



# A MESSAGE FROM CHIEF JUSTICE THOMAS R. FITZGERALD

**O**n behalf of my fellow Justices of the Supreme Court of Illinois, our Administrative Director, Cynthia Y. Cobbs, and the more than 950 judges who serve Illinois' unified court system, it is both my distinct pleasure and an honor to present the **2009 Annual Report of the Illinois Courts**.

The role of the Illinois courts is to protect rights and liberties guaranteed by the constitution and laws of the United States and the State of Illinois, to impartially uphold and interpret the law, and to provide open, just, and timely resolution of all matters before the courts. I am gratified to report that the integrity and efficiency of Illinois' judiciary remains strong and secure, in spite of the challenges we face annually for our court system.

As the global economy continued to falter in 2009, the Illinois courts were not exempt from the challenge to deliver justice with dramatically reduced resources. Throughout the nation, state courts are experiencing increased caseloads and dwindling resources, even struggling in some instances to keep courthouse doors open. Here in Illinois, our trial courts, consisting of 23 circuit courts situated throughout the state's 102 counties, also face similar challenges. With continued cooperation and coordination, the circuit courts weathered a storm of budget cuts, diminished number of court personnel and reduced work hours. In spite of these difficulties, the delivery of justice to the people of Illinois has been consistently maintained. As trial courts are often the public's only exposure to the legal system, continuing daily operations was especially critical, and I praise the local circuits for their efforts in this regard.

The companion book to the Administrative Summary, the Statistical Report, provides information on the number and types of cases

filed and disposed of in our courts over the course of the 2009 calendar year. What follows here are merely snapshots of the non-adjudicative work of our courts which is no less an essential component in the continuing endeavor to administer justice to the citizens of Illinois.

Over a century ago, probation was established as part of the newly formed juvenile court in Cook County, Illinois, the first juvenile court in our nation. Since its development, probation has been an invaluable tool in the arsenal of sentencing options available to criminal trial court judges. Having as the overarching goal, the promotion of public safety through the effective supervision of offenders in the community, probation links our justice system's many stakeholders, including the courts, law enforcement, prosecution, defense bar, and victims as well as mental health, drug, alcohol, and family services providers. Operating under the authority of the Supreme Court, the longstanding mission of probation is to reduce crime and restore offenders, both adult and juvenile, to useful and accountable citizenship. These are not easy tasks.

Without a doubt, among the most critical financial and operational issues faced by the Illinois courts in 2009 was the 45% reduction in state appropriations to the Supreme Court to sustain the system of adult and juvenile probation. So woefully inadequate was the 2009 funding that the likelihood of massive reductions in the probation workforce was made certain, thereby compromising probation departments' ability to supervise the more than 115,000 probationers in our state. Out of this fiscal crisis emerged the Court's strengthened commitment to allocating its resources consistent with the principles of evidence-based practices, in which the highest risk offenders receive the predominant focus of case

management, supervision strategies, and clinical – behavioral interventions to reduce the risk of re-offending. Nevertheless, given the gravity of the situation, I urged the Governor to restore funding for these vital services. Those of us charged with the delivery of probation services here in Illinois are grateful for the Governor’s favorable response to our request, which diminished, in part, the dismantling of a long established system of community corrections.

Since its establishment over a decade ago, Illinois’ New Judge Mentor Program has well served our judiciary by pairing an experienced judge to mentor, offer counsel and suggest practical solutions to problems, with a new judge who has transitioned from the bar to the bench. In 2009, the Supreme Court inaugurated the Peer Judge Mentor Program. Patterned, in large part, after the New Judge Mentor Program, this new program was first conceived and implemented as a component of the Court’s 2008 Judicial Performance and Accountability Strategies. The Peer Judge Mentor Program formalizes and strengthens practices in which a seasoned jurist provides mentoring and models problem-solving strategies to aid a judicial colleague in resolving issues that might otherwise interfere with judicial performance. Once the Court’s Judicial Mentor Committee and our Administrative Office complete the design of the peer mentor certification curriculum, presiding appellate court judges and chief circuit judges will have at their disposal a cadre of experienced judges whose work as peer mentors will aid in heightening the public’s confidence in our judiciary.

In 2009, the Supreme Court fostered initiatives for expanding our successful continuing judicial education programs. Continuing education offers the best means by which to ensure that Illinois’ judiciary has highly trained and well informed jurists, thereby enhancing our collective capacity to provide fair and accessible justice for all. The 2009 Advanced Judicial Academy, our fifth series of this biennial event, was held in June and offered a week long program entitled “*Judicial Decision Making in a Democratic Society.*” This intensive conference offered presentations, critical analysis, and discussion concerning internal and external factors that impact judicial decision making. More than 70 Illinois judges participated in the Academy which was jointly planned and presented by the Illinois Judicial Conference Committee on

Education and the Administrative Office.

