schnack was born February 13, 1926 in Quincy, Illinois. He received his law degree from Valparaiso University School of Law in 1950, and was admitted to the Illinois bar that same year. He was elected an Adams County judge in 1954 and served as county judge until 1958. He served as an associate judge from 1991 to 1999 before retiring from the bench.

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

2015 REPORT

RESOLUTION IN MEMORY OF THE HONORABLE PAUL W. SCHNAKE

The Honorable Paul W. Schnake, former appellate judge for the Second District Appellate Court, passed away November 12, 2014.

Judge Schnake was born March 7, 1918 in Melrose Park, Illinois. He received his law degree from Yale University Law School in 1948, and was admitted to the Illinois bar that same year. He was in private practice until 1968 when he was appointed as an associate judge for the Sixteenth Judicial Circuit. In 1974, he became a circuit judge for the Sixteenth Judicial Circuit and served as chief judge for the Sixteenth Judicial Circuit from 1979 to 1981. Judge Schnake was assigned to the Second District Appellate Court in 1984. He retired from the bench in 1986.

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

2015 REPORT

**RESOLUTION
IN MEMORY OF
THE HONORABLE LLWELLYN L. THAPEDI**

The Honorable Llwellyn L. Thapedi, former circuit judge for the Circuit Court of Cook County, passed away November 23, 2014.

Judge Thapedi was born August 19, 1933 in Guthrie, Oklahoma. She received her law degree from Loyola University School of Law, and was admitted to the bar in 1976. She was in private practice before being elected circuit judge for the Circuit Court of Cook County in 1992. She retired from the bench in 2004.

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

2015 REPORT

**RESOLUTION
IN MEMORY OF
THE HONORABLE DUANE G. WALTER**

The Honorable Duane G. Walter, former associate judge for the Eighteenth Judicial Circuit, passed away September 7, 2014.

Judge Walter was born January 8, 1926 in Des Moines, Iowa. He received his law degree from Chicago-Kent College of Law in 1954, and was admitted to the bar that same year. He was in private practice before being appointed associate judge for the Eighteenth Judicial Circuit in 1977. He retired from the bench May 31, 1987, and was recalled in 2000.

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

2015 REPORT

**RESOLUTION
IN MEMORY OF
THE HONORABLE WILLIAM S. WOOD**

The Honorable William S. Wood, former associate judge for the Circuit Court of Cook County, passed away April 24, 2015.

Judge Wood was born December 3, 1926 in Chicago, Illinois. He received his law degree from the University of Iowa College of Law, and was admitted to the Illinois bar in 1956. Judge Wood was appointed an associate judge for the Circuit Court of Cook County in 1983. He retired from the bench December 31, 2004.

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

2015 REPORT

**RESOLUTION
IN MEMORY OF
THE HONORABLE WILLIAM H. YOUNG**

The Honorable William H. Young, former associate judge for the Tenth Judicial Circuit, passed away November 16, 2014.

Judge Young was born May 31, 1924 in Peoria, 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. He was in private practice until his appointment as associate judge for the Tenth Judicial Circuit in 1972. He retired from the bench in 1992.

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

2015 REPORT

RETIRED JUDGES

BABKA, Brian A. was born June 11, 1954. He received his law degree from St. Louis University Law School in 1982, and was admitted to the bar in 1982. Judge Babka was appointed an associate judge for the Twentieth Judicial Circuit in 2005 and was reappointed July 1, 2007 and July 1, 2011. He retired from the bench December 31, 2014.

BAILEY, Duane L. was born September 2, 1955. He received his law degree from Northwestern University School of Law in 1981, and was admitted to the bar in 1982. Prior to his appointment as associate judge for the Third Judicial Circuit, he was an assistant State's Attorney in Madison County. He was appointed an associate judge for the Third Judicial Circuit in March 2007 and reappointed July 1, 2007 and July 1, 2011. He retired from the bench June 30, 2015.

BEADERSTADT, Robert was born July 12, 1957. He received his law degree from The John Marshall Law School in 1988, and was admitted to the bar that same year. He was appointed an associate judge for the Twenty-Second Judicial Circuit in March 2007 and reappointed July 1, 2007 and July 1, 2011. He retired from the bench June 30, 2015.

BELL, John L. was born February 16, 1953. Judge Bell received his law degree from Thomas M. Cooley Law School, and was admitted to the Illinois bar in 1983. He was appointed an associate judge for the Fourteenth Judicial Circuit in 1995 and appointed as a circuit judge for the Fourteenth Judicial Circuit on March 19, 2014. He retired from the bench November 30, 2014.

BERMAN, Andrew was born October 11, 1949. He received his law degree from the University of Illinois Law School in 1975, and was admitted to the bar that same year. He worked as an assistant in the Office of the State Appellate Defender and was an assistant Public Defender for Cook County. In 1996, he was elected a circuit judge for the Circuit Court of Cook County. He remained in that position until his retirement from the bench January 29, 2015.

BIEBEL, Paul P., Jr. was born March 24, 1942. He received his law degree from Georgetown University Law Center in 1967, and was admitted to the Illinois bar that same year. Judge Biebel's legal career included positions as assistant State's Attorney for Cook County, assistant Attorney General for the Illinois Attorney General's Office, Public Defender for Cook County, as well as an attorney in private practice. In 1996, he was appointed a circuit judge for the Circuit Court of Cook County and was elected in 1998, retained in 2004 and 2010. He retired from the bench July 6, 2015.

BORDNER, Steven R. was born August 20, 1955. He received his law degree from the Southern Illinois University School of Law in 1980, and was admitted to the bar that same year. He was in private practice and served as a special assistant Attorney General before being

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appointed an associate judge for the Ninth Judicial Circuit in 1995. In 2010, he was elected circuit judge for the Ninth Judicial Circuit. He retired from the bench August 20, 2015.

BRANDT, Michael was born March 5, 1950. He received his law degree from The John Marshall Law School in 1976, and was admitted to the bar that same year. Judge Brandt worked as an assistant State's Attorney in Peoria County. He also worked as an attorney in private practice and as an assistant Public Defender. He was appointed an associate judge for the Tenth Judicial Circuit in 1993, and was elected a circuit judge in 1998. He also served as chief judge of the Tenth Judicial Circuit from 2011 to 2013. He retired from the bench December 12, 2014.

CESARIO, Cheryl D. was born August 29, 1949. Judge Cesario received her law degree from The John Marshall Law School, and was admitted to the bar in 1981. She served as an assistant Cook County State's Attorney for twelve years before her 2005 appointment as an associate judge for the Circuit Court of Cook County. She was subsequently reappointed in both 2007 and 2011 and retired from the bench November 30, 2014.

ELSNER, John T. was born May 4, 1951. Judge Elsner received his law degree from Lewis University College of Law in 1978, and was admitted to the bar that same year. He was appointed an associate judge of the Eighteenth Judicial Circuit in 1991, appointed circuit judge in 2000, and elected in 2002. He became chief circuit judge in 2011, and remained in this position until his retirement from the bench December 1, 2014.

EPSTEIN, James R. was born May 16, 1953. He received his law degree from Northwestern University Law School in 1978, and was admitted to the bar that same year. Judge Epstein served as a circuit judge for the Circuit Court of Cook County from 1999-2010. In 2010, he became an appellate judge for the First District Appellate Court. He retired from the bench January 6, 2015.

EQUI, Rodney W. was born September 1, 1948. He received his law degree from Lewis University College of Law in 1979, and was admitted to the bar that same year. In 1992, Judge Equi was appointed an associate judge for the Eighteenth Judicial Circuit, served in that position until he was appointed a circuit judge in 1997, and then elected in 1998. He retired from the bench December 31, 2014.

GROUNDS, David K. was born January 18, 1949. Judge Grounds received his law degree from IIT Chicago-Kent College of Law in 1976, and was admitted to the bar that same year. He was appointed an associate judge in March 2003 and was reappointed in July 2003, July 2007, and July 2011. He retired from the bench June 30, 2015.

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HACKETT, James was born January 22, 1951. He received his law degree from St. Louis University Law School in 1978, and was admitted to the bar that same year. Judge Hackett worked as a city attorney and as a Madison County special Public Defender before his appointment as associate judge of the Third Judicial Circuit in 1995. He was appointed circuit judge in 2013. He retired from the bench September 2, 2014.

HIGGINS, Rosemary was born September 18, 1953. She received her law degree from The John Marshall Law School in 1985, and was admitted to the bar in 1986. Judge Higgins was a Cook County assistant State's Attorney before being appointed an associate judge for the Circuit Court of Cook County in 2003. She remained in this position until her retirement from the bench January 30, 2015.

HOGAN, Thomas L. was born July 27, 1954. He received his law degree from IIT Chicago-Kent College of Law in 1980, and was admitted to the bar that same year. Judge Hogan worked as an attorney in private practice prior to his 1997 appointment as a circuit judge for the Circuit Court of Cook County. He was elected in 1998 and retired from the bench December 31, 2014.

HOPKINS, Vanessa A. was born August 2, 1956. Judge Hopkins received her law degree from Northern Illinois University Law School in 1993, and was admitted to the bar in 1994. She practiced law in the private sector prior to her election as circuit judge for the Circuit Court of Cook County in 1996. She retired from the bench September 30, 2014.

KARNEZIS, Themis N. was born September 18, 1942. Judge Karnezis received his law degree from The John Marshall School of Law in 1970 and was admitted to the bar that same year. He began his legal career in 1970 as an assistant State's Attorney in Cook County. He was appointed an associate judge for the Circuit Court of Cook County in June of 1982, and was appointed circuit judge for the Circuit Court of Cook County in 1989. He was elected to this position in 1990. He was assigned to the First District Appellate Court in March of 2002. His appellate assignment ended December 2012. He retired from the bench July 31, 2015.

KINNEY, Gerald R. was born April 3, 1950. He received his law degree from Loyola University Law School in 1973, and was admitted to the bar in 1975. Judge Kinney practiced law in the private sector before becoming a circuit judge of the Twelfth Judicial Circuit in 1994. He served as chief circuit judge from 2009 to 2012. He retired from the bench November 30, 2014.

LEONHARD, Charles McRae was born February 13, 1954. Judge Leonhard received his law degree from Tulane University Law School, and was admitted to the bar in 1980. In 2003, he was appointed an associate judge for the Sixth Judicial Circuit. He was reappointed in 2007 and 2011 and retired from the bench June 30, 2015.

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LESTON, Patrick J. was born May 2, 1948. Judge Leston received his law degree from Northwestern University Law School in 1973, and was admitted to the bar that same year. He was appointed an associate judge for the Eighteenth Judicial Circuit in 1995. He retired from the bench October 1, 2014.

LEVY, Elizabeth R. was born November 1, 1948. She received her law degree from Washington University School of Law in 1974, and was admitted to the Illinois bar in 1978. In 2009, she was appointed an associate judge for the Third Judicial Circuit. She was reappointed in 2011 and retired from the bench June 30, 2015.

LIVAS, Robert P. was born May 6, 1945. Judge Livas received his law degree from The John Marshall Law School in 1976, and was admitted to the bar that same year. He practiced law in the private sector before being appointed an associate judge for the Twelfth Judicial Circuit in March 2003. He was reappointed July 2003 and July 2007. In 2010, he was elected as a circuit judge for the Twelfth Judicial Circuit. He retired from the bench November 3, 2014.

LONDRIGAN, Patrick J. was born August 10, 1953. He received his law degree from The John Marshall Law School in 1986, and was admitted to the bar in 1986. Prior to his 2004 election as a circuit judge for the Seventh Judicial Circuit, Judge Londrigan served as a deputy and a sheriff's detective for Sangamon County. He also previously worked as an attorney in private practice for 18 years. He retired from the bench December 8, 2014.

LONG, Kelly D. was born April 11, 1944. He received his law degree from Washington University School of Law in 1969, and was admitted to the bar that same year. He was an attorney in private practice prior to his July 18, 2002 appointment as circuit judge for the Fourth Judicial Circuit. He was elected to the position in 2004. He retired from the bench November 30, 2014.

LOVE, Noreen V. was born March 19, 1951. Judge Love received her law degree from Loyola University School of Law in 1989, and was admitted to the bar that same year. Prior to her June 7, 2002 appointment as a circuit judge for the Circuit Court of Cook County, Judge Love was an assistant Public Defender and a supervisor for the Office of the Public Defender. She was elected in December 2002 and retired from the bench September 30, 2014.

MCCARTHY, Katherine M. was born June 12, 1953. Judge McCarthy received her law degree from Southern Illinois University School of Law in 1979, and was admitted to the bar that same year. In 1999, she was appointed an associate judge for the Sixth Judicial Circuit and in 2000 she was appointed a circuit judge for the Sixth Judicial Circuit and subsequently elected and retained for two six-year terms. She retired from the bench November 30, 2014.

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MIDDENDORFF, Dennis was born August 27, 1955. Judge Middendorff received his law degree from DePaul University School of Law in 1980, and was admitted to the bar that same year. He served as assistant State's Attorney for Clinton County from 1980-1984 and State's Attorney from 1984-1991. In 1991, he was appointed associate judge for the Fourth Judicial Circuit and was elected circuit court judge of the Fourth Judicial Circuit in 2010. He retired from the bench November 30, 2014.

O'BRIEN, Gregory M. was born October 6, 1951. Judge O'Brien received his law degree from DePaul University College of Law in 1977, and was admitted to the bar that same year. In 1995, he was appointed a circuit judge for the Circuit Court of Cook County. His term expired in December 1996. In 1997, Judge O'Brien was reinstated as an associate judge for the Circuit Court of Cook County, and then reappointed in 1999, 2003, 2007, 2011, and 2015. He retired from the bench July 31, 2015.

O'BRIEN, Patrick W. was born May 12, 1950. He received his law degree from DePaul University College of Law in 1975, and was admitted to the bar that same year. Prior to his 2006 election as circuit judge for the Circuit Court of Cook County, he served as an assistant Cook County State's Attorney, assistant Illinois Attorney General, and a hearing officer for the Mayor's Licensing Commission. He retired from the bench January 30, 2015.

ORTBAL, Thomas J. was born March 28, 1953. He received his law degree from The John Marshall Law School in 1978, and was admitted to the bar that same year. Judge Ortbal was appointed as an associate judge for the Eighth Judicial Circuit in 2001 and remained in that position until his retirement from the bench December 31, 2014.

POLITO, Joseph C. was born March 1, 1943. He received his law degree from Loyola University in 1968, and was admitted to the bar that same year. Judge Polito was appointed an associate judge for the Twelfth Judicial Circuit in 2006 and was reappointed in 2007 and 2011. He retired from the bench June 30, 2015.

QUINN, Robert J. was born November 13, 1952. He received his law degree from The John Marshall Law School in 1983, and was admitted to the bar that same year. Prior to his 1992 election as circuit judge of the Circuit Court of Cook County, Judge Quinn was in private practice and had previously served as Corporation Counsel for the City of Chicago. He retired from the bench December 31, 2014.

