



A MESSAGE FROM CHIEF JUSTICE THOMAS L. KILBRIDE

On behalf of the Illinois Supreme Court, I present the 2012 Annual Report of the Illinois Courts. I welcome this opportunity to inform the citizens of Illinois about the many achievements and initiatives of the Court during the past year, as well as our continuing efforts to promote judicial transparency, fiscal efficiency, and access to justice for all in our courts. With the able assistance of our Administrative Office and the more than 950 judges serving Illinois' court system, I am pleased to report that the Court continues to fulfill, and improve upon, the core mission of the judicial branch: to protect individual rights and liberties through the impartial interpretation of the law and the efficient and fair disposition of all judicial matters.

The Annual Report is presented in two volumes. This message is in the Administrative Summary that also includes the Court's report to the General Assembly on the activities of the Illinois Judicial Conference, information on state and local funding for the courts, and overviews of the operations of our court system. The Administrative Summary acquaints the public with the officers and employees of the Illinois Supreme, Appellate, and Circuit courts through pictures and text, promoting a better understanding of our roles and responsibilities. The second volume, the Statistical Summary, provides data on the numbers and types of cases filed and disposed of in the Supreme, Appellate, and Circuit courts during 2012. The Statistical Summary includes graphs presenting five-year trends in total caseloads, as well as in specific types of cases.

During 2012, the officers and employees

of the Illinois judicial branch continued the ongoing work of delivering justice and assuring efficient access to the courts in spite of dwindling resources. The difficulties presented by the current fiscal situation has challenged – and will continue to challenge – the Court to develop new strategies, implement technology initiatives, and explore other ways to maintain the successful operation of the judicial branch. I am proud of our vigilant fiscal stewardship and our efforts to develop creative approaches to weathering the difficult financial climate faced by all branches of Illinois government. The judicial branch has consistently fostered improvement in providing full and fair access to the court system while making great progress in incorporating the latest technological innovations. We can, and must, continue to pursue additional advancements in technology to further the efficiency and responsiveness of our courts.

I continued to make the modernization of the day-to-day operations of our court system a top priority during 2012, my second full year as Chief Justice. The practice of law will increasingly be conducted through electronic means, and the justice system must keep pace with these changes. While more remains to be done, I envision a future where all Illinois circuit clerks will be able to greatly reduce, or even eliminate, the need to purchase paper and folders for case files.

Technological efficiencies also assist the Court's strong commitment to improving full and fair access to justice and advancing initiatives to increase meaningful access to Illinois' court system for all people, regardless of financial ability, physical challenges, or

limited proficiency in the English language. Everyone deserves the same access to, and understanding of, the functions and operations of our courts. I am proud of the progress we have made toward these goals.

Adhering to the guiding principles of efficiency, innovation, and access to the courts, the Court oversaw the continued improvement of critical court functions and the implementation of several important new initiatives. I am proud to highlight some of our major accomplishments in 2012.

E-Business in the Illinois Courts

Throughout 2012, the Court continued to enhance its use of technology by announcing several new rules authorizing the electronic filing (“e-filing”) of documents with our courts, another step supporting the long-term goal of making e-business universal throughout the Illinois court system.

In January, we initiated a pilot project authorizing the e-filing of documents with the Illinois Supreme Court. The pilot project allowed the Illinois Attorney General, the State Appellate Defender’s Office, and the Office of the Illinois State’s Attorneys Appellate Prosecutor to file motions, briefs, and other related documents digitally with the Clerk of Court through a secure password system run by a vendor. We expect the expansion of this pilot project to allow all Illinois parties and litigants to take advantage of e-filing and all its benefits, such as simplified filing procedures, easier access to court documents, and cost savings to litigants and taxpayers.

Several Illinois counties took advantage of another Court pilot project initiated in 2011 that provides for electronic trial court records on appeal. The pilot program allowed attorneys, parties, and appellate justices to view, access, and work electronically from the official record of cases on appeal from the trial court; the paper record, however, would be available to parties who prefer that option. The electronic record includes transcripts of the trial and associated hearings, motions, as well as other pleadings and documents, but excludes exhibits and physical evidence such as weapons and clothing. The pilot project makes the physical transfer of the record unnecessary, eliminating the cost of repeatedly transporting the record back and forth from the Illinois Appellate Court Clerk’s office. Electronic access streamlines the process of preparing and working on appeals, benefitting lawyers and clients, the

court, and the taxpayers who fund our court system.