Although a core component of the Court’s Comprehensive Judicial Education Plan, the Academy is but one of several education programs made available to Illinois judges through our judicial education division annually. The Court’s Plan mandates all Illinois judges to biennially complete 30 hours of continuing judicial education. Those requirements may be satisfied through attendance at the week-long biennial Education Conference. In 2009, planning for the design and delivery of Education Conference 2010 was completed, again through the joint efforts of our Administrative Office and the Committee on Education. “Ed Con 2010” will be presented in two sessions, one in February and the other in April 2010, with programming designed to address substantive law as well as the practical aspects of judging. Also under the auspices of the Supreme Court, the Appellate Court Administrative Committee, in coordination with the Administrative Office, presented the 2009 Appellate Court Conference entitled, “*The Founders and Their Constitution.*” Presented to the members of Illinois’ first tier reviewing court, this full day training seminar was delivered by the George Mason University Law and Economics Center, a nationally recognized public institution that has provided education programs to judges since 1976.

Annually, the federal government makes available funding to every state’s highest court in the form of Court Improvement Grants for the purpose of providing programming to improve outcomes for children who are the subjects of abuse and neglect. Illinois’ grant is administered by our Administrative Office. In 2009, a portion of the grant was utilized to fund a series of regional trainings to ensure best practices for attorneys who serve as prosecutors, public defenders, and children and family representatives in child abuse and neglect cases. Future grant funding is anticipated to enable the provision of appropriate training to other stakeholders who practice and deliver services in this arena.

The Supreme Court of Illinois has original and exclusive jurisdiction to regulate the practice of law in Illinois. Last year, in 2008, I and my colleagues administered the oath of office to more than 3,360 new Illinois lawyers. While there was a slight decrease in that number in 2009, we administered the oath of office to 3,140 new attorneys, bringing





the total number of licensed Illinois attorneys to just over 85,000.

Of vital importance in the Court's oversight of the legal profession are clear rules by which legal practitioners may conform their conduct. The Illinois Rules of Professional Conduct serve that purpose. Derived from the American Bar Association's Model Rules, and adopted by the Court in January 2009, the preamble to the new Rules provide a clear statement of our expectations of Illinois attorneys. "The practice of law is a public trust. Lawyers are the trustees of the system by which citizens resolve disputes among themselves, punish and deter crime, and determine their relative rights and responsibilities toward each other and their government. Lawyers therefore are responsible ... for maintaining confidence in the system of justice by acting competently and with loyalty to the best interest of their clients; by working to improve that system to meet the challenges of a rapidly changing society; and by defending the integrity of the judicial system against those who would corrupt, abuse or defraud it."

The Court approved the new Rules of Professional Conduct after an extensive process that included thousands of hours of work by judges, lawyers and legal ethics scholars, including Supreme Court committees coordinating with the Illinois State Bar Association and the Chicago Bar Association. With their adoption, the rules governing the legal profession in Illinois recognize the evolving practice of law to a more global emphasis, compounded by the growing complexity in, not only the practice of law, but in our culture and our world. These new rules provide Illinois attorneys with an ethical framework for 21st century national and international practice standards.

In keeping with the Court's desire to create greater public access and understanding of the judicial branch, the Court and the Administrative Office work continuously to make court information more accessible and user-friendly to a wider and more diverse public audience. The Supreme Court's website now contains a judicial events link that provides the entirety of the Court's special events which can be viewed by the public. In August 2009, the Court added a Twitter account to its website to expand access to court information. Twitter, a high volume social network site, offers users an alternative to e-mail and provides

automated e-mail messages to subscribers notifying of new information posted to the Court's website. Court news is now "tweeted" on a regular basis by the Administrative Office to over 600 court Twitter account subscribers. To provide further access to court matters, audio recordings of all oral arguments in the Illinois Appellate Court became available on the Court's website in November 2009. The Supreme Court has been posting both video and audio recordings of its oral arguments since January 2008.

Twenty-six days after the devastating September 11, 2001 attacks on our nation, the United States launched Operation Enduring Freedom as the first phase of our war on terrorism that continues today in both Afghanistan and Iraq. The ensuing struggle to preserve our nation's freedom, democracy and way of life is primarily borne by our citizens who serve in our military. The toll of combat is not simply the sum of physical casualties and death of any nation's sons and daughters in a war zone. Many veterans, not limited to those who have so bravely served in Afghanistan or Iraq, but also this nation's earlier conflicts, return from war only to battle other difficulties, whether it be post-traumatic stress disorder, alcoholism, or family conflicts. These burdens often bring veterans into our justice system.