RIVKIN CAROTHERS, Anita was born November 28, 1947. She received her law degree from The John Marshall Law School in 1985, and was admitted to the bar that same year. Judge Rivkin Carothers was in private practice before being appointed a circuit judge for the Circuit

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Court of Cook County in 2007. She was elected to a full term in 2008 and retained in 2014. She retired from the bench July 31, 2015.

ROBB, Elizabeth A. was born December 10, 1955. She received her law degree from Loyola University Law School in 1981, and was admitted to the bar that same year. Judge Robb was appointed an associate judge for the Eleventh Judicial Circuit in 1993 and was elected a circuit judge in 2000. In 2004, she became chief judge. She retired from the bench December 31, 2014.

SAHLSTROM, R. Craig was born August 6, 1954. He received his law degree from The John Marshall Law School, and was admitted to the bar in 1979. Judge Sahlstrom was appointed an associate judge for the Seventeenth Judicial Circuit in 1997 and was reappointed in 1999, 2003, 2007, and 2011. He retired from the bench June 30, 2015.

SANTIAGO, Leida J. Gonzalez was born January 14, 1959. Judge Santiago received her law degree from DePaul University College of Law in 1984, and was admitted to the bar in 1985. Her legal career included positions as staff counsel for U.S. Senator Alan J. Dixon, an assistant State's Attorney for Cook County and as a prosecutor for the Illinois Department of Professional Regulations. In 1992, she began serving as a circuit judge for the Circuit Court of Cook County. She was retained in 1998, 2004, and 2010. She retired from the bench July 2, 2015.

SAVAGE, Drella C. was born January 13, 1957. She received her law degree from Howard University School of Law, and was admitted to the bar in 1984. Judge Savage was in private practice prior to her 1994 election as a circuit judge for the Circuit Court of Cook County. She retired from the bench March 6, 2015.

SHORE, Scott A. was born December 23, 1952. Judge Shore received his law degree from Southern Illinois University School of Law in 1977, and was admitted to the bar that same year. He was elected in 1990 as circuit judge for the Tenth Judicial Circuit and remained in that position until his retirement from the bench November 30, 2014.

SIMPSON, Mary Karen was born February 1, 1949. Judge Simpson received her law degree from The John Marshall Law School in 1979, and was admitted to the bar that same year. In 1997, she was appointed an associate judge for the Sixteenth Judicial Circuit, reappointed in 1999, 2003, and 2007. In 2010, she was elected a circuit judge for the Sixteenth Judicial Circuit. She retired from the bench October 6, 2014.

SPERONI, John Allen was born April 5, 1953. Judge Speroni received his law degree from Southern Illinois University in 1978, and was admitted to the bar that same year. He served as an assistant State's Attorney for Williamson County and was in private practice before being appointed an associate judge for the First Judicial Circuit in 1997. He was reappointed in 1999,

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2003, 2007, 2011, and 2015. He retired from the bench July 1, 2015.

SPOMER, Stephen L. was born April 14, 1949. Judge Spomer received his law degree from Tulane University Law School in 1974, and was admitted to the bar that same year. He worked as a Public Defender for Johnson and Massac Counties from 1974 to 1976. He was elected Massac County State's Attorney in 1976. He was elected circuit judge for the First Judicial Circuit in 1978. He served as chief circuit judge of the First Judicial Circuit from 1992 to 1998. In July 2005, he was assigned an appellate judge for the Fifth District Appellate Court. He retained this position until his retirement from the bench November 30, 2014.

TAYLOR, William H. was born February 6, 1954. Judge Taylor was admitted to the bar in 1980. Prior to his 2012 appointment as an appellate judge to the First District Appellate Court, he was elected a circuit judge for the Circuit Court of Cook County in December 1994. He retired from the bench November 30, 2014.

THANAS, Thomas A. was born November 10, 1954. He received his law degree from Valparaiso University Law School in 1980, and was admitted to the Illinois bar in 1981. He was appointed circuit judge for the Twelfth Judicial Circuit in November 2001 and his term expired December 2002. Prior to his 2014 appointment as circuit judge for the Twelfth Judicial Circuit, he was employed as the City Manager for Joliet, Illinois. He retired from the bench November 30, 2014.

TOURTELOT, John D. was born October 7, 1947. Judge Tourtelot received his law degree from Northern Illinois University Law School in 1980, and was admitted to the bar in 1981. He was appointed circuit judge for the Circuit Court of Cook County November 30, 1995 and his term expired December 1, 1996. He was appointed associate judge for the Circuit Court of Cook County December 2, 1997, reappointed 1999, 2003, 2007, and 2011. He retired from the bench September 30, 2014.

TRISTANO, Sandra was born August 30, 1951. She received her law degree from Washington University School of Law in 1977, and was admitted to the Illinois bar that same year. Judge Tristano's legal career included positions in private practice and the public sector. In 2002, she became a circuit judge for the Circuit Court of Cook County. She retired from the bench July 15, 2015.

VIOLA, Marilee was born February 28, 1955. Judge Viola received her law degree from The John Marshall Law School in 1988, and was admitted to the bar that same year. She was appointed as an associate judge for the Twelfth Judicial Circuit in 2006. She retired from the bench June 30, 2015.

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WALDEN, Scott H. was born August 21, 1953. Judge Walden received his law degree from Valparaiso University School of Law in 1978, and was admitted to the Illinois bar that same year. In 1995, he was appointed circuit judge for the Eighth Judicial Circuit and was elected in 1996. He was retained in 2002, 2008, and 2014. He retired from the bench June 30, 2015.

WALTERS, John N. was born December 2, 1952. Judge Walters received his law degree from The John Marshall Law School in 1978, and was admitted to the bar that same year. He was in private practice before being appointed a circuit judge for the Sixteenth Judicial Circuit in 2011. He remained in that position until his term of appointment ended December 2, 2012.

WOJTECKI, Leonard J. was born July 6, 1947. Judge Wojtecki received his law degree from The John Marshall Law School in 1976, and was admitted to the bar that same year. In 2000, he was appointed an associate judge for the Sixteenth Judicial Circuit and was reappointed in 2003, 2007, and 2011. He retired from the bench June 30, 2015.

WOLFSON, Laretta Higgins was born July 28, 1958. She received her law degree from IIT Chicago-Kent College of Law in 1988, and was admitted to the bar in 1989. Judge Wolfson was first appointed circuit judge for the Circuit Court of Cook County in 2006. She was reappointed in 2013 and retired from the bench November 30, 2014.

ZWICK, Susan F. was born November 10, 1955. She received her law degree from the University of Notre Dame Law School in 1980, and was admitted to the Illinois bar that same year. Judge Zwick worked as an attorney in the private sector prior to her election as a circuit judge for the Circuit Court of Cook County in 1992. She retired from the bench September 15, 2014.

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NEW JUDGES

Ahmad, Maryam – Circuit Judge, Circuit Court of Cook County
Barberis, John B., Jr. - Circuit Judge, Third Judicial Circuit
Bowers, Phoebe S. – Associate Judge, Sixth Judicial Circuit
Brandmeyer, Stanley – Circuit Judge, Fourth Judicial Circuit
Bugos, Joseph T. – Associate Judge, Eighteenth Judicial Circuit
Cannady, Thomas B. – Associate Judge, Twentieth Judicial Circuit
Clay, William G., IV - Associate Judge, Twentieth Judicial Circuit
Colon-Sayre, Jessica – Associate Judge, Twelfth Judicial Circuit
Conlon, Alison C. – Circuit Judge, Circuit Court of Cook County
Coughlin, Patrick K. – Circuit Judge, Circuit Court of Cook County
Curry, John J. Jr. – Circuit Judge, Circuit Court of Cook County
Davis, Jack D. II – Associate Judge, Seventh Judicial Circuit
Ellis, David W. – Appellate Judge, First District Appellate Court
Eves, Pablo – Associate Judge, Eleventh Judicial Circuit
Ewing, Thomas B. – Circuit Judge, Ninth Judicial District
Farris, Jeffery B. – Circuit Judge, First Judicial Circuit
Fernandez, Rossana P. – Circuit Judge, Circuit Court of Cook County
Geisler, Jeffrey S. – Associate Judge, Sixth Judicial Circuit
Goldish, Megan E. – Circuit Judge, Circuit Court of Cook County
Hansen, Anjana M.J. – Circuit Judge, Circuit Court of Cook County
Hayes, Anne T. – Associate Judge, Eighteenth Judicial Circuit
Holliman, Ronda D. – Associate Judge, Sixth Judicial Circuit
Hooker, Jerry J. – Associate Judge, Eighth Judicial Circuit
Hoos, Jodi M. – Circuit Judge, Tenth Judicial Circuit
Hoskins Dow, Elizabeth D. – Associate Judge, Twelfth Judicial Circuit
Hudson, William C. – Circuit Judge, Second Judicial Circuit
Jasica, Daniel - Associate Judge, Nineteenth Judicial Circuit
Kauzlarich, Norma – Associate Judge, Fourteenth Judicial Circuit
Kennedy, Daniel L. – Circuit Judge, Twelfth Judicial Circuit
King, Edward J. – Circuit Judge, Circuit Court of Cook County
Koritz, Karle E. – Circuit Judge, Sixth Judicial Circuit
Kuzas, Robert D. – Circuit Judge, Circuit Court of Cook County
Larson, Scott D. – Circuit Judge, Eighth Judicial Circuit
Lyke, Jr., John F. – Circuit Judge, Circuit Court of Cook County
Mack, James A. – Circuit Judge, Tenth Judicial Circuit
Mahoney, John J. – Circuit Judge, Circuit Court of Cook County
Martinez, Maritza – Circuit Judge, Circuit Court of Cook County
McGuire, Terrence J. – Circuit Judge, Circuit Court of Cook County
Mengarelli, Martin J. – Associate Judge, Third Judicial Circuit
Mitchell, Bridget A. – Circuit Judge, Circuit Court of Cook County

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Molt, Michael J. – Circuit Judge, Second Judicial Circuit
Montgomery, Philip G. – Associate Judge, Twenty-Third Judicial Circuit
Olmstead, Brett – Associate Judge, Sixth Judicial Circuit
O’Shaughnessy, Thomas M. – Circuit Judge, Fifth Judicial Circuit
Parker, Kevin S. – Associate Judge, Fourth Judicial Circuit
Patton, Terence M. – Circuit Judge, Fourteenth Judicial Circuit
Pieczonka, James P. – Circuit Judge, Circuit Court of Cook County
Rice, Judith – Circuit Judge, Circuit Court of Cook County
Rippy, Daniel D. – Circuit Judge, Twelfth Judicial Circuit
Rohm, Robert W. – Associate Judge, Eighteenth Judicial Circuit
Rosario, Diana – Circuit Judge, Circuit Court of Cook County
Sarang, Divya K. – Associate Judge, Sixteenth Judicial Circuit
Schoop, Devlin J. – Circuit Judge, Circuit Court of Cook County
Schorsch, Glenn R. – Associate Judge, Fifteenth Judicial Circuit
Sheahan, Patricia O’Brien – Circuit Judge, Circuit Court of Cook County
Shoffner, Robin – Circuit Judge, Circuit Court of Cook County
Siemer, Martin W. – Circuit Judge, Fourth Judicial Circuit
Simpkins, Anthony E. – Circuit Judge, Circuit Court of Cook County
Smigielski, Arkadiusz Z. – Associate Judge, Twelfth Judicial Circuit
Sullivan, William B. – Circuit Judge, Circuit Court of Cook County
Sussman, Carrie H. – Circuit Judge, Circuit Court of Cook County
Tegeler, Donald M. – Circuit Judge, Sixteenth Judicial Circuit
Tharp, Karen S. – Associate Judge, Seventh Judicial Circuit
Voiland, Joseph R. – Associate Judge, Twenty-Third Judicial Circuit
Walsh, Ann Celine – Associate Judge, Eighteenth Judicial Circuit
Wellborn, Debra L. – Associate Judge, Eighth Judicial Circuit
Zelazo, Kenneth L. – Associate Judge, Twelfth Judicial Circuit

2015 REPORT

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

Hon. Mark S. Goodwin, Chair

Hon. Thomas R. Allen
Hon. Shauna L. Boliker
Hon. William S. Boyd
Hon. Judy L. Cates
Hon. Robert G. Gibson

Hon. David A. Hylla
Hon. Kevin T. Lee
Hon. Karen L. O'Malley
Hon. Carolyn Bailey Smoot
Hon. James E. Snyder

October 2015

2015 REPORT

I. STATEMENT ON COMMITTEE CONTINUATION

Since the 2014 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 examining Illinois Supreme Court Rule 99 for expansion or clarification, developing a uniform methodology of statistical reporting for all mediation programs, and creating standardized forms for use by all mediation programs.

As part of the Committee's charge, the sixteen counties that operate 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 continues to provide greater detail concerning the overall performance of each program including pre and post arbitration hearing.

During the 2016 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 mediation programs, and continue to study and evaluate 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 2016.

Because the Committee continues to provide service to arbitration practitioners, make recommendations on mediation and arbitration program improvements, facilitate information to

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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 2015 Projects/Priorities

Project 1: 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 an existing mediation program.

One area that the Committee has been focused on in the last several years has been ways and means to improve data collection and analysis of alternative dispute resolution programs in Illinois. In this conference year, the Committee offered a proposed amendment to Illinois Supreme Court Rule 99(b)(2)(x) which confers upon the Administrative Office of the Illinois Courts (AOIC) the unequivocal authority to proscribe the manner and method of data collection from court annexed mediation and mortgage foreclosure mediation programs approved by the Supreme Court. The Committee believes that the ability of the AOIC to harvest and analyze performance data is enhanced if that office possesses the concomitant authority to define and/or modify collection instruments in an expeditious manner. The proposed amendment does just that. The Committee has transmitted a draft of the proposed rule to the Administrative Office for further management with the Court.

Project 2: Develop a Uniform Methodology of Statistical Reporting for all Mediation Programs.

In 2015, the Committee, in consultation with the AOIC, assisted in the development of a uniform data collection instrument for use by mortgage foreclosure mediation programs throughout the state of Illinois. Additional work has begun in the development of a uniform

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data collection instrument for use by other civil mediation programs operated under Supreme Court Rule 99. This project needs additional time in committee during Conference Year 2016 to be completed.

Project 3: Develop Standardized Forms for Use by Mediation Programs.

The Committee continues to discuss this charge and, in particular, the types of information that should be collected from mediation programs in the state of Illinois. This project needs additional time in committee during Conference Year 2016 to be completed.

Project 4: Develop a litigant survey to assess their views and perceptions about mediation.

The Committee initially believed it appropriate to use a part of Conference Year 2015 to conduct a survey of mediation litigants to supplement the valuable data collected from attorney and judge surveys conducted in previous conference years. Unlike the existence of very little mediation survey data from attorneys and judges, however, the Committee believed there to be a robust amount of research available on the views of litigants. Entities such as Resolution Systems Institute regularly collect and make available litigant survey data. Inasmuch as the information is already available, the Committee believes the litigant survey to be unnecessary.

