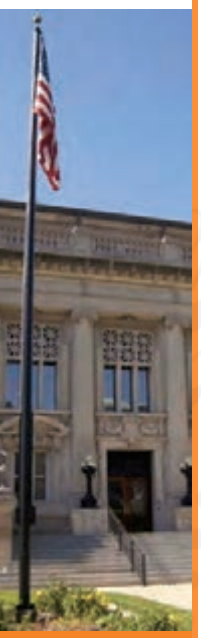
JUDICIAL CONFERENCE COMMITTEE ACTIVITIES



The **Judicial Conference of Illinois**, consisting of eighty-two judges, is responsible for suggesting improvements in the administration of justice in Illinois. The Executive Committee, composed of the chief justice and fourteen members of the Judicial Conference, reviews recommendations of the various committees and makes recommendations to the Supreme Court, resolves questions of committee jurisdiction, acts on behalf of the Judicial Conference between annual meetings, and performs other duties delegated by the Supreme Court. The Administrative Office of the Illinois Courts serves as Secretary of the Conference.

Alternative Dispute Resolution Coordinating Committee

Judge Patricia Banks, Chair
Cook County Circuit Court

The Alternative Dispute Resolution Coordinating Committee (Committee) monitors and assesses both court-annexed mandatory arbitration programs and mediation programs approved by the Supreme Court. During Conference Year 2011, the Committee continued to track mandatory arbitration statistics to determine program efficacy. In the area of mediation, the Committee continued to monitor the activities of the court-annexed major civil case mediation programs operating in eleven judicial circuits pursuant to Supreme Court Rule 99. The Committee undertook many initiatives prescribed by the Court during the conference year. Some of those projects included completing and distributing a settlement data initiative recommending implementation by arbitration circuits; recommending to arbitration circuits that all eligible attorneys be allowed to arbitrate regardless of residency; filming the arbitrator training video; finalizing and disseminating a satisfaction survey to arbitrators, arbitration attorneys and litigants; continuing dialogue with arbitration supervising judges and attorneys concerning the number of awards that are rejected; and continuing to develop a mentor training program for arbitrator chairpersons. The Committee also met with arbitration administrators and supervising judges of circuits with mandatory arbitration programs to discuss program operations and identify areas for improvement.

Automation and Technology Committee

Judge Adrienne Albrecht, Chair
21st Judicial Circuit

In 2011, the Supreme Court charged the Automation and Technology Committee to work with the Supreme Court's Special Committee on E-Business initiatives which made recommendations and developed guidelines for the expansion of e-Business initiatives in the state. The Committee's work began reviewing the existing trial court pilot projects functioning for electronic: filing, warrants, orders, tickets, and records on appeal. The Automation and Technology Committee provided input to the E-Business Committee from the standpoint of the judiciary, discussing issues and recommendations that advance e-Business initiatives in Illinois with specific focus on e-Filing, e-Access, and an electronic record. The Automation and Technology Committee also began discussing features and functions of case management systems that are important to judges in contrast to the primary record keeping function. The Committee hopes to continue this work and possibly address other technology areas such as privacy with regard to electronic access to court records.

Committee on Criminal Law and Probation Administration

Judge Leonard Murray, Chair
Cook County Circuit Court

During the 2011 Conference Year, the Committee on Criminal Law and Probation Administration reviewed and discussed several proposed amendments to Supreme Court Rules. The Committee was asked to comment on proposed amendments to Supreme Court Rule 402(d)(1), which would include language that gives the trial judge the discretion to participate in plea discussions upon request of the defendant. The Committee also discussed Rule 604(d). The first proposed amendment would expand the type of consultations, including phone and electronic means between a defendant and his/her attorney about his/her contentions of error prior to filing an appeal from judgments entered as a result of a guilty plea. The second proposed amendment to Rule 604(d) would expand the materials an attorney must certify as being reviewed before filing an appeal. Next was Rule 651(c), which would expand the type of methodology of consultations with the defendant about any post-conviction proceeding to include communications by phone and electronic means. The Committee was also asked to review a proposed amendment to Supreme Court Rule 431(b)(4), which outlines what is commonly known as the "Zehr" questions. The result of all these discussions led to recommendations being made to the Rules Committee. Finally, the Committee developed and disseminated an initial assessment to determine in each judicial circuit what specialty courts are in operation, what types of data are collected, and who is responsible for collecting the data.

Committee on Discovery Procedures

Judge Maureen E. Connors, Chair
First District Appellate Court

During the 2011 Conference Year, the Committee considered several proposals that were forwarded to it from the Supreme Court Rules Committee. The Committee voted not to recommend adoption of a proposal to amend Supreme Court Rule 201 to make clear that all written discovery responses, including documents and other information produced, must be served upon all other parties in a case, rather than service merely upon the party that propounded the discovery initially. Instead, the Committee adopted an alternative proposal to amend Supreme Court Rule 214 to require the responding party to identify but not attach the materials responsive to the request and either copy them or make them available for copying or inspection. The proposed amendment also requires that requests and responses be served on all parties entitled to notice. The Committee adopted a related proposal to amend Supreme Court Rule 216 to require that the request to admit and the response be served on all parties entitled to notice. The Committee also voted not to recommend a proposal to amend Supreme Court Rule 211 to provide that the rule only requires objections at evidence depositions and not discovery depositions. The Committee, however, voted

to recommend adoption of a proposal to amend Supreme Court Rule 208 to clarify that deposition fees and expenses of controlled expert witnesses should be borne by the party who has retained the expert witness and not the party deposing the witness. Likewise, the Committee voted to recommend adoption of a proposal to create a new Supreme Court Rule establishing a procedure for asserting privilege or work product following inadvertent disclosures in discovery. The Committee also focused its attention on the issue of e-Discovery. A subcommittee surveyed other states and case law on this issue as well as the report on the federal electronic discovery rules. In view of the subcommittee's research and recommendations, the Committee determined that it would propose amendments to the current discovery rules to incorporate the federal definition for electronically stored information. The Committee also determined that it would propose amendments to the current discovery rules to provide for a mandatory pre-case management conference mandating a meeting of the attorneys to address all discovery including any electronically stored information involved in the case.

Committee on Education

Judge Lisa Holder White, Chair
6th Judicial Circuit

The Supreme Court has given the Committee on Education a charge to develop and recommend a "core" judicial education curriculum for Illinois judges which identifies key judicial education topics and issues to be addressed through judicial education activities each Conference year. This charge includes the identification of emerging legal, sociological, cultural and technical issues that may impact judicial decision making and court administration. Based upon this core curriculum, the Committee develops, in coordination with the Administrative Office Judicial Education Division, seminars, conferences and workshops, for new and experienced judges, that include *Seminar Series, New Judge Seminar, Advanced Judicial Academy, Education Conference* and *Faculty Development*, a workshop for new and experienced judicial faculty. The Committee reviews and recommends to the Court, non-judicial conference judicial education programs for the award of judicial education credit. In addition, the Committee works with the Administrative Office to produce and update the following six Illinois Judicial Benchbooks: C*riminal Law and Procedure, Civil Law and Procedure, DUI/Traffic, Family Law and Procedure, Evidence* and *Domestic Violence*. The benchbooks are available to Illinois judges in hard copy, CD and on the judicial portal.

Study Committee on Complex Litigation

