



Supreme Court of Illinois

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SUPREME COURT RULES COMMITTEE SEEKS COMMENT ON PROPOSAL TO EXPEDITE APPEALS AFTER FINAL JUDGEMENTS IN DELINQUENT MINOR PROCEEDINGS

The Illinois Supreme Court Rules Committee is seeking comment on proposals providing for expedited appeals from final judgements in delinquent minor proceedings and allowing a defendant's appearance via closed circuit television or video conferencing.

These proposals, and others, will be aired at a public hearing of the Supreme Court Rules Committee on Monday, December 10, 2012 at 10 a.m. in Chicago.

Anyone wishing to testify at the public hearing should advise the Committee in writing no later than Monday, December 3.

Proposal 12-06 would create a new Supreme Court rule that would expedite the appeals process of final judgements in delinquent minor proceedings occurring under the Juvenile Court Act of 1987. The proposal includes placing a special caption on all notices, motions and pleadings filed in relation to the appeal by any party; serving the notice of appeal on the trial judge; requesting the trial judge take all action necessary to expedite preparation of the record on appeal, including requesting the assistance of the chief judge to resolve filing delays; and authorizing the chief judge of a circuit to assign or reassign court reporting personnel's work as deemed necessary to ensure compliance with filing deadlines.

The proposal establishes the deadline for filing the record of appeal within 35 days after filing of the notice to appeal. Briefs from the appellant would be due within 28 days from the filing of the record on appeal. The brief from the appellee would be filed within 28 days of the appellant's filing.

If an oral argument is requested by a party, the appellate court would have up to seven days from the due date of the appellant's reply brief to determine whether the case should be called for oral argument. Under the proposal, the appellate court would issue its decision within 150 days after the filing of the notice of appeal.

The proposal was offered by the Illinois State Bar Association.

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Rules Committee Public Hearing Add One

Another proposal up for discussion at the hearing would allow a defendant in custody, in either a criminal or civil case, to make a personal appearance by closed circuit television or computerized video conferencing.

The proposed new Supreme Court rule would allow a chief judge to permit a confined defendant's personal appearance via two-way audio visual communication, either through video conferencing or closed circuit TV, for proceedings including an arraignment, a status hearing, an initial appearance before a judge on a criminal complaint at which bail will be set, and during a waiver of a preliminary hearing or presentation of a jury.

The proposal would also allow a defendant to make an appearance via closed circuit TV or video conferencing for certain proceedings that require him or her to be physically present, upon waiver of the defendant's right to be physically present. Those proceedings include waiver of counsel, pleas of guilty or stipulations sufficient to convict, hearings concerning any and all disclosure to the accused and/or to the prosecution, and admissions or stipulations in proceedings to revoke probation, conditional discharge or supervision.

Other proposed amendments or new rules relate to a stay of proceedings to enforce a judgement pending appeal; the timeline for filing a petition for leave to appeal a Rule 23 order by a non-moving party; extending the time frame in which an adverse party, through an affidavit, can point out inaccuracies in a public record that could be admissible in evidence as admitted facts in the case; and providing that transcripts of proceedings for the record on appeal not be supplied automatically but rather upon request of any party.

The Rules Committee, under the chairmanship of Appellate Justice John B. Simon, is hopeful of a beneficial exchange of public comment on the issues at hearing.

Those wishing to testify in person at the hearing on any of the proposals should direct written correspondence to mmeis@court.state.il.us or by hard copy to:

Supreme Court Rules Committee
c/o Administrative Office of the Illinois Courts
222 N. LaSalle Street, 13th Floor
Chicago, Illinois 60601

The hearing will be held December 10, 2012 beginning at 10 a.m. in Room C-500 of the Michael A. Bilandic Building at 160 N. LaSalle Street in Chicago.

The proposed amendments are available on the Supreme Court website at:

www.state.il.us/court/SupremeCourt/Public_Hearings/Rules/

None of the proposed rules will take effect unless specifically approved by the Supreme Court.

Chief Justice Thomas L. Kilbride serves as Supreme Court liaison to the Rules Committee.