Project 5: Facilitate the improvement and expansion of major civil case mediation programs by collaborating with the IJC Committee on Education to educate judges on the best practices of mediation and by meeting with the Conference of Chief Circuit Judges to encourage mediation.

To address this charge, the Committee has begun to discuss several topics for use at educational conferences and looks forward to sharing these thoughts with the IJC Education Committee. Additionally, the Committee Chair will make a presentation to the Conference of

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Chief Circuit Judges regarding mediation and how to encourage its use at a later date.

Project 6: Convene Alternative Dispute Resolution Program Administrators for the Purpose of Facilitating Informational Exchanges to Promote Program Efficacy.

The Mandatory Arbitration Program Administrators met on July 17, 2015 at the 18th Circuit Mandatory Arbitration Center in Wheaton. The Administrators received training on how to implement the Arbiter Program. This program utilizes a program called Microsoft Access. Among its many benefits is functionality that assists in the selection of arbitrators and the handling of communications with those arbitrators. The Administrators also discussed the impact of a ruling by The Honorable Jerry Esrig enjoining Cook County arbitrators from assessing costs. The Administrators also discussed ways and means for the retraining and recertifying of arbitrators.

Each Administrator reported on the status of arbitration case filing numbers and largely confirmed that case filings and the number of cases proceeding to hearing are up from last year. The Administrators also collectively commented that mediations had also increased over the previous year, especially in those circuits with either a Rule 99 mandatory mediation program and/or Rule 99.1 mortgage foreclosure mediation program.

Project 7: Undertake any such other projects or initiatives that are consistent with the Committee charge.

In June of 2015, the Committee received a letter from the Honorable Roger G. Fein of the Circuit Court of Cook County asking the Committee to explore the possibility of amending Rule 93 by raising the arbitration award rejection fee of \$200.00 to \$300.00 in an effort to suppress certain Cook County defense firms from routinely rejecting arbitration awards. In a further effort to reduce defense firms in Cook County from routinely rejecting arbitration

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awards, Judge Fein's letter suggests the Committee consider amending the mandatory arbitration rules to incorporate the concept of the rejecting party paying the legal expenses of the opposing party if the rejecting party fails to obtain a better result at trial. This concept is currently being utilized in a Cook County pilot project regarding mandatory arbitration for certain commercial litigation cases. Due to the timing of the receipt of Judge Fein's letter, the Committee will begin discussion on Judge Fein's suggestions in 2015 and will report to the Court as soon as a consensus is reached.

Also in June of 2015, the Committee became aware of an order entered by the Honorable Jerry Esrig, in the case of *Cummings v. East Lake Management & Development Corp.*, Cook County Case 13 MI 302695, which enjoined arbitrator panels from the long standing practice of assessing costs as part of the arbitration award. Based on the rationale utilized by Judge Esrig in reaching his conclusion, the Committee will examine the mandatory arbitration rules with a goal of clarifying the nature and extent of the arbitration panel's role and/or ability to assess costs. Due to the timing of being made aware of this decision, the Committee will begin discussion on this issue in 2015 and will report to the Court as soon as a consensus is reached

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 2015 and other initiatives as directed by the Court.

During the 2016 Conference Year, the Committee will continue to monitor and assess court-annexed mandatory arbitration programs, court-annexed mediation programs and mortgage foreclosure mediation programs. The Committee will continue to suggest broad-based policy recommendations, explore and examine innovative dispute resolution techniques and continue

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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 year.

IV. RECOMMENDATIONS

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

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

Hon. Dinah J. Archambeault and Hon. Barbara N. Petrunaro, Co-Chairs

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Hon. Eugene P. Daugherty
Hon. Mark A. Drummond
Hon. Lynn M. Egan
Hon. Frank R. Fuhr
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Hon. Christopher C. Starck
Hon. Michael J. Sullivan
Hon. Bradley J. Waller
Hon. Thaddeus L. Wilson

Professor Marc D. Ginsberg

October 2015

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I. STATEMENT OF COMMITTEE CONTINUATION

The purpose of the Illinois Judicial Conference Civil Justice Committee ("Committee") is to advise the Illinois Judicial Conference and the Illinois Supreme Court in matters affecting civil justice. The general charge of the Committee is to review and make recommendations on matters affecting civil justice. The Committee is to 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. This Committee was newly formed for 2015. The Committee divided into two Sub-Committees to address specific projects. The Committee members possess significant trial experience, from various jurisdictions, both large and small.

The Committee has undertaken projects designed to provide valuable information to the Illinois Supreme Court to assist it in determining ways to ensure that the Illinois civil justice system is functioning effectively. The Committee therefore requests it be permitted to continue its work in Conference Year 2016.

II. SUMMARY OF COMMITTEE ACTIVITIES

In Conference Year 2015, the Civil Justice Committee focused on two projects:

- A. Study ways to improve our civil jury trial system including consideration of the Sedona project for the Seventh Circuit.
- B. Study the impact of social media on jurors.¹

As it concerned the Sedona project, the Committee considered the three surveys used for the Sedona project for the Seventh Circuit, being different surveys for jurors, attorneys and judges to be completed at the completion of a civil jury trial. Utilizing these surveys as a model, modifications

¹ See attached memo—Exhibit A—regarding research.

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were made to more effectively elicit information regarding the comprehension, satisfaction and efficiency of the civil jury trial system by jurors, attorneys and judges. If approved and implemented, these surveys would create a baseline to show how jury trials are experienced by parties engaged in them. If weaknesses are disclosed, the Committee would thereafter make recommendations for addressing those issues. The draft survey was submitted to the full Committee for consideration. The Committee approved the draft survey with a few additional modifications.

With respect to social media and juror conduct, the Committee first considered whether there were issues or potential issues with misconduct. The Committee researched what measures were being used to address social media use by jurors. Finally, the Committee made recommendations to best address use of social media at this time. The research included review of written materials and input from Illinois judges based on their personal experiences. Additional information will be considered if the surveys are utilized.

III. CONFERENCE YEAR 2016 PROPOSED PROJECTS

For Conference Year 2016, the Civil Justice Committee proposes the following projects:

- A.** If approved, implement proposed questionnaires, compile results and consider further action to:
 - 1. Improve the civil jury trial system;
 - 2. Address the impact of social media on jurors.

- B.** Undertake other projects or initiatives consistent with the Committee charge or as requested by the Supreme Court, such as:
 - 1. Re-examine our discovery rules to consider (a) adopting a mandatory disclosure requirement similar to Federal Rule of Civil Procedure 26 and (b) eliminating the discovery deposition.

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2. Study, examine and report on Supreme Court Rules as they relate to civil procedure and court processes.

IV. RECOMMENDATIONS

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

A. Civil Jury Trial System Improvements

1. Present questionnaires for attorneys, jurors and judges—provided as Exhibit B—for Supreme Court approval with a focus on improving the civil jury trial system.
2. Upon Court approval, distribute questionnaires over a three month period to attorneys, jurors and judges that will:
 - a. Assess ways to improve juror deliberative process;
 - b. Evaluate the use and effectiveness of jury instructions before, during and after the presentation of evidence.

B. Impact of Social Media on Jurors

1. Consider language for insertion into 1.01 Preliminary Cautionary Instructions Paragraph 10 (IPI Civil Jury Instructions): "You cannot use any electronic devices or services and this includes cell-phones, smart phones, lap tops, ipads, the internet, blackberry, PDA, text, instant messaging service, nor any internet chat room, blog, or other social media such as Facebook, MySpace, YouTube, Twitter, Linked-in, Snapchat or any other tool of technology to communicate with anyone about this case until I have accepted your verdict." (Similar to Web 2.0 Jury Instructions in Arkansas)
2. Consider preparing an instructional video for jurors' use state-wide addressing social media. (about 10 years ago DuPage County prepared a video for jurors)
3. Consider additional measures if juror misconduct becomes an issue.
4. Consider further action based on jurors' response to proposed questionnaires regarding social media use.

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Exhibit A

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SOCIAL MEDIA AND JURORS researched by **THOMAS C. RHODES¹**

INTRODUCTION

This memorandum addresses potential issues in Illinois courts involving juror misconduct by use of social media. (Juror misconduct via use of social media is also a pressing issue nationwide.¹) Potential remedies to juror misconduct by use of social media are also addressed, including suggestions on the most appropriate remedy to obviate juror misconduct by use of social media. Based on the analysis of the available materials, state-wide use of a civil pattern jury instruction addressing use of social media is a sufficient and ultimately a superior remedy to other available options.

DISCUSSION

The United States Constitution, by the language of its Fifth and Fourteenth Amendments, gives parties to a lawsuit an explicit right to procedural due process, ultimately amounting to a promise to a fair and unbiased hearing. U.S. CONST. amend. V; U.S. CONST. amend XIV, § 1. In recent discussions, the Illinois Supreme Court's Civil Justice Division has recognized that juror misconduct by use of social media is hindering this Constitutional promise in Illinois civil courts. In its priority goal of "[m]onitor[ing] ... best practices and trends in the civil justice arena, including ... solutions to certain legal problems," it has now become an

¹ For an elaborate discussion illustrating the problems that have arisen due to juror misconduct by use of social media, refer to Meghan Dunn, *Juror's and Attorney's Use of Social Media During Voir Dire, Trials, and Deliberations – A Report to the Judicial Conference Committee on Court Administration and Case Management*, Federal Judicial Center, May 1, 2014.

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objective of the Civil Justice Division to determine the best remedy to alleviating the problems that arise from juror misconduct by use of social media. *Administrative Office Divisions - Civil Justice*, ILLINOIS COURTS, <http://www.illinoiscourts.gov/administrative/civiljustice.asp> (last visited Mar. 27, 2015). This memorandum evaluates and weighs the sufficiency of: 1.) adoption of state-wide civil pattern jury instruction directly addressing the use of social media by jurors; 2.) requiring jurors to sign a written pledge that they will not use social media inappropriately; 3.) seizure of devices with access to social media during the course of civil trials; and 4.) adoption of civil and/or criminal penalties to deter jurors from misbehaving by use of social media.

1. Adoption of State-Wide Civil Pattern Jury Instruction Directly Addressing the Use of Social Media by Jurors

Since the upsurge of juror misconduct by use of social media, there have been several popular suggestions as to how to address this issue. Common trends have revealed that “[t]he most popular suggestion is the amendment of jury instructions to include specific instructions that jurors should completely refrain from using any social networking sites . . . to research or post about matters related to the case.” Michael K. Kiernan & Samuel E. Cooley, *Juror Misconduct in the Age of Social Networking*, FED. DEF. CORP. COUNS. 179, 190 (Wint. 2012) [hereinafter *Juror Misconduct*] available at http://www.thefederation.org/documents/V62N2_Kiernan.pdf. By implementing jury instructions addressing use of social media use, judges and scholars believe that there is sufficient power in admonishment rather than other, more intrusive remedies. Janan Hanna, *LawPulse—Discourage Juror Tweets through Admonishment, not Punishment*, 102 Ill. B.J. 314, 314 (Jul. 2014) available at <https://www.isba.org/ibj/2014/07//www.isba.org/ibj/2014/07/lawpulse/discouragejurortweetsthroughadmonis>.

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In accordance with the concept of admonishment over alternative methods, many jurisdictions aside from Illinois have already made adjustments to their model jury instructions. For instance, as of 2012, the Judicial Conference Committee updated federal pattern jury instructions to directly address use of social media by jurors. The new guidelines “provide detailed explanations of the consequences of social media use during a trial, along with recommendations for repeated reminders of the ban on social media usage.” *Revised Jury Instructions Hope to Deter Juror Use of Social Media During Trial*, United States Courts (Aug. 12, 2012), available at <http://www.uscourts.gov/news/2012/08/21/revised-jury-instructions-hope-deter-juror-use-social-media-during-trial>. In addition to the explicit message regarding social media, the latest federal pattern jury instructions further ask that jurors report any suspected misconduct of fellow jurors. *Id.* By the very nature and plain language of the amended jury instructions, it is clear that the federal judiciary sees it fit to directly address the issue of juror misconduct by use of social media.

Furthermore, other state jurisdictions aside from Illinois have followed the trend of amending pattern jury instructions. For instance, New York’s pattern jury instruction now states:

In this age of instant electronic communication and research, I want to emphasize that in addition to not conversing face to face with anyone about the case, you must not communicate with anyone about the case by any other means, including by telephone, text messages, email, internet chat or chat rooms, blogs, or social websites, such as Facebook, MySpace or Twitter.

Juror Misconduct at 190. Similarly, several other states, including Florida, have adopted jury instructions resembling New York’s. *Id.* In fact, certain states such as Florida have gone as far as supplementing specific jury instructions with instructional videos for jurors that explain how

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jurors may and may not use social media during a trial. *Id.* Like the federal courts, these adoptions evince a similar outlook by other states indicating that they also believe that specific jury instructions are an ample solution to jury misconduct via use of social media.

Aside from the precedential value in looking to other jurisdictions, Illinois has already inherently expressed its concerns of electronic communication by jurors. Section 1.01 of Illinois' Civil Cautionary Jury Instructions states that "[y]ou cannot use any electronic devices or services to communicate about this case, and this includes [cell-phones,] [smart-phones,] [lap-tops,] [the Internet,] [[(insert current examples)]] and any other tools of technology. The use of any such devices or services in connection with your duties is prohibited." General Cautionary Instructions for § 101 *available* at http://www.illinoiscourts.gov/circuitcourt/CivilJuryInstructions/IL_IPI_Civil.pdf. As such, a simple modification of this language to pertain more specifically to use of social media websites such as Twitter, Facebook, and MySpace would be consistent with the existing approach as well as much more modern and effective.

Adoption of model jury instructions directly addressing jurors' use of social media, especially when considering that a significant number of other jurisdiction have already made such a transition, appears to be an evident solution. However, although there are many apparent benefits of adopting this very minimally intrusive remedy, some scholars believe that this solution is not feasible. For instance, Juris Doctor Candidate Marcy Zora of the University of Illinois College of Law, in her scholarly review of the issues surrounding juror misconduct by use of social media, felt that amendment of jury instructions is an inadequate solution. *See generally* Marcy Zora, Comment, *The Real Social Network: How Juror's use of Social Media and Smart Phones Affects a Defendant's Sixth Amendment Rights*, 2012 U. Ill. L. Rev. 577 (2012) [hereinafter *The Real Social Network*]. Although Ms. Zora's article pertains to

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defendants in a criminal trial, the issue of juror misconduct by use of social media still aligns with issues in the civil realm. *Id.* Accordingly, Ms. Zora concluded that in regard to specific jury instructions, “it is unlikely that this will be sufficient to prevent juror misuse.” *Id.* at 594. She further indicated that “[j]urors continue to obtain and disclose information on the Internet even when judges repeatedly and specifically tell them not to.” *Id.*

Honorable Judge Amy J. St. Eve and Michael A. Zuckerman, in an article posted in the Duke Law and Technology Review, discards these concerns of ineffectiveness. Hon. Amy J. St. Eve & Michael A. Zuckerman, *Ensuring an Impartial Jury in the Age of Social Media*, 11 DUKE L. & TECH. REV. 1 (Mar. 13, 2012). After performing an informal survey of the results of specifically addressing juror misconduct by use of social media, the authors found that specific jury instructions are in fact effective. *Id.* at 8-11. In their conclusion, the authors state that “[b]ased on informal survey data from approximately 140 actual jurors, we suggest that courts should, as a matter of course, employ specialized social media instructions at frequent intervals during trial.” *Id.* at 13. They finally suggest that they “support the growing consensus that social media instructions are a necessary and often independently sufficient tool to ensure an impartial jury in the age of social media.” *Id.*

In sum, the popular consensus, which includes other jurisdictions and various scholars, indicates that pattern jury instructions directly addressing social media is an adequate potential solution. Although there is a minority of scholars who believe that pattern jury instructions will not produce satisfying results, reports gathered thus far indicate otherwise.