In October 2012, the Court introduced statewide standards authorizing all Illinois courts to implement the e-filing of court documents in civil cases. Initially developed by the Illinois Supreme Court Special Committee on E-Business, the new standards expand upon the five circuit court e-filing pilot projects that had been operating for several years to permit any of Illinois’ 23 (24 as of December 2012) judicial circuits to implement e-filing within their courts. Increased use of e-filing will enable courts throughout Illinois to manage civil dockets more efficiently and less expensively.

One of the Court’s principal focuses is the protection of personal identity information. The new standards are intended to protect personal information such as social security numbers, driver’s license numbers, and financial account information from public dissemination. The Court also adopted new Supreme Court Rule 138 (partially effective July 1, 2013) to prohibit the filing of personal identity information except as required by law or court order and to establish requirements for confidentially filing any personal information. As amended, Rule 201 now prohibits the filing of any discovery documents with the court in civil cases without a court order due to the volume of personal identity information typically contained in those documents.

In addition, the Supreme Court created an “e-renewal” process, allowing law firms to renew their annual registration and pay the \$40 renewal fee electronically by using the Court’s e-filing service. Supreme Court Rule 721 requires law firms to renew their registration with the Supreme Court Clerk annually, and with e-renewal, firms may now remit payments in person, through the mail, or electronically.

Cameras in the Courtroom

To further its commitment to transparency and accountability within the Illinois court system, the Court initiated a pilot project allowing media cameras to record and broadcast proceedings in Illinois’ trial courtrooms. The objective of the policy is to provide public access to the day-to-day operations of the Illinois court system. Under this policy, media interested in covering a proceeding must make a request at least 14 days before the proceeding, and no more than two video cameras and two still photographers may be present in the courtroom at a time.



The trial judge is granted absolute discretion in making the determination of whether or not to allow extended media coverage of a proceeding, and the judge has the obligation to ensure that the litigants' rights to a fair and impartial trial are not compromised. Our policy allows the judge to hear and rule on objections by parties or witnesses to media coverage and prohibits media coverage of several types of actions, such as juvenile cases, divorce and child custody cases, and cases involving trade secrets. Additionally, the policy prohibits any media coverage of jury selection or of the jurors themselves.

The pilot project is implemented on a circuit-by-circuit basis. To be eligible to participate, a chief circuit judge must request approval from the Illinois Supreme Court. Approved circuits are required to file a report within a reasonable time after a proceeding is recorded to assist with the Court's evaluation of the pilot project and to aid in shaping future policies. During 2012, the Supreme Court approved nine judicial circuits to participate in the pilot project.

Supreme Court Commission on Access to Justice

The Court took another significant step last year in its mission to remove barriers blocking Illinois' poor and vulnerable residents from accessing the justice system. In June 2012, the Court announced the formation of the Illinois Supreme Court Commission on Access to Justice. The Commission is made up of 11 members, seven of whom are appointed by the Supreme Court, with the remaining four members appointed by the Illinois Bar Foundation, the Chicago Bar Foundation, the Lawyers Trust Fund of Illinois, and the Illinois Equal Justice Foundation, respectively. The Commission is charged with promoting, facilitating, and enhancing equal access to justice, with an emphasis on improving access to Illinois' civil courts and administrative agencies for all people, particularly the poor and vulnerable, many of whom come to court with limited English language proficiency or without legal representation. Specific tasks undertaken by the Commission include: providing language access information and assistance for people with limited English proficiency, creating standardized court forms to assist *pro se* litigants, and addressing other accessibility issues. Underscoring the importance of the interests served by the Commission, new Article X of the Supreme

Court Rules was created, with Rule 10-100 providing for the creation of the Access to Justice Commission, its membership, terms, duties, and administration. Adopted in November 2012, Rule 10-101 addresses the development of standardized legal forms in certain proceedings.

Committee on Strategic Planning

The Committee on Strategic Planning of the Illinois Judicial Conference was formed by the Court in October 2012 to serve as a long-range "think tank" that will enable Illinois courts to adapt to future economic, technological, scientific, and social trends. Created by the Illinois Constitution, the Illinois Judicial Conference suggests improvements in the administration of justice. As part of the Conference, the Committee is made up of judges, lawyers, and other stakeholders in the justice system and is charged with identifying emerging changes and issues likely to impact the Illinois courts and justice system. The Committee is charged with developing strategies and tactics to address the identified trends and issues. Of the 13 members of the Committee, six are appointed by the Chief Justice, while the remaining seven members are selected by the Court from the Executive Committee of the Illinois Judicial Conference. As envisioned, the Strategic Planning Committee will work with various other Committees of the Judicial Conference to develop recommendations for the Executive Committee. If approved by the Executive Committee, the recommendations will be forwarded to the Illinois Supreme Court for consideration. The Strategic Planning Committee seeks to collaborate with a wide range of professionals involved with the judicial system, including State's Attorneys, public defenders, county officials, and officials in the legislative and executive branches of Illinois government. For 2013, the Committee planned a statewide conference on the future of the Illinois courts.