In 2007, through the assistance of the Illinois Department of Veterans' Affairs, the Illinois State Bar Association and The John Marshall Law School, the Court coordinated a joint initiative to support Illinois veterans in obtaining legal services and assistance with disability and educational benefits. Since that time, this effort has flourished and has resulted in the recruitment, training, and match of lawyers with veterans to provide legal advice and services, on a *pro bono* basis. The Veterans Legal Support Center and Clinic at the John Marshall Law School is now approaching its third anniversary and lists over sixty (60) attorneys who have accepted *pro bono* cases from the clinic to aid our veterans. In November 2009, it was my pleasure to serve as a panelist at the Clinic's annual conference to focus on veterans and the courts. Entitled *Checkpoints and Roadblocks: The Intersection of Veterans and the Law*, the conference provided a rich array of learning opportunities for those who seek to provide legal assistance to our veterans.

Notably, there are a growing number of Veterans Courts being developed in Illinois trial

courts as a new approach in the criminal justice system. Such specialty Veterans Courts, designed for veterans who have broken the law, are modeled after drug courts which allow defendants to avoid county jails or state prisons by agreeing to specialized community-based treatment and monitoring, usually provided with the assistance of the court's probation staff. While these courts are relatively new, both in Illinois and nationally, their effectiveness will be tracked as they seek to help stabilize those veterans who struggle in civilian life.

The year two-thousand and nine marked the 200th anniversary of the nation's 16th president and Illinois' native son, Abraham Lincoln. President Lincoln's legacy of principled and visionary leadership during the time of this nation's greatest internal crisis, the American Civil War, and his preservation of the Union, continue to offer endless opportunities from which all may learn. Fondly recalled as the "country lawyer from Illinois," and renowned for his staunch advocacy on behalf of the common man, President Lincoln continues to prevail as the most prominent architect of Illinois' legal landscape. In January, I was privileged to convene a special session of our Supreme Court to honor the accomplishments of Abraham Lincoln during the 200th anniversary year of his birth. The Court proudly and humbly received a specially rendered bust of Lincoln presented by the Illinois State Bar Association. The bust, created by internationally recognized Lincoln sculptor John McClarey, is entitled "*Prairie Lawyer, Master of Us All*" and now graces the marbled corridors of our Supreme Court building in Springfield, Illinois. I invite all who visit or live in Springfield to visit the Court and to view this treasure, the newest among many historical artifacts housed inside the courthouse.

In the spring of 2009, the Court paused to mourn the loss and to pay tribute to two of its most esteemed justices who have now passed away, the Honorable Justice Howard C. Ryan and the Honorable Justice Joseph F. Cunningham. Both Justice Ryan and Justice Cunningham left an indelible mark on the Supreme Court and enduring legacies for the citizens they ably served. Justice Ryan served on the Supreme Court for 20 years, from 1970 to 1990, sitting as the Court's chief justice from 1982 to 1985. Justice Cunningham was twice appointed to serve on the Court, first, from 1987 to 1988 and, again, from 1991 to 1992.

Justice Cunningham's service to the judiciary is further distinguished by his appointment by the Court to serve as the Director of the Administrative Office from 1990 to 1991. Most assuredly, both Mr. Justice Ryan and Mr. Justice Cunningham will be remembered for their great passion for the law which is reflected and forever memorialized in the learned opinions which recite as the author, their names. Better yet, they will be revered for their depth of character and compassion for the citizens they served. We continue to honor them and, here on these pages, now further memorialize our great admiration and gratitude for their service.

In closing, I would like to note the crucial work of the Administrative Office which, pursuant to Article VI of the Illinois Constitution, serves as the administrative arm of the Supreme Court. Headed by the Supreme Court's Administrative Director, Cynthia Y. Cobbs, and under her leadership, the Administrative Office provides organizational, administrative and technical support to all three levels of Illinois' courts and serves as liaison to the Supreme Court's various committees. The Administrative Director and staff work with the Chief Justice and the Court to prepare, present and follow-up on the policy matters affecting the judiciary, including fiscal and program matters, rules, and topics related to the other branches of state government and to entities which are involved in, or have an interest in the administration of the judicial branch. Detailed descriptions of the responsibilities and programs of each of the divisions of the Administrative Office are contained later in this publication.

I invite your review of the **2009 Annual Report** detailing the accomplishments of the Illinois Judicial Branch and the Administrative Office. I congratulate and thank all who were involved in our continuing efforts to ensure that Illinois justice remains of the highest quality.



Thomas R. Fitzgerald  
Chief Justice