2. Requiring Jurors to Sign a Written Pledge that They Will Not Use Social Media Inappropriately

In the effort to address juror misconduct by use of social media, other, less popular

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remedies have evolved. One such proposed solution involves committing jurors to a signed agreement that they will not misbehave by resorting to use of the Internet. In the Federal District Court of Manhattan, Judge Shira A. Scheindlin adopted this form of deterrence to address the issue. In doing so, Judge Scheindlin required that jurors sign a pledge, “promising that they would not turn to the Web to look up [the defendant] or anything related to his trial until it was over.” Colin Moynihan, *Judge Considers Pledge for Jurors on Internet*, THE NEW YORK TIMES (Sept. 18, 2011), available at <http://www.nytimes.com/2011/09/19/nyregion/us-judge-considers-making-jurors-vow-not-to-use-web.html>. Judge Scheindlin specified that those who signed the pledge “would be subject to perjury charges if they broke the agreement.” *Id.*

In addition, some commentators have suggested the required disclosure of social media identification information within the pledge. Those who take this position believe that “[a]ttorneys and courts should consider juror pledges and other precautions such as collecting juror social media account information to help prevent juror misconduct and trial disruption.” Pedram Tabibi, *Social Media Challenges Jury Trials, Possible Solutions*, YOUNGISLAND (Mar. 9, 2012), available at <http://libn.com/youngisland/2012/03/09/social-media-challenges-jury-trials-possible-solutions/>. Thus, in Will County, Illinois, “defense attorney Joel Brodsky [was] thinking ahead [as] to how to guard against jurors’ using social media during the . . . high-profile trial of his client, Drew Peterson, a former police sergeant accused of killing his third wife.” Steve Eder, *Jurors’ Tweets Upend Trials*, U.S. NEWS (Mar. 5, 2012), available at <http://www.wsj.com/articles/SB10001424052970204571404577255532262181656>. At the time, Mr. Brodsky considered “ask[ing] the court to require jurors to disclose information, such as Twitter handles” to ensure against jurors “‘researching, tweeting or Facebooking’ about the

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case.” *Id.*

On its face, committing a juror by a written agreement not to turn to social media is substantially more intrusive than amending jury instructions. In requiring a written pledge, judges are ultimately forcing jurors into a situation that entails additional liability by threatening perjury in the event of a breach. Further requiring disclosure of personal account identification information is even more so intrusive. However, such a remedy does not amount to the intrusiveness of other more drastic measures. As Judge Scheindlin conclusively stated, “I can’t seize their computers and their BlackBerrys . . . I can’t lock them up. I can try to intimidate them.” *Id.* Rather than resorting to seizing the devices in which jurors will likely use to post to social media, Judge Scheindlin sees remedies such as the written pledge as a less invasive measure.

The requirement of a written pledge made by jurors, which may even require disclosure of personal social media account information, is quite clearly more intrusive than adjusted jury instructions. However, it does not rise to the level of intrusiveness of other potential remedies.

3. Seizure of Devices with Access to Social Media During the Course of Civil Trials

Also less popular than adjusted jury instructions, but worthy of discussion, is the idea of seizing jurors’ electronic devices. Some scholars and commentators alike feel that this is the most appropriate remedy, as it purportedly ensures against any posting to social media during the course of the trial. Unfortunately for those followers, however, is a brief but clear discussion as to why this is not a reasonable solution to the issue at hand. As authors Michael K. Kiernan and Samuel E. Cooley point-out, “[c]ombining sequestration with the confiscation of smart phones and laptop computers will effectively eliminate any chance for the jurors to access social networking sites.” *Juror Misconduct* at 191. However, “sequestration has long been

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disfavored due to its cost, lack of popularity among jurors, and difficulty to administer.” *Id.*

Furthermore, the hypothetical solution discussed by Kiernan and Cooley anticipates seizure of devices as well as sequestration of the jury members. As the authors point-out, this method is likely the most certain method of ensuring against juror misconduct by use of social media. *Id.* However, without full sequestration of the jury, this method of deterrence is essentially ineffective, as the majority of jurors can find access to social media without access to their smart phone or personal laptops. Because sequestration of each and every jury is neither reasonable nor financially feasible, seizure of electronic devices likely would not prove effective. This method is quite more intrusive than the others discussed and may even amount to an illegal stripping of property rights of the individual jurors.

4. Adoption of Civil and/or Criminal Penalties to Deter Jurors from Misbehaving by Inappropriate Use of Social Media

The most drastic measure on the spectrum of options is the adoption of civil and/or criminal penalties as a method of deterring jurors from social media misconduct. Specifically, some scholars believe that if “courts were more willing to impose civil fines against non-compliant jurors, the imposition of those fines could help to deter future misconduct.” *Id.* Furthermore, some of these scholars feel that courts “could also threaten and impose criminal contempt sanctions, such as short jail sentences, for cases of extreme misconduct.” *Id.*

To those who believe that the threat of punishment is the answer, “[t]he precise punishment chosen by the state is less important than the need to have a consistent penalty in place.” *The Real Social Network* at 604. Admittedly, the idea of “having to pay a fine for just posting a comment about a case could keep many prospective jurors from picking up their iPhones or Blackberrys and signing on to Facebook or Twitter.” *Juror Misconduct* at 191. It

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thus goes without saying that the threat of jail time will also deter many jurors from committing acts of misconduct by use of social media.

Unfortunately, however, commentators that take the position that punishment as a deterrent is the answer to social media misconduct fail to realize the invasiveness of such a remedy. In implementing a defined civil and/or criminal remedy, the state would not only be deterring juror misconduct, but also juror participation in general. Additionally, such a remedy would require participation of Illinois' legislative branch of government and is therefore not a solution readily available. In its current state, although a serious issue, juror misconduct by use of social media does not call for such invasive measures. Implementation of civil and or criminal punishment therefore is not ripe for consideration.

CONCLUSION

As the discussion of potential remedies uncovered, the appropriate solution lies in a proper balance between what is just and what is least invasive. Implementation of a specific civil pattern jury instruction recommended for use prior, during and after trial is the best option at this time, as it is the least invasive, yet likely sufficient to solve problems that have arisen. Although the other potential remedies are not wholly unreasonable, other more intrusive measures are not needed unless the less intrusive adoption of civil pattern jury instructions proves ineffective.

ⁱ Thomas C. Rhodes is a Juris Doctor candidate, May 2016, studying at The John Marshall Law School and conducted this research assignment as a law student extern for the Twelfth Judicial Circuit Court of Will County, Illinois Law Student Externship Program Summer 2015.

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Exhibit B

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Juror Questionnaire

You have just served as a juror in one of the trials involved in an important study of jury trials. To complete the study, the jurors, attorneys, and judge in this trial are being asked to complete questionnaires. It is very important to have your response. Experiences can differ, and we want to hear from every juror in order to have a thorough understanding of how the jury system is working.

Some of the questions ask for your opinions. There are no right or wrong answers to these questions. We are interested in your honest opinions and reactions. Your participation is completely voluntary, and all of your individual answers will be kept confidential. Do not write your name or other identifying information on this questionnaire.

For some of the questions, you will be asked to circle a number from 1 to 7 that best reflects your views and experiences. For example, if we ask you "How easy or difficult was it for you to travel to the courthouse?" and you found it very easy to travel to the courthouse, you would circle a 1 or 2 for this question. If you found it very difficult to travel to the courthouse, you would circle a 6 or 7. If your experience was not so extreme, you would use numbers closer to the middle of the scale. If you have no opinion, or an evenly balanced opinion, then you would circle a 4.

EXAMPLE: How easy or difficult was it for you to travel to the courthouse?

Very
easy 1 2 3 4 5 6 7 Very
difficult

THIS QUESTIONNAIRE IS DOUBLE-SIDED, SO PLEASE MAKE SURE TO COMPLETE ALL APPROPRIATE PAGES.

Thank you for your time and cooperation in completing this survey. We are very grateful for your participation in this important study.

PLEASE TURN OVER FOR PAGE 2.

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PLEASE COMPLETE THIS QUESTIONNAIRE INDIVIDUALLY. DO NOT DISCUSS THE QUESTIONS OR YOUR ANSWERS WITH YOUR FELLOW JURORS. WE ARE INTERESTED IN YOUR PERSONAL OPINIONS.

Overview of the Trial

1. What was your overall level of satisfaction with the trial process?

Not at all satisfied	1	2	3	4	5	6	7	Very satisfied
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2. How complex was the evidence presented at trial?

Not at all complex	1	2	3	4	5	6	7	Very complex
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3. How clearly was the evidence presented in this trial?

Not at all clearly	1	2	3	4	5	6	7	Very clearly
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4. How difficult or easy was it for jurors to understand the evidence in this trial?

Very easy	1	2	3	4	5	6	7	Very difficult
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5. How difficult or easy was it for jurors to understand the law in this trial?

Very easy	1	2	3	4	5	6	7	Very difficult
--------------	---	---	---	---	---	---	---	-------------------

Number of Jurors

6. How many jurors were on your jury at the end of your deliberations? ____ jurors

6A. Did all of the jurors on your jury contribute to your deliberations?

Yes No

6B. If no, how many of the jurors contributed to your deliberations? ____ jurors

PLEASE PROCEED TO PAGE 3.

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6C. Did any one juror dominate the deliberations of the jury?

Yes No

Preliminary Jury Instructions

7. Before the jury heard any evidence, did the judge give preliminary instructions to the jury that included a description of the claims and the law governing this case?

Yes - GO TO 7A No - SKIP TO 8

7A. How helpful, if at all, were the instructions the judge gave you at the beginning of the trial regarding the legal issues you had to decide in this case?

Not at all helpful 1 2 3 4 5 6 7 Very helpful

7B. How was the length of the instructions the judge gave to you at the beginning of the trial regarding the legal issues you had to decide in this case?

Too short 1 2 3 4 5 6 7 Too long

7C. How was the timing of the instructions the judge gave to you at the beginning of the trial regarding the legal issues you had to decide in this case?

Given at most inappropriate time 1 2 3 4 5 6 7 Given at most appropriate time

IF THE JUDGE DID NOT GIVE PRELIMINARY SUBSTANTIVE INSTRUCTIONS, PLEASE ANSWER QUESTION 8.

8. Would you have liked for the judge to give instructions to you at the beginning of the trial explaining the legal issues that you had to decide in the trial?

Yes No

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Jury Summons Questions

You may recall being asked questions in the courtroom at the beginning of this trial as part of the jury selection process. Jurors also answer some written questions when they receive their juror summons.

9. Many of the questions on a juror summons are questions the judge or the attorneys usually ask out loud in the courtroom. Which of the following would you prefer?

- To answer some of the questions by filling out a juror summons
 To have all of the questions asked out loud by the judge or attorneys

What is the reason for your preference?

- 9A. How concerned, if at all, were you about your privacy when being asked questions by the judge or the attorneys out loud in the courtroom?

Not at all concerned 1 2 3 4 5 6 7 Extremely concerned

General Questions on Trial Length

10. Were you told by the judge at the beginning of the trial how long the trial would last or when the trial would be finish?

Yes No

- 10A. If the judge did tell you how long the trial would last or when the trial would be finished, did the trial end when promised?

Yes No

- 10B. How important, if at all, was it that you knew at the beginning of the trial how long the trial would be and/or what day the trial would be finished?

Not at all important 1 2 3 4 5 6 7 Extremely important

- 10C. Which of the following statements best describes your reaction to the length of the trial?

Too short About right Too long

PLEASE TURN OVER FOR PAGE 5

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10D. Please rate the trial on the following dimensions (circle the number on the scale that best reflects your opinion for the particular characteristic):

Efficiency of the trial (Was time wasted or used effectively?)

Not at all efficient 1 2 3 4 5 6 7 Very efficient

Organization of the trial

Not at all organized 1 2 3 4 5 6 7 Very organized

Repetitiveness/redundancy of the evidence and/or testimony

Not at all repetitive 1 2 3 4 5 6 7 Very repetitive

The amount of time each side had to present its case

Not enough time allowed 1 2 3 4 5 6 7 Too much time allowed

Juror Questions During Trial

11. Were jurors permitted to submit questions for witnesses in this case?

Yes - GO TO 11A

No - SKIP TO 12

11A. In this case, did you submit any questions to be asked of the witnesses?

Yes No If yes, how many? _____

11B. Did the judge answer or permit the witness to answer any of your questions?

Yes No Does not apply/I didn't ask any questions

11C. If you submitted any questions to the judge, what were the primary purposes of your questions (check all that apply)?

To clarify information already presented

To get additional information

To find out the opinion of a witness

To resolve inconsistencies in the evidence

Other, specify _____

PLEASE PROCEED TO PAGE 6.

2015 REPORT

11E. Which of the following statements best describes your reaction to the number of questions asked by jurors?

- Too many An appropriate number Not enough

11F. How did the opportunity to submit questions for witnesses during trial affect:

	Helped	Did not affect	Hurt
(a) Your understanding of the case?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) The fairness of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) The efficiency of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Your satisfaction with the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Instructions on Deliberations

12. Did the judge give you any instructions or suggestions on how to select a foreperson?

- Yes No

12A. If yes, did you feel that you had to follow the judge's instructions about selection of a foreperson?

- Yes No

12B. How do you feel about the amount of guidance you received from the judge on how to select a foreperson?

- Not enough 1 2 3 4 5 6 7 Too much

12C. Did the judge give you any instructions or suggestions on how to conduct your deliberations?

- Yes No

12D. If yes, did you feel that you had to follow the judge's instructions about conduct during your deliberations?

- Yes No

PLEASE TURN OVER FOR PAGE 7.

2015 REPORT

12E. How do you feel about the amount of guidance you received from the judge on how to conduct your deliberations?

Not enough 1 2 3 4 5 6 7 Too much

12F. What best describes how the foreperson was selected?

- He/she volunteered.
- Other jurors nominated him/her.
- We took a vote.
- The judge nominated him/her.
- Other, specify _____

12G. Were you the foreperson of this jury?

- Yes No

12H. How much influence did the foreperson have on the jury's decision?