Attorney Registration Fees Increased to Help Fund Legal Services for the Poor

To increase funding for legal services in non-criminal cases to persons near or below the poverty line, the Supreme Court announced an increase in the annual registration fee required for Illinois attorneys. The fee rose from \$289 to \$342, with the entire \$53 increase remitted to

the Illinois Lawyers Trust Fund, an arm of the Court administering the funds received both by the registration fee and from the interest on lawyers' pooled client accounts, known as IOLTA funds. The weakened economy has dramatically impacted the funds administered by the Lawyers Trust Fund in two ways: the interest rates paid by banks on IOLTA funds have decreased, while the demand for legal services by those at or below the poverty level has increased. The increased registration fees will help offset funds lost from the decline in interest rates and enable the Lawyers Trust Fund to maintain its grants to the many important *pro bono* and legal aid programs in Illinois that work tirelessly to provide legal assistance to the state's most vulnerable residents. In addition, the Court announced that retired judges wishing to remain active on the state roll of attorneys will no longer be exempt from paying the registration fee required for attorney licensure.

New Rule Adopted to Assist in the Delivery of Legal Services in the Wake of Major Disasters

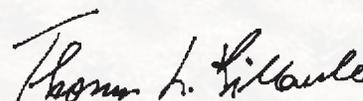
In April 2012, the Court adopted new Supreme Court Rule 718 to facilitate the delivery of legal services to Illinois residents in emergency situations resulting from major disasters. Referred to by the American Bar Association as the "Katrina Rule," named after the hurricane tragically decimating much of New Orleans, the rule is intended to address both natural and man-made emergencies, including tornados, hurricanes, floods, public health emergencies, and acts of terrorism. Under the rule, attorneys licensed in states other than Illinois would be authorized to provide *pro bono* legal services to Illinois residents in the wake of an in-state disaster and also to provide legal assistance to non-residents who have been displaced to Illinois due to a disaster in their home state. Application of the rule would be triggered by the Illinois Supreme Court's determination that an emergency or major disaster has occurred affecting the administration of justice in Illinois. Permission for attorneys practicing under the Rule to attend court appearances must be granted by the Court, and the *pro bono* legal services authorized under the Rule must be provided without the expectation of compensation. Those services must be supervised through an established non-profit legal services organization, bar association, or *pro bono* program.

New Rule Adopted to Allow Jurors to Submit Questions to Witnesses in Civil Trials

The Court announced a new Supreme Court Rule enabling jurors in civil trials to submit written questions to witnesses. Effective July 1, 2012, Supreme Court Rule 243 was adopted after extensive study and discussion showed that such a rule would enhance juror engagement, comprehension, and attention to the proceeding and, further, would give jurors a better appreciation for their role in the administration of justice. The Rule grants the trial judge sole discretion in its implementation and includes safeguards to ensure that testimony elicited from responses to a juror's question will comport with the applicable evidentiary rules. The trial judge initially reads the questions to all the attorneys outside the presence of the jury and gives counsel an opportunity to object. The judge rules on any objections and admits, modifies, or excludes each question. The judge asks permitted questions and instructs the witness to answer only the question presented. The judge then provides all counsel with an opportunity to ask follow-up questions limited to the scope of the new testimony. The adoption of Rule 243 brings Illinois in line with over half of the states, and all of the federal circuits, that have rules permitting jurors to submit questions to witnesses.

Conclusion

This message highlights only a few of the many undertakings and achievements of the Illinois Judicial Branch in 2012. I invite you to review the rest of the Annual Report. It provides a wealth of information on the functions and activities of the Illinois Supreme, Appellate, and Circuit Courts. Finally, on behalf of the Court, I extend a sincere thanks to all of the judicial branch officers and employees who constantly strive to provide the highest level of fair and equal justice possible and made 2012 a productive year for our court system. Our success requires the collective efforts and commitment of the entire judicial branch and our justice partners, and I am truly grateful for their good work and continued commitment.



Thomas L. Kilbride
Chief Justice
Illinois Supreme Court

