

FOR IMMEDIATE RELEASE

February 27, 2003

SUPREME COURT FORMS COMMITTEE TO STUDY RULE 23

The Supreme Court of Illinois announced Thursday a special committee to study Supreme Court Rule 23, which allows the Appellate Court to issue summary orders and unpublished opinions in cases which do not have precedential value.

Supreme Court Rule 23, which was adopted in 1972 and amended most recently in 1994 to foster judicial economy, is designed to limit the number of published appellate decisions to those that create new law, modify existing rules or address conflicts from rulings among appellate courts in the five judicial districts of the state.

It also limits the number of opinions which the Appellate Court in each of the five districts may write, and imposes a 20-page limit on appellate opinions and a five-page limit on dissents.

There has been some criticism of the rule from lawyers who believe that some important points of law are contained in the unpublished rulings and that they should be able to cite those rulings in their arguments in other cases for their persuasive value.

Some judges have also criticized the rule for the limits it places on the number and length of appellate court opinions.

To try to address the concerns, the Supreme Court established a 22-person committee to review the rule. Appellate Court Justice Thomas R. Appleton of the Fourth Judicial District in Springfield and J. Timothy Eaton, a Chicago lawyer and former president of the Illinois State Bar Association were appointed co-chairpersons of the committee.

“The Court is aware of the concerns surrounding implementation of Rule 23 and is confident that the Special Committee will review those concerns, and make recommendations to the Court where appropriate,” said Chief Justice Mary Ann G. McMorrow.

Any changes in the rule must come from the Supreme Court directly.

MORE

Rule 23 Committee
Add One

Other members of the committee are:

Circuit Court Judge George J. Bakalis, Wheaton; Robert G. Black, attorney, Naperville; Ellyn J. Bullock, attorney, Champaign; Circuit Court Judge Dennis K. Cashman, Quincy; George T. Cenar, Jr., director of research for the Appellate Court (First District), Chicago; Circuit Court Judge James J. Conway Jr., of Aledo; Louis E. Costa, clerk of the Appellate Court (Fifth District), Mount Vernon; Gino L. DiVito, attorney and retired appellate justice, Chicago; Chief Circuit Judge Edward C. Ferguson, Edwardsville.

Appellate Judge Joseph Gordon, presiding justice, First Division, Chicago; Appellate Justice Alan J. Greiman, chair, Executive Committee, First Judicial District, Chicago; Appellate Justice R. Peter Grometer, North Aurora; Appellate Justice Shelvin Louise Hall, Chicago; Appellate Justice Clyde L. Kuehn, Belleville; Appellate Justice Mary W. McDade, Peoria; David A. Novoselsky, attorney, Chicago; Michael W. Rathsack, attorney, Chicago; Michael T. Reagan, attorney, Chicago; Associate Judge James M. Schreier, Chicago; Circuit Judge Darryl B. Simko, Chicago.