- More than any other juror
- More than most jurors
- The same as other jurors
- Less than most jurors

12I. How satisfied were you with the way your deliberations were conducted?

Extremely dissatisfied 1 2 3 4 5 6 7 Extremely satisfied

Questions During Deliberations

13. Did your jury submit any questions to the judge during your deliberations?

- Yes No

13A. Did the judge answer any of the questions that you submitted during your deliberations?

- Yes No

13B. If the judge did not answer any of your questions, did he/she give the reason for not answering the question(s)?

- Yes No

PLEASE PROCEED TO PAGE 8.

2015 REPORT

13C. If the judge did answer some of your questions, how did the answers affect your understanding of the case?

- Helped me understand the case better
- Did not affect how well I understood the case
- Made it harder for me to understand the case

13D. If the judge did answer some of your questions, what effect did the answers have on your jury's deliberations?

- Were extremely helpful to the jury's decision making
- Were moderately helpful to the jury's decision making
- Were not helpful to the jury's decision making
- Made the jury's decision making more difficult

Deliberations

14A. How difficult was it for the jury to reach a verdict?

Not at all difficult	1	2	3	4	5	6	7	Very difficult
-------------------------	---	---	---	---	---	---	---	-------------------

14B. How accurately was the trial evidence remembered by the jury during its deliberations?

Not at all accurately	1	2	3	4	5	6	7	Very accurately
--------------------------	---	---	---	---	---	---	---	--------------------

14C. How satisfied were you with the jury deliberations?

Not at all satisfied	1	2	3	4	5	6	7	Very satisfied
-------------------------	---	---	---	---	---	---	---	-------------------

14D. How much did you rely on other jurors to remember evidence presented during trial?

Did not rely on others	1	2	3	4	5	6	7	Relied very much on others
---------------------------	---	---	---	---	---	---	---	-------------------------------

14E. How much did you rely on other jurors as you decided how to vote in this case?

Did not rely on others	1	2	3	4	5	6	7	Relied very much on others
---------------------------	---	---	---	---	---	---	---	-------------------------------

14F. How thorough were the jury deliberations?

Some important matters thoroughly discussed	1	2	3	4	5	6	7	All important matters thoroughly discussed
---	---	---	---	---	---	---	---	--

PLEASE PROCEED TO PAGE 9.

2015 REPORT

14G. How much did you participate in the jury deliberations?

Participated
Very little 1 2 3 4 5 6 7 Participated
a great deal

14H. How long did the jury deliberate?
_____ hours

Juror Background

Please circle the number that corresponds to your answer or fill in the blank. This information is being used for statistical purposes only.

15. Did you ever sit on a jury before? Yes No

If yes, how many juries? _____

If yes, what type of juries have you served on (check all that apply)?

Civil Criminal Don't Know

15A. Gender: Male Female

15B. Age: _____ years

15C. Which of the following best describes your racial/ethnic background?

- Asian-American
- Black/African-American
- White Hispanic/Latino
- Non-White Hispanic/Latino
- White/Caucasian
- Native American
- Other (specify): _____

15D. Are you currently employed? Yes No

15E. What is the last year of school you completed?

- Less than high school
- High school graduate
- Technical school/ some college
- Completed 2-year college
- Completed 4-year college
- Graduate School

PLEASE TURN OVER FOR PAGE 10.

2015 REPORT

Please use the space below for any further comments you have on the procedures used in this trial:

THANK YOU VERY MUCH FOR YOUR PARTICIPATION!

2015 REPORT

Attorney Questionnaire

The jurors, attorneys, and judge in this trial are being asked to complete questionnaires as part of a study of jury trials. Please take the time to complete this questionnaire. It will probably take about 15 minutes.

Some of the questions ask for your opinions. There are no right or wrong answers to these questions. We are interested in your honest opinions and reactions. Your participation is completely voluntary, and all of your individual answers will be kept confidential. Do not write your name or other identifying information on this questionnaire.

For some of the questions, you will be asked to circle a number from 1 to 7 that best reflects your views and experiences. For example, if we ask you "How easy or difficult was it for you to travel to the courthouse?" and you found it very easy to travel to the courthouse, you would circle a 1 or 2 for this question. If you found it very difficult to travel to the courthouse, you would circle a 6 or 7. If your experience was not so extreme, you would use numbers closer to the middle of the scale.

If you have no opinion, or an evenly balanced opinion, then you would circle a 4.

EXAMPLE: How easy or difficult was it for you to travel to the courthouse?

Very Very

easy 1 2 3 4 5 6 7 difficult

THIS QUESTIONNAIRE IS DOUBLE-SIDED, SO PLEASE MAKE SURE TO COMPLETE ALL APPROPRIATE PAGES.

Thank you for your time and cooperation in completing this survey. We are very grateful for your participation in this important study.

PLEASE TURN OVER FOR PAGE 2.

2015 REPORT

Overview of the Trial

1. What was your overall level of satisfaction with the trial process?

Not at all satisfied 1 2 3 4 5 6 7 Very satisfied

2. How complex was the evidence presented at trial?

Not at all complex 1 2 3 4 5 6 7 Very complex

3. How clearly was the evidence presented in this trial?

Not at all clearly 1 2 3 4 5 6 7 Very clearly

Number of Jurors

4. Generally speaking, what size of jury do you favor?

6 jurors More than 6 jurors, but less than 12 12 jurors

4A. What is your opinion of the number of jurors who served on this trial?

Too few An appropriate number Too many

4B. In your opinion, how did the number of jurors in this trial affect:

Increased Did not affect Decreased Don't know
(a) The diversity of the jury?
(b) The fairness of the trial process?
(c) The efficiency of the trial process?
(d) Your satisfaction with the trial process?

PLEASE PROCEED TO PAGE 3.

2015 REPORT

Substantive Preliminary Instructions

5. Before the jury heard any evidence, did the judge give preliminary instructions to the jury that included an explicit description of the claims and the law governing this case?

Yes - SKIP TO 7 No - GO TO 6

6. Would you have liked the judge give substantive jury instructions regarding the law governing this case to the jury at the beginning of the trial?

Yes No

Jury Selection Questionnaire

7. Did the jurors in this case complete a questionnaire at the beginning of the trial for purposes of jury selection?

Yes - GO TO 7A No - SKIP TO 8

- 7A. Which of the following statements best describes the length of the voir dire questionnaire used in this trial?

Too short About right Too long

- 7B. Please rate the juror questionnaire on the following dimensions (circle the number on the scale that best reflects your opinion regarding the particular characteristic):

Completeness of the juror questionnaire

Not at all 1 2 3 4 5 6 7 Very
complete complete

Organization of the juror questionnaire

Not at all 1 2 3 4 5 6 7 Very
organized organized

Usefulness of the juror questionnaire

Not at all 1 2 3 4 5 6 7 Very
useful useful

PLEASE TURN OVER FOR PAGE 4.

2015 REPORT

7C. In your opinion, how did the juror questionnaires in this case affect:

	Increased	Did not affect	Decreased	Don't know
(a) The fairness of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) The efficiency of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Your satisfaction with the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) The time spent in selecting the jury?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7D. If you were given the opportunity, how likely would you be to use a juror questionnaire in the future?

Not at all likely	1	2	3	4	5	6	7	Very likely
----------------------	---	---	---	---	---	---	---	----------------

7E. If you were given the opportunity, how likely would you be to use the juror questionnaire utilized in this case in the future?

Not at all likely	1	2	3	4	5	6	7	Very likely
----------------------	---	---	---	---	---	---	---	----------------

IF A JUROR QUESTIONNAIRE WAS NOT GIVEN TO JURORS TO COMPLETE AT THE BEGINNING OF THE TRIAL FOR PURPOSES OF JURY SELECTION, PLEASE ANSWER QUESTIONS 8 AND 8A. Please answer the following questions about the use of juror questionnaires in light of your experience in this case.

8. In your opinion, how would the use of a juror questionnaire have affected:

	Would have increased	Would not have affected	Would have decreased	Don't know
(a) The fairness of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) The efficiency of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Your satisfaction with the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) The time spent in selecting the jury?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8A. If given the opportunity, how likely would you be to use a juror questionnaire in the future?

Not at all likely	1	2	3	4	5	6	7	Very likely
----------------------	---	---	---	---	---	---	---	----------------

PLEASE PROCEED TO PAGE 5.

2015 REPORT

General Questions on Trial Length

9. Which of the following statements best describes your reaction to the length of the trial?
 Too short About right Too long

9A. Please rate the trial on the following dimensions (circle the number on the scale that best reflects your opinion for the particular characteristic):

Efficiency of the trial (Was time wasted or used effectively?)

Not at all efficient 1 2 3 4 5 6 7 Very efficient

Organization of the trial

Not at all organized 1 2 3 4 5 6 7 Very organized

The amount of time each side had to present its case

Not enough time allowed 1 2 3 4 5 6 7 Too much time allowed

10. Were time limits used in this case?

Yes - GO TO 10A No - SKIP TO 11

10A. In your opinion, how did the time limits affect:

	Affected	Did not affect	Decreased	Don't know
(a) The fairness of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) The efficiency of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Your satisfaction with the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PLEASE TURN OVER FOR PAGE 6.

2015 REPORT

IF TIME LIMITS WERE NOT USED , PLEASE ANSWER QUESTION 11.

11. In your opinion, how would time limits have affected:

	Would have increased	Would not have affected	Would have decreased	Don't know
(a) The fairness of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) The efficiency of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Your satisfaction with the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Juror Questions for Witnesses

12. Were jurors permitted to submit questions for witnesses in this case?

Yes - GO TO 12A No - SKIP TO 13

12A. Did jurors submit questions for any witnesses?

Yes No

12B. What is your opinion of the number of questions submitted by jurors during the trial?

Too many An appropriate number Not enough

12C. In your opinion, how did allowing jurors to submit questions in this trial affect:

	Increased	Did not affect	Decreased	Don't know
(a) The fairness of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) The efficiency of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Your satisfaction with the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PLEASE PROCEED TO PAGE 7.

2015 REPORT

IF JUROR QUESTIONS FOR WITNESSES WERE NOT PERMITTED, PLEASE ANSWER QUESTION 13.

13. In your opinion, how would permitting juror questions have affected:

	Would have increased	Would not have affected	Would have decreased	Don't know
(a) The fairness of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) The efficiency of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Your satisfaction with the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Interim Statements

14. Were attorneys in this case permitted to make interim statements to the jury?

Yes - GO TO 14A No - SKIP TO 15

14A. In your opinion, how did interim statements affect the efficiency of the trial process?

- Increased efficiency Did not affect efficiency Decreased efficiency

14B. Did you feel that the use of interim statements allowed you to:

Better organize the evidence for the jurors?

Definitely no 1 2 3 4 5 6 7 Definitely yes

Better explain the evidence for the jurors?

Definitely no 1 2 3 4 5 6 7 Definitely yes

Better emphasize parts of the evidence for the jurors?

Definitely no 1 2 3 4 5 6 7 Definitely yes

PLEASE TURN OVER FOR PAGE 8.

2015 REPORT

14C. Did you think there were any abuses of the interim statements?

Yes No

If yes, please explain, giving specific examples of any abuses:

14D. Is there anything you would have liked to change about the interim statements?

IF INTERIM STATEMENTS WERE NOT PERMITTED (interim statements are statements made from time to time by the attorneys to either introduce evidence about to be presented through the testimony of witnesses or statements that summarize the testimony of witnesses that has just been presented), PLEASE ANSWER QUESTIONS 15 AND 15A.

15. In your opinion, how would interim statements have affected the efficiency of the trial process

Would have increased efficiency Would not have affected efficiency
 Would have decreased efficiency Don't know

15A. Do you feel that the use of interim statements would have allowed you to:

Better organize the evidence for the jurors?

Definitely no 1 2 3 4 5 6 7 Definitely yes

Better explain the evidence for the jurors?

Definitely no 1 2 3 4 5 6 7 Definitely yes

Better emphasize parts of the evidence for the jurors?

Definitely no 1 2 3 4 5 6 7 Definitely yes

PLEASE PROCEED TO PAGE 9.

2015 REPORT

Instructions Regarding Jury Deliberations

16. Did the judge give jurors any instructions or suggestions on how to select a foreperson beyond the pattern instructions?

Yes No

16A. How do you feel about the amount of guidance that the jury had from the judge on how to select a foreperson?

Not enough 1 2 3 4 5 6 7 Too much

16B. Did the judge give jurors any instructions or suggestions on how to conduct its deliberations beyond the pattern instructions?

Yes No

16C. How do you feel about the amount of guidance that the jury had from the judge on how to conduct its deliberations?

Not enough 1 2 3 4 5 6 7 Too much

Jury Questions During Deliberations

17. Did the jury submit any questions during its deliberations?

Yes No

17A. Did the judge answer any of the questions that the jury submitted during its deliberations?

Yes No Jury did not ask any questions.

17B. Were the parties cooperative (with the court and with each other) in helping to respond to questions from the jury?

Definitely no 1 2 3 4 5 6 7 Definitely yes

17C. If the judge did not answer any of the questions, did the judge give the jury a reason for not answering the question(s)?

Yes No Jury did not ask any questions

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2015 REPORT

17D. What types of questions did the jury submit? (**Check** all that apply.)

- Questions about legal instructions or legal terms
- Questions about the content of the evidence
- Requests to see evidence
- Questions about procedure or case management
- Other _____

17E. How would you describe the jury's questions during deliberations?

- Most of the questions were relevant: 1
- Some were relevant, some were irrelevant: 2
- Most of the questions were irrelevant: 3
- Jury did not ask any questions: 4

Attorney Background

Please circle the number that corresponds to your answer or fill in the blank. This information is being used for statistical purposes only.

18. Whom did you represent at trial?

- Plaintiff Defendant Other, specify _____

19. How many civil jury trials have you participated in excluding this trial? _____ trials

20. Please indicate what percentage of your prior civil jury trials included the following:

- a. Twelve-person juries? _____
- b. Preliminary substantive jury instructions? _____
- c. Voir dire questionnaires? _____
- d. Time limits? _____
- e. Juror questions to witnesses? _____
- f. Interim statements? _____
- g. Jury instructions regarding conducting deliberations, foreperson selection, and questions during deliberations? _____
- h. Jury questions during deliberations? _____

21. How would you characterize the outcome of this trial for your client?

Big loss 1 2 3 4 5 6 7 Big win

Please use the space below and the other side of the page for any further comments you have on the procedures used (or not used) in this trial:

THANK YOU VERY MUCH FOR YOUR PARTICIPATION!

2015 REPORT

General Information

A. Type of Case: Contract Tort Civil Rights Other, specify _____

B. Issues in Case: Liability and damages Damages only Other, specify _____

C. Parties: Number of plaintiffs Number of defendants

D. When did the trial begin (Month/Day/Year)? _____

E. Were jurors told how long the trial would last? Yes No

F. Were jurors told what day the trial would end? Yes No

G. How long did jury selection take? hours

H. Did the judge set time limits for the trial? Yes No

I. How many questions did the jury submit to the judge during its deliberations? questions

J. How long was this trial? days

K. If jurors were told what day the trial would end, did the trial end on the day anticipated? Yes No

L. How many jurors deliberated for the trial? jurors

M. How long did the jury deliberate? hours

N. Verdict: Plaintiff Damages: \$ _____ Defendant

Counter-Plaintiff Damages: \$ _____ Counter-Defendant

O. How did the trial end? Mistrial Settlement Directed Verdict Jury Verdict

P. If the trial ended prior to a jury verdict, please indicate when the trial ended

- After jury selection
- After opening statements
- After Plaintiff's Case in Chief
- After Defendant's Case in Chief
- After closing arguments
- Other, please specify when _____

Additional Comments:

PLEASE PROCEED TO PAGE 3.

2015 REPORT

Overview of the Trial

Please complete Questions 1 through 7 before the jury returns the verdict. It is important that we obtain your opinions about the trial before you know the verdict so that your impressions are not influenced by the outcome. Once the jury has returned its verdict, please complete the remainder of the questionnaire.

1. Overall, how satisfied were you with the trial process?

Not at all
satisfied 1 2 3 4 5 6 7 Very
satisfied

2. How complex was the evidence presented at trial?

Not at all
complex 1 2 3 4 5 6 7 Very
complex

3. How clearly was the evidence presented in this trial?

Not at all
clearly1 2 3 4 5 6 7 clearly Very

4. How difficult or easy was it for jurors to understand the evidence in this trial?

Very
easy 1 2 3 4 5 6 7 Very
difficult

5. How difficult or easy was it for jurors to understand the law in this trial?

Very
easy 1 2 3 4 5 6 7 Very
difficult

6. Would your verdict have differed from the jury verdict?

Yes No IF YES, EXPLAIN HOW.

7. Did you answer Questions 1 – 6 before or after you learned of the jury's verdict in this case?

PLEASE TURN OVER FOR PAGE 4.

2015 REPORT

Number of Jurors

8. Generally speaking, what size of jury do you favor?

- 6 jurors More than 6 jurors, but less than 12 12 jurors

8A. In your opinion, how did the number of jurors in this trial affect:

- | | Increased | Did not affect | Decreased | Don't know |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| (a) The diversity of the jury? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) The fairness of the trial process? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) The efficiency of the trial process? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) Your satisfaction with the trial process? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Substantive Preliminary Instructions

9. Before the jury heard any evidence, did you give preliminary instructions to the jury that included an explicit description of the claims and the law governing this case?

- Yes - GO TO 9A No - SKIP TO 10

9A. In your opinion, how did the use of preliminary jury instructions in this case affect:

- | | increased | Did not affect | Decreased | Don't know |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| (a) The fairness of the trial process? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) The efficiency of the trial process? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) Your satisfaction with the trial process? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

9B. Were any logistical, implementation, or other problems encountered with giving these preliminary jury instructions?

- Yes No IF YES, PLEASE USE LAST PAGE TO DESCRIBE AND INDICATE HOW THEY WERE SOLVED.

PLEASE PROCEED TO PAGE 5.

2015 REPORT

IF SUBSTANTIVE PLELIMINARY INSTRUCTIONS WERE NOT GIVEN IN THIS CASE, PLEASE ANSWER QUESTION 10. Please answer the following questions about the use of juror questionnaires in light of your experience in this case.

10. In your opinion, how would the use of substantive preliminary instructions have affected:

	Would have increased	Would not have affected	Would have decreased	Don't know
(a) The fairness of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) The efficiency of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Jury Selection Questionnaire

11. Did you use a juror questionnaire during voir dire in this case?

- Yes - GO TO 11A No - SKIP TO 12

11A. In your opinion, how helpful was the juror questionnaire in assisting the court to determine which potential jurors were qualified to be impaneled as jurors in this case?

Not at all helpful 1 2 3 4 5 6 7 Very helpful

11B. In your opinion, how helpful was the juror questionnaire in assisting the court to determine what follow-up questions, if any, should be asked to potential jurors by either the court or counsel?

Not at all helpful 1 2 3 4 5 6 7 Very helpful

11C. In your opinion, how helpful was the juror questionnaire in reducing the time needed for follow-up questions to be asked to potential jurors?

Not at all helpful 1 2 3 4 5 6 7 Very helpful

11D. In your opinion, how did the juror questionnaire in this case affect:

	Increased	Did not affect	Decreased	Don't know
(a) The fairness of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) The efficiency of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Your satisfaction with the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PLEASE TURN OVER FOR PAGE 6.

2015 REPORT

11E. How likely are you to use a juror questionnaire in the future?

Not at all									Very
likely	1	2	3	4	5	6	7	likely	

11F. How likely are you to use the juror questionnaire utilized in this case in the future?

Not at all									Very
likely	1	2	3	4	5	6	7	likely	

11G. Were any logistical, implementation, or other problems encountered with using the juror questionnaire?

Yes No

IF YES, PLEASE USE LAST PAGE TO DESCRIBE AND INDICATE HOW THEY WERE SOLVED.

IF A JUROR QUESTIONNAIRE WAS NOT USED IN THIS CASE, PLEASE ANSWER QUESTION 12. Please answer the following question about the use of juror questionnaires in light of your experience in this case.

12. In your opinion, how would the use of a juror questionnaire have affected:

	Would have increased	Would not have affected	Would have decreased	Don't know
(a) The fairness of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) The efficiency of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Your satisfaction with the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

General Questions on Trial Length

13A. Please rate the trial on the following dimensions (circle the number on the scale that best reflects your opinion for the particular characteristic):

Efficiency of the trial (Was time wasted or used effectively?)

Not at all									Very
efficient	1	2	3	4	5	6	7	efficient	

Organization of the trial

Not at all									Very
organized	1	2	3	4	5	6	7	organized	

The amount of time each side had to present its case

Not enough									Too much
time allowed	1	2	3	4	5	6	7	time allowed	

PLEASE PROCEED TO PAGE 7.

2015 REPORT

14. Did you use time limits in this case?

- Yes - GO TO 14A No - SKIP TO 15

14A. In your opinion, how did the time limits affect:

Table with 5 columns: Affected, Did not affect, Decreased, Don't know. Rows: (a) The fairness of the trial process?, (b) The efficiency of the trial process?, (c) Your satisfaction with the trial process?

14B. How likely are you to use time limits in the future?

Scale from 1 (Not at all likely) to 7 (Very likely)

14C. How likely are you to would use the time limits utilized in this case in the future?

Scale from 1 (Not at all likely) to 7 (Very likely)

14D. Were any logistical, implementation, or other problems encountered with using time limits?

- Yes No IF YES, PLEASE USE LAST PAGE TO DESCRIBE AND INDICATE HOW THEY WERE SOLVED.

IF TIME LIMITS WERE NOT USED, PLEASE ANSWER QUESTION 15.

15. In your opinion, how would time limits have affected:

Table with 5 columns: Would have increased, Would not have affected, Would have decreased, Don't know. Rows: (a) The fairness of the trial process?, (b) The efficiency of the trial process?, (c) Your satisfaction with the trial process?

Juror Questions for Witnesses During Trial

16. Did you allow jurors to submit questions for witnesses in this case?

- Yes - GO TO 16A No - SKIP TO 17

PLEASE TURN OVER FOR PAGE 8.

2015 REPORT

16A. Did the jurors in this trial submit questions for any witnesses?

Yes No

If yes, how many questions did the jurors submit? _____

If yes, how many questions were witnesses permitted to answer? _____

16B. What is your opinion of the number of questions submitted by jurors during the trial?

Too many An appropriate number Not enough

16C. In your opinion, how did allowing jurors to submit questions in this trial affect:

	Increased	Did not affect	Decreased	Don't know
(a) The fairness of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) The efficiency of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Your satisfaction with the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

16D. Were any logistical, implementation, or other problems encountered with permitting jurors to submit questions?

Yes No

IF YES, PLEASE USE LAST PAGE TO DESCRIBE
AND INDICATE HOW THEY WERE SOLVED.

IF JUROR QUESTIONS WERE NOT PERMITTED, PLEASE ANSWER QUESTION 17.

17. In your opinion, how would permitting juror questions have affected:

	Would have increased	Would not have affected	Would have decreased	Don't know
(a) The fairness of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) The efficiency of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Your satisfaction with the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Interim Statements

18. Did you allow the attorneys to give interim statements in this case?

Yes - GO TO 17A

No - SKIP TO 18

PLEASE PROCEED TO PAGE 9.

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18A. How much time did you allot for interim statements? (Circle your choices.)

____ (hours/minutes) per (trial/trial week/trial day)

In retrospect that was:

Too much time The right amount of time Too little time

18B. In your opinion, how did the Interim Statements in this trial affect:

	Increased	Did not affect	Decreased	Don't know
(a) The fairness of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) The efficiency of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Your satisfaction with the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

18C. Did you think there were any abuses of the interim statements?

Yes No

If yes, please explain, giving specific examples of any abuses:

18D. Would you permit interim statements in future trials?

Yes No

IF INTERIM STATEMENTS WERE NOT PERMITTED, PLEASE ANSWER QUESTIONS 19.

19. In your opinion, how would interim statements have affected:

	Would have increased	Would not have affected	Would have decreased	Don't know
(a) The fairness of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) The efficiency of the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Your satisfaction with the trial process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Instructions Regarding Jury Deliberations

20. Did you give jurors any instructions or suggestions on how to select a foreperson?

Yes No

20A. Did you give jurors any instructions or suggestions on how to conduct its deliberations?

Yes No

PLEASE TURN OVER FOR PAGE 10.

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Jury Questions During Deliberations

21. Did the jury submit any questions to you during its deliberations?

Yes No

21A. Did you answer any of the questions that the jury submitted during its deliberations?

Yes No Jury did not ask any questions.

21B. Were the parties cooperative (with the court and with each other) in helping to respond to questions from the jury?

Definitely no 1 2 3 4 5 6 7 Definitely yes

21C. If you did not answer any of the questions, did you give the jury a reason for not answering the question(s)?

Yes No Jury did not ask any questions.

21D. What types of questions did the jury submit? (Check all that apply.)

- Questions about legal instructions or legal terms
- Questions about the content of the evidence
- Requests to see evidence
- Questions about procedure or case management
- Other _____

21E. How would you describe the jury's questions?

- Most of the questions were relevant: 1
- Some were relevant, some were irrelevant: 2
- Most of the questions were irrelevant: 3
- Jury did not ask any questions: 4

Judicial Background

Please circle the number that corresponds to your answer or fill in the blank. This information is being used for statistical purposes only.

22. How many civil jury trials have you had as a judge, excluding this trial? _____ trials

PLEASE PROCEED TO PAGE 11.

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22A. Please indicate what percentage of your prior civil jury trials included the following:

- a. Twelve-person juries? _____
- b. Preliminary substantive jury instructions? _____
- c. Voir dire questionnaires? _____
- d. Time limits? _____
- e. Juror questions to witnesses? _____
- f. Interim statements? _____
- g. Jury instructions regarding conducting deliberations, foreperson selection, and questions during deliberations? _____
- h. Jury questions during deliberations? _____

Please use the space below for any further comments you have on the procedures used (or not used) in this trial:

THANK YOU VERY MUCH FOR YOUR PARTICIPATION!

2015 REPORT

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

Hon. William H. Hooks, Chair

Hon. Thomas R. Appleton
Hon. Mary M. Brosnahan
Hon. Neil H. Cohen
Hon. Daniel P. Guerin
Hon. Ronald M. Jacobson

Hon. Michael J. Kick
Hon. Stephen Kouri
Hon. Robert D. Kuzas
Hon. Marjorie C. Laws
Hon. Jessica Colon-Sayre

October 2015

2015 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, but not limited to, legislative, case law and proposed Supreme Court rule changes.

Our 2014-2015 Conference Year 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 the Supreme Court. Some of the Committee recommendations were subsequently adopted by the Supreme Court, including Rules 605(b) and 430. The Committee prepared and presented 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. In 2007, the Committee presented 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 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 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

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undertaking any such projects or initiatives that are consistent with the charge, discussions were 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. The Committee also started its discussions on how to better implement evidence based practices in the trial courts and probation departments. The Committee also addressed other projects and initiatives for identifying recurring criminal case themes for further development of a Best Practices Guide. The Committee also explored the idea of creating additional case management tools to reflect the number of cases sent to deferred prosecution programs. The Committee also discussed the issue of pre-verdict juror questions on the definition of the term "Reasonable Doubt." The Committee also discussed the viability of establishing a volunteer visiting appellate justice/criminal court pilot project. The discussions centered on the feasibility of establishing a pilot project where criminal court judges are encouraged to visit county jails and/or Illinois Department of Correction facility jails upon their placement into a criminal court assignment. These visits would become part of any criminal court orientation process for judges assigned to criminal calls in addition to allowing those who already sit in such calls to make visits.

The Committee is requesting to continue addressing matters that impact the administration of criminal justice.

II. SUMMARY OF COMMITTEE ACTIVITIES

Conference Year 2015 Projects/Priorities

Project 1: 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.

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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 former 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 Judges Cohen and Hooks and former Committee member Judge Domenica 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.

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 not be required was because it was believed that the defendant would be given additional grounds for a post conviction petition,. Simply put a rule would act as *prima facie* grounds for a post conviction petition. The Committee received this charge again for 2015 because its report had not been submitted prior to the 2014 judicial conference. However, the final report was approved at the Committee's meeting on October 17, 2014, and was forwarded to the AOIC for further guidance from the Court. The Committee stands

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on its previous positions on this issue after a fresh review.

Project 2: Discuss implementing sentencing flexibility similar to the federal sentencing methodology.

The Committee believes that Illinois' mandatory minimum and maximum sentencing structure ties judges' hands when sentencing a defendant because there are no mechanisms to deviate either downward or upward as opposed to a federal district court judge's ability to do so within the federal sentencing guidelines. On July 29, 2015, the Michigan Supreme Court in the case of *People v. Lockwood*, 2015 WL 4562293 (Mich.), McCormack, J., held the sentencing guidelines utilized in Michigan violated the right to jury trial to the extent that they required impermissible judicial fact-finding and did not constitute a constitutionally permissible indeterminate sentencing scheme. A subcommittee has been formed to examine existing Illinois statutes and case law with a goal of being able to recommend whether or not implementation of sentencing guidelines similar to the federal ones is feasible; to gather input from criminal court stakeholders and to make recommendations to the Court regarding the subcommittee's work. This Committee will continue discussion of this charge and will report its findings and recommendations at a later date.

Project 3: Address the possible need to amend Supreme Court Rule 604(d) based on the Illinois Supreme Court decision of People v. Tousignant.

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 and discussions on the impact of this ruling, the Committee recommends amending the relevant language of Rule 604(d) to remove the word "or" and substitute the word "and."

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Project 4: Address the possibility of Amending Supreme Court Rule 411 to require discovery prior to bond hearings.

The Committee was advised that in Cook County and other jurisdictions, defense counsel receives the defendant's arrest sheet and other available information prior to the defendant's appearance in bond court so best practices are at least being followed. Judges Cohen and Hooks advised that as part of a discussion with Justice Burke, perhaps there needs to be increased education efforts extended to bond court judges.

Project 5: Coordinate with the IJC Committee on Education to develop training on evidence based practices in sentencing.

In order to address this charge, committee member Judge Colon-Sayre agreed to be the Committee's representative to the Evidence Based Practice training team formed by the Education Committee. The training titled "Evidence Based Sentencing Practices: Applications & Outcomes" is scheduled to be presented on October 21, 2015.

Project 6: Study, examine and report on Supreme Court Rules as they relate to criminal procedure and court process.

At the request of the Rules Committee, the Committee discussed Rule Proposal 14-09 (RP 14-09) which seeks to amend Rule 605 to incorporate an appeal litany for those found unfit to plea, stand trial or be sentenced. After full discussion, the Committee reached the consensus that the proposed amendments to Rule 605 are not appropriate to be included in the appeal admonishments for those defendants who have been found unfit to stand trial as that ruling does not constitute a finding of guilt.

Project 7: Undertake any such other projects or initiatives that are consistent with the Committee charge.

A. Evidence Based Sentencing

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The sentencing of defendants based on the concept Evidence Based Practices (EBP) appears to be a recurring theme in Illinois and national criminal court jurisprudence. Currently, Evidence Based Practices are being utilized in various counties throughout the state to provide judges with risk assessments that have proven useful to judges in making bond decision. However, the Committee believes that the implementation of EBP with regards to sentencing proceedings require further education and training.

The Committee believes the use of Evidence Based Practices is an important tool for creating sentencing uniformity and to assist criminal court judges in determining when probation is an appropriate sentence as well as what level of monitoring is required. The Committee also believes that implementation of Evidence Based Practices in sentencing may possibly result in the reduction of jail populations and the better allocation of probation and judicial resources. However, the Committee believes that utilization of Evidence Based Practices among the judiciary when sentencing a defendant is inconsistent across the state. With the Court's approval, this Committee would like to explore ways of assisting in the implementation, utilization, and evaluation of Evidence Based Practices by the Illinois judiciary.

B. Identify Recurring Criminal Case Themes for Further Development of a Best Practices Guide.

The Committee is of the opinion that one of the major roles of the group was to discuss court processes and procedures with a goal of increasing the efficiency of the criminal justice process. To that end, the Committee believes there is a need to identify recurring issues in the criminal court system for suggesting solutions which would be helpful in a best practices guide. The Committee reached a consensus that for this best practices guide to be feasible, the authors would need to keep in mind there are one hundred and two (102) counties in Illinois with

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different judicial cultures that drive the management of their local criminal courts procedures and practices. The Committee also reached a consensus that by developing a best practices guide covering issues faced by criminal court judges will reduce the need for new rules and/or amending existing rules. The Committee would respectfully request guidance from the Illinois Supreme Court and its appellate court justices for topics to include in a best practices guide for criminal court judges.

C. Discuss the Collection of Tabulations to Recognize the Number of Cases Referred to Deferred Prosecution Programs.

The Committee believes that the current data collection information processes could be more creative in the collection of case management data. One area to develop would be the tabulation of those cases which are removed from a judge's docket by way of referrals to deferred prosecution programs. The hope is that by adding this tabulation, more judges will become aware of and therefore encourage use of the number of matters subjected to deferred prosecution programs by prosecutorial agencies.

In addition more creative tools, such as the tabulation of the number of non-violent defendants subjected to pre-trial detention may also be effective in evaluating the efficiency of bond determinations. Another category of case management would be the number and type of cases that have been resolved by sentences of probation rather than incarceration. The Committee again believes keeping closer tab on the duration of pre-trial detention may not only increase the perceived and actual fairness of the process but it may also contribute to a more reasonable use of public funds devoted to high cost pre-trial incarceration.

Discussions on these issues continue and the Committee will present its findings on these matters at a later time.

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D. Discuss Juror Questions Pre-Verdict-Definition of the term "Reasonable Doubt".

Recently, the Supreme Court issued an opinion in the case of *People v. Downs*, 2015 IL 117934 in which Justice Freeman wrote that the court has long and consistently held that neither the trial court nor counsel should define reasonable doubt to a jury and that the court had stated in the case of *People v. Malmenato*, 14 Ill. 2d 52, 61 (1958), "reasonable doubt is a term which needs no elaboration and we have so frequently discussed the futility of attempting to define it that we might expect the practice to be discontinued." Prior to the *Downs* decision, the Committee was made aware of recent conflicting case law about the manner and method of drafting a reply to a jury question seeking a definition of "reasonable doubt." The Committee was also advised that this issue had previously been discussed by the Special Supreme Court Committee on Pattern Jury Instructions-Criminal which resulted in that committee declining to draft a jury instruction defining reasonable doubt because the Court had held there is no definition for the term "reasonable doubt". Prior to the issuance of the *Downs* decision, Committee discussions revealed that there is still a Committee interest in exploring a definition of "reasonable doubt" and further research revealed that other states have a definition of the term. Notwithstanding *People v. Downs*, supra, the Committee would like to be charged to further investigate the definition of the term "reasonable doubt" for the Court's possible consideration in the future.

E. Viability of a Volunteer Visiting Appellate Justice Pilot Program.

Chair Hooks advised the Committee that he had spoken with Chief Justice Garman about this topic and she expressed interest in allowing the Committee to explore the viability of establishing a pilot program whereby appellate judges would preside over a criminal court call under the supervision of the regularly assigned trial court judge. The purpose of doing this

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would be to provide insight on criminal courtroom dynamics to appellate judges who may not have prior criminal court experience. Chair Hooks advised the Committee that he had met with Chief Justice Garman about this topic. Based on Chair Hooks' presentation, the Committee began to explore the aspect of the potential of a volunteer visiting appellate justice pilot program. The Committee considered whether there are constitutional barriers to the establishment of such a program. Currently none appear to exist but further review would be appropriate.

The Committee believes that appellate judges from outside of Cook County may have a larger percentage of judges who have presided over criminal cases before coming to the appellate court and the need for such a program in those jurisdictions may be less. The Committee believes that continued discussion on this topic would be beneficial to both the trial and appellate levels.

The Committee has begun to discuss criteria for the volunteer visiting judges such as what type of calls these judges should preside over and how to achieve clear recordkeeping so there would be no conflicts if the trial court presided over by the appellate justice is appealed.

A subcommittee has been formed to address this issue for consideration by the committee with the eventual goal of making a recommendation to the Court.

F. Feasibility of Establishing a Cook County Pilot Project Where Criminal Court Judges Assigned to Criminal Calls are Encouraged to Visit County Jails and/or IDOC Facilities as Part of their Criminal Assignment Orientation Process.

The impetus behind this suggested topic is to provide criminal court judges with a broader view of the impact of their sentencing decisions by visiting the places that people are incarcerated pretrial and after sentencing. The Committee was also advised that as part of the Education Conference, juvenile judges are taken to tour a juvenile correctional facility which

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led to discussion as to whether or not a visit to a juvenile and adult correctional facility should be incorporated into the curriculum for the new judges training seminar. The Committee will continue discussion on this topic with the eventual goal of making a recommendation to the Court.

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 our work is ongoing. The Committee is requesting to continue discussion on implementing sentencing flexibility similar to current federal sentencing methodology. The Committee also requests to continue discussions regarding evidence based practices regarding the sentencing of defendants. We further request to developing case management tools with a goal to better monitor judicial decision making. The Committee also feels it is important to continue drafting a definition of the term "reasonable doubt" for consideration by the Court since this issue periodically arises in the trial courts. The Committee wishes to continue discussion on the viability of a volunteer visiting justice pilot program. We also believe it is important to continue discussion on the feasibility of establishing a pilot project where judges receiving their initial assignment to the criminal court will either tour a county jail and/or an Illinois Department of Corrections facility.

Finally, 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 justice and court processes. The Committee is dedicated to serving the Court in meeting any assigned projects and priorities, and producing useful information and a work product useful to Illinois criminal justice system.

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IV. RECOMMENDATIONS

The Committee recommends that there be more formal communication between the various Judicial Conference committees, the Special Supreme Court committees, and Conference of Chief Judges committees regarding matters of mutual interest as they relate to the criminal justice process.

2015 REPORT

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

Hon. Thomas More Donnelly, Chair

Hon. Mary Jane Theis, Supreme Court Liaison

Hon. Robert J. Anderson
Hon. Dinah J. Archambeault
Hon. Jennifer H. Bauknecht
Hon. Arnold F. Blockman
Hon. Robert C. Bollinger
Hon. Liam C. Brennan
Hon. George Bridges
Hon. Mark H. Clarke
Hon. Maureen E. Connors
Hon. Joy V. Cunningham
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Hon. Thomas E. Hoffman
Hon. Susan F. Hutchinson
Hon. Julie K. Katz

Hon. Nancy J. Katz
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Hon. Laura C. Liu
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Hon. Leonard Murray
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Hon. Heinz M. Rudolf
Hon. Daniel B. Shanes
Hon. Colleen F. Sheehan
Hon. James E. Snyder
Hon. Christy Solverson
Hon. Ronald D. Spears
Hon. Robbin J. Stuckert
Hon. Sanjay T. Tailor
Hon. Thomas J. Tedeschi
Hon. Lisa Holder White

October 2015

2015 REPORT

I. STATEMENT ON COMMITTEE CONTINUATION

Historically, the Committee on Education was established by the Supreme Court to identify the educational needs of the Illinois judiciary and design educational programs to meet those needs. During Conference Year 2015, the Committee's charge was expanded beyond the annual update of judicial benchbooks and the delivery of judicial educational trainings, to include the development of a plan or model for an Illinois Judicial College. The Illinois Judicial College will enhance the offering of professional continuing education trainings recommended by the Committee to include the provision of continuing education and training to be delivered to probation and non-judicial court personnel. The final recommendation for the Illinois Judicial College will identify the purpose, mission, and governance structure of the Illinois Judicial College and provide for the development of a core curriculum for Illinois judges, probation and court personnel. In contemplation of the Committee's continued efforts on behalf of the Court, the Committee requests it be permitted to continue its work in Conference Year 2016.

II. SUMMARY OF COMMITTEE ACTIVITIES

The Committee expects to continue the effort to finalize the plan for the Illinois Judicial College and to work with the Administrative Office of the Illinois Courts through the final adoption and implementation of a Judicial College framework to be approved by the Court. The Committee completed all other Conference Year 2015 projects and priorities set by the Court, including the annual update of judicial benchbooks and the delivery and evaluation of the following judicial trainings:

- ✓ *New Judge Seminar* (February 2015)
- ✓ *DUI/Traffic Seminar* (April 2015)(date changed from May to April)

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- ✓ *Advanced Judicial Academy* (June 2015)
- ✓ *Faculty Development Workshop* (March 2015 & May 2015)(offered consistent with the Committee's charge and commitment to recruit diverse faculty reflective of the geographic, racial, ethnic, gender and cultural differences in the Illinois judiciary)

The Court's charge that the Committee train judges on core skills of procedural fairness, demeanor and respect has been met through the incorporation of these skills into the curriculum for New Judge Seminar and Education Conference. During the latter months of Conference Year 2014, and continuing through this current Conference Year, the Committee has been engaged in planning Education Conference 2016. The Committee, in collaboration 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 the Court and members of the Illinois judiciary. The Committee also looks forward to the development of continuing education trainings and curriculum for those that aid the court in the administration of justice. The following paragraphs briefly summarize core judicial education programs and resources offered by the Committee in collaboration with the Administrative Office of the Illinois Courts.

Advanced Judicial Academy

The *Advanced Judicial Academy* is held every two years, in odd years, and generally in June, and in recent years, on the campus of the University of Illinois, Champaign. The 2015 Academy was held June 8 – 12, 2015 and explored the theme, *Science in the Courtroom*, over 3.5 days, through presentations by noted scientists and legal scholars from across the United States. The *Academy* is intended to differ from a nuts and bolts training, and while offering

2015 REPORT

practical applications of the law to various legal circumstances, also offers greater opportunity for judges to critically and analytically consider the intersection of science, including the social sciences, and the law, in a casual university setting. Chief Circuit Judges and Presiding Justices of the Appellate Court nominate judges to attend the *Academy* who are experienced as jurists, and have demonstrated an interest in continuing judicial education.

Benchbooks

Benchbooks continue to be valuable resources for judges in chambers and on the bench. The Committee on Education maintains oversight of the development and production of benchbooks through the Benchbook Editorial Board, comprised of a Board Chair, and the Chairs of each Benchbook writing team. Each benchbook writing team includes peer reviewers and topic editors, and for most benchbooks, a law professor. The Committee on Education, through the Benchbook Editorial Board, manages the following benchbooks: *Civil Law and Procedure*, *Criminal Law and Procedure*, *Domestic Violence*, *DUI/Traffic*, *Evidence*, *Family Law and Procedure*, and the recently added, *Juvenile Law benchbooks on Abuse and Neglect and Delinquency*. All of these benchbooks are reviewed annually and updated as recommended by the respective benchbook writing teams and the Benchbook Editorial Board. Benchbooks are available in print, electronically and on CD.

In recent years, all but the Juvenile Law benchbooks have been released in a bound rather than loose-leaf format. In the next year, the Committee anticipates the release of the Juvenile benchbook in a bound format as well. New editions of bound benchbooks are released in the early fall, followed by the release shortly thereafter of the benchbook CD and access via the

2015 REPORT

Illinois Judicial Portal and Judicial Links. The Administrative Office distributes over 4,000 bound copies of benchbooks and 1,000 CD's each Conference year.

Education Conference

Education Conference is a five-day Conference featuring a flexible format and generous course offerings. The Conference is held each biennium in even years for the benefit of the entire Illinois judiciary - new and experienced. Participation is required by the Supreme Court of Illinois as a means of achieving the Court's minimum requirement of thirty hours of continuing judicial education hours every two years. The majority of Conference faculty are active members of the Illinois judiciary, although retired Illinois judges, law professors, subject matter experts, and members of the judiciary from other states, and the federal bench, also serve as faculty. Civil, criminal, family, ethics, professionalism and judicial conduct matters are discussed throughout the week through the presentation of over 80 sessions. The upcoming Education Conference will be held February 1 - 5, 2016 and April 4 - 8, 2016 at the Westin Hotel, Lombard, Illinois.

Faculty Development Workshop

Faculty Development Workshops are held, as needed, and since 2013, at least annually, in an effort to continually train and retrain faculty. These Workshops also are a means to fulfill the Court's charge to the Committee to maintain a commitment to a diverse faculty representing the geographic, racial, ethnic, gender and cultural differences of the Illinois judiciary. Faculty training, aided by a curriculum developed by the National Judicial College, provides prospective and returning faculty the opportunity to develop effective course planning and presentation skills. Workshops are also intended to achieve confidence in the presentation and delivery of

2015 REPORT

material, and increase the ability of faculty to develop learner centered teaching objectives. Judges who have attended Faculty Development Workshop are eligible to serve as Seminar, Academy and Conference faculty.

Illinois Judicial College

The Committee on Education formed a Judicial College Workgroup comprised of members of the full Committee to explore and develop a draft model for the Illinois Judicial College, including the identification of its benefits, structure and procedures. The Committee anticipates submission of its recommendation to the Supreme Court this Conference year.

New Judge Seminar

New Judge Seminar is a week-long training for new judges, both elected and appointed, within one year of transitioning to the bench. Over the course of a week, a diverse range of substantive and procedural subject matters are presented. *New Judge Seminar* offers a diverse presentation of substantive and procedural topics, especially those most helpful to new judges, and the discussion and exploration of emerging legal issues, ethical considerations, procedural fairness and demeanor issues, in addition to Court policies that impact the fair and effective administration of justice. The next Seminar will be held December 7-11, 2015 in Chicago.

Additional Trainings and Collaborations

The Committee on Education, at the request of the Supreme Court, the Administration Office, or upon the approved recommendation of its members, may, also offer specialized trainings that explore a thematic topic in depth. By way of example, the Committee on Education, in collaboration with the Illinois Judicial Conference Criminal Justice Committee, will present a training on Evidence Based Sentencing practices October 21, 2015. During

2015 REPORT

Conference Year 2016, the Committee on Education also anticipates working with the Illinois Judicial Conference Committee on Juvenile Justice to develop a judicial training on juvenile topics to be identified by a Workgroup comprised of members of both Judicial Conference Committees.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

The Committee proposes to continue the planning, development, delivery and evaluation of continuing education events in Conference Year 2016, along with annual review and updates of benchbooks, and efforts to finalize the framework of the Illinois Judicial College.

IV. RECOMMENDATIONS

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

2015 REPORT

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

Hon. Jennifer H. Bauknecht, Chairperson

Hon. James J. Allen
Hon. Bobby G. Hardwick
Hon. Stuart P. Katz
Hon. Richard P. Klaus
Hon. Robert G. Kleeman
Hon. Kimberly G. Koester
Hon. Diane M. Lagoski

Hon. Kevin T. Lee
Hon. David K. Overstreet
Hon. Mary S. Schostok
Hon. Colleen F. Sheehan
Hon. Matthew L. Sullivan
Hon. April G. Troemper

October 2015

2015 REPORT

I. STATEMENT ON COMMITTEE CONTINUATION

The Juvenile Justice Committee is charged with reviewing and making recommendations on matters affecting juvenile justice. In addition the Committee is charged with reviewing, analyzing and examining new issues arising out of legislation and case law that impact juvenile law and procedures and any aspect of juvenile justice with reviewing and assessing practices related to the processing of juvenile delinquency, abuse, neglect, and dependency cases. The Committee's stated purpose is to advise the Judicial Conference in matters affecting juvenile justice. For this reason, the Committee requests that it be permitted to continue its work in Conference Year 2016.

II. SUMMARY OF COMMITTEE ACTIVITIES

A. Committee Charge

The Committee is charged with reviewing and making recommendation on matters affecting juvenile justice. In addition, the Committee is charged with reviewing, analyzing and examining new issues arising out of legislation and case law that impact juvenile law and procedures and any aspect of juvenile justice. This charge provides the framework to guide the Committee's work during the Conference year.

B. Conference Year 2015 Projects/ Priorities

The following topics represent the projects/priorities assigned by the Supreme Court to the Committee for consideration in Conference Year 2015.

1. Explore increasing the maximum age, which currently is 15 years of age, at which DCFS can be appointed guardian of an adjudicated juvenile delinquent

The Court requested that the Committee explore increasing the maximum age at which DCFS can be appointed guardian of an adjudicated juvenile delinquent due to a lack of options

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when the minor has no parental involvement. The Committee obtained data from the AOIC Probation Division indicating the number of juveniles, broken down by age, on probation in 2013. In 2013, there were approximately 4,568 juveniles on probation in Illinois ages 16 and over. While in 2014, DCFS did not take a position on increasing the maximum age, since that time, the Department has increased budget constraints and lawsuits filed against the Department regarding youth in residential placement where these juvenile are often placed. Due to the potential increase in caseload for DCFS and the lack of resources and placement options for this population, the Committee recommended not increasing the maximum age at which DCFS can be appointed guardian of an adjudicated juvenile delinquent.

2. Explore developing a web based clearinghouse for programs created by juvenile judges to be available to all judges as a resource guide.

The Committee was charged with exploring the development of a web based clearinghouse for programs created by juvenile judges that would act as a resource for all judges. The Administrative Office JMIS Division developed a section for juvenile programs under the Illinois Courts Judicial Links on the Judicial Portal. A sub-committee will be formed to determine format, name of the link and criteria for including programs, etc. The sub-committee will develop a form that includes all relevant program and contact information and distribute that form to all judges and probation departments. Additionally, the Committee liaison and a sub-committee member will review those programs submitted before being uploaded to the Illinois Courts Judicial Links.

3. Collaborate with the IJC Committee on Education on creating a bi-annual conference for juvenile court judges

As a final project, the Committee was asked to collaborate with the IJC Committee on Education on creating a bi-annual conference for juvenile court judges. Juvenile court judges

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have unique issues, as well as the need for continuing education and networking opportunities with other juvenile judges. A letter was sent from the Committee Chair to the Chair of the Education Committee requesting the consideration of a bi-annual conference for juvenile court judges. The Committee proposed the convening of a small planning workgroup consisting of members from both Committees to identify specific trends, possible speakers and overall format of the conference.

Goals of the conference include:

- Provide a networking opportunity for juveniles judges across the state to identify strategies to address juvenile related issues.
- Educate juvenile judges on trends with youth in the courtroom related to child-well being; such as education, substance abuse, child-well being factors.
- Highlight innovative programs and interventions in juvenile justice and child welfare.
- Inform judges on the policies and procedures of the Department of Children and Family Services and the Illinois Department of Juvenile Justice.

A joint workgroup has been formed and includes Judge George Bridges and Judge Christy Solverson from the Committee on Education and Judge Jennifer Bauknecht, Judge Stuart Katz and Judge Colleen Sheehan from the Juvenile Justice Committee.

III. PROPOSED ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During Committee meetings, discussion occurred on the Committee exploring mandatory minimal educational requirements for attorneys handling juvenile abuse and neglect cases. The Committee began researching and compiling information regarding attorney requirements from other states. In addition, the Committee reviewed the Supreme Court 900 Series Rules as a possible appropriate option to develop a new Rule requiring education for juvenile attorneys and the CLE Board rules and regulations for potential compliance monitoring.

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The Committee requests that it be permitted to explore this issue further in the 2016 Conference Year and to determine whether it is appropriate to recommend minimal education requirements for juvenile abuse and neglect attorneys.

The Committee also requests that it be permitted to explore the issue of shackling youth in court, including current standards and trends and whether it is appropriate to make any recommendations related to the shackling of youth in court.

Lastly, the Committee requests that it be permitted to continue its' work on the web-based clearinghouse for programs developed by juvenile judges.

IV. RECOMMENDATIONS

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

- A.** The development of a bi-annual conference for juvenile court judges.

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

Hon. M. Carol Pope, Chairperson

Clerk Carla Bender
Hon. 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. Diane Lagoski
Hon. Joseph G. McGraw
Hon. S. Gene Schwarm
Hon. Christopher C. Starck
Mr. John E. Thies, Esq.
Hon. Linnea E. Thompson

October 2015

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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 2016.

II. SUMMARY OF COMMITTEE ACTIVITIES

A. Committee 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

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

B. Conference Year 2015 Projects/Priorities

Under the leadership of the Supreme Court and in collaboration with the Administrative Office of the Illinois Courts, the work of the Committee for the 2015 Conference Year centered primarily on finalizing and implementing the court-user survey. The idea of a statewide court-user survey was first introduced at the Future of the Courts Conference in 2013. In Conference Year 2014, the Committee developed the survey using the National Center for State Courts CourTools' Access and Fairness Survey as a template. The Committee then modified the survey after receiving input from various sources including the Conference of Chief Circuit Judges and experts from Loyola University Chicago. The final version of the survey was approved by the Supreme Court for implementation statewide. The design of the survey is to ask court-users exiting the courthouse to complete a brief questionnaire regarding their experience in court and their opinion of the court system. A major goal of the survey is to assess the quality of services provided by the court. Such matters may include users' views on how well they were treated, how easily they were able to obtain information, whether they felt they were heard in court, and whether they perceived the end result as fair.

Per the direction of the Supreme Court, the Committee coordinated with the Conference of Chief Circuit Judges to implement the survey statewide. The Chair spoke at meetings of the Conference of Chief Circuit Judges in January and March of 2015. At these meetings, the Chair discussed the survey, solicited feedback and responded to questions and concerns. Each Chief Circuit Judge was provided with individualized survey instructions, marketing materials

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including posters and sample press release language, English surveys, Spanish and Polish surveys upon request, and survey deposit boxes. Each county within each circuit was assigned a minimum number of surveys to complete. These numbers were assigned taking into consideration the number of new filings that county had within a year. Also taken into consideration were feasibility of collection and collecting enough surveys to provide meaningful data analysis for each county and circuit.

With the generous assistance and cooperation of the circuit courts, the survey was conducted in every county courthouse in Illinois from April 13, 2015 to May 1, 2015. The Chief Circuit Judge had discretion to determine the days within this time period the survey was conducted in his or her circuit. Instructions from the Committee to the circuits suggested the days chosen be typical court days for each site and sufficient in number to achieve collection of the assigned minimum number of completed surveys for each county in the circuit. A few counties began their surveys just prior to the April 13th start date or ended their survey implementation just after the May 1st end date in order to ensure they achieved collection of the assigned minimum number of completed surveys.

The individuals surveyed included but were not limited to litigants and their families and friends, victims and witnesses, attorneys (including assistant state's attorneys and public defenders), law enforcement officers, jurors, individuals doing record searches or having other business at the clerk's office and individuals conducting any other type of court business. Because the survey was designed to assess the views of the court's users, judges and court staff were excluded. Over 12,000 completed surveys were collected across the state. The Administrative Office of the Illinois Courts contracted with Loyola University Chicago to

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compile the data from the surveys and perform data analysis of survey results, including statewide data analyses and general individual circuit data analyses.

In addition to the Court User survey, the Committee developed and distributed a survey for circuit clerks at their meeting on April 28, 2015. Eighty-four survey responses were received, which constituted an 82% response rate. The survey was designed to elicit information about how court fees are used, electronic filing and self-represented litigant resources.

The Committee has established communications with the Conference of Chief Circuit Judges, the Access to Justice Commission, and the e-Business Policy Advisory Board and e-Business Technology Committee in order to keep abreast of developments related to strategic planning and to collaborate where possible.

III. PROJECTS KEY TO PROGRESS

In consideration of the Supreme Court's directives to the Committee, the below projects, some of which are being undertaken by other Supreme Court Committees, Boards and Commissions, are identified by the Committee on Strategic Planning as being important and essential to ensure progress in the court system.

A. e-filing and e-guilty pleas

Technology designs are fragmented in the 102 counties of the State. These obstacles must be overcome to accomplish e-filing throughout the State. The e-Business Policy Advisory Board and e-Business Technology Committee are working on this difficult project.

B. Websites

Websites for every courthouse should be in place and user friendly. Currently, only 10% of circuit clerks responding to the Committee's survey have a website hosted and maintained by

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the Circuit Clerk. While 48% of Circuit Clerks reported a presence through a county hosted website, circuit clerks should be supported in developing court-specific websites that enhance users' abilities to obtain information and transact business remotely.

Likewise, circuit courts should also have websites available either in conjunction with Circuit Clerk websites or autonomously. Websites for circuit courts could include, for example, local court rules, contact information, courthouse accessibility information for the disabled, information on interpreter services, information on child care services, parking and public transit information, courtroom procedures (e.g. courtroom standing orders), frequently asked questions, orientation videos for jurors and self help videos that explain court procedures to court users. A virtual tour of the courthouse could be posted on each website so visitors to the website can familiarize themselves with the location of courtrooms and offices.

C. Self Help Center

A centralized, statewide self help center, staffed by one or two attorneys who could answer court user procedural questions on line, could be a major benefit for court users. This center could be coordinated with Legal Aid online.

D. Credit and Debit Cards

Credit and debit cards should be accepted at all Circuit Clerks' offices, as well as online pay options.

E. Uniform Forms

Litigants, attorneys, or anyone filing court documents should be able to find forms online that can be filed in any county in the state. A Forms Committee that is part of the Access to Justice Commission has made progress on this project.

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IV. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During the 2016 Illinois Judicial Conference year, the Committee requests it be permitted to:

1. Create strategic plans based on the results of the court-user survey.
2. Coordinate with the Administrative Office of the Illinois Courts in soliciting more detailed and localized analyses of the court-user survey results.
3. Create other statewide court satisfaction surveys for judges, court staff and other court personnel.
4. Establish an open dialogue between the Committee and other Supreme Court Committees, Commissions and Boards and Judicial Conference Committees in order to better develop strategic plans and avoid duplicative strategic planning.
5. Continue the process of developing strategic plans aimed at creating a more unified court system including investigating the efficiency of the current clerk of court structure and investigating the possibility of a single realistic, reliable, and comprehensive source of funding for the courts.

V. RECOMMENDATIONS

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

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ALTERNATIVE DISPUTE RESOLUTION COORDINATING COMMITTEE

CONFERENCE YEAR 2015

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.

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Advisors

None

COMMITTEE STAFF LIAISON: B. Paul Taylor

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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.

COMMITTEE ROSTER

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Marc D. Ginsberg, Professor, Reporter	Hon. Michael J. Sullivan
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COMMITTEE STAFF LIAISON: Danielle E. Hirsch

2015 REPORT

Criminal Justice Committee

CONFERENCE YEAR 2015

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.

COMMITTEE ROSTER

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Advisors

None

COMMITTEE STAFF LIAISON: B. Paul Taylor

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Committee on Education

CONFERENCE YEAR 2015

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.

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COMMITTEE STAFF LIAISON: Cyrana Mott

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COMMITTEE ON JUVENILE JUSTICE

CONFERENCE YEAR 2015

Statement of Purpose:

To advise the Judicial Conference in matters affecting juvenile justice.

General Charge:

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

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Hon. April G. Troemper

Advisors

None

COMMITTEE STAFF LIAISON: Heather Dorsey

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COMMITTEE ON STRATEGIC PLANNING

CONFERENCE YEAR 2015

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.

COMMITTEE ROSTER

Conference Members

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Hon. Mary Ellen Coghlan	Hon. Christopher C. Starck
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Advisors

Carla L. Bender, Clerk	Hon. M. Carol Pope
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**COMMITTEE STAFF LIAISONS:
Katherine E. Murphy and Jan B. Zekich**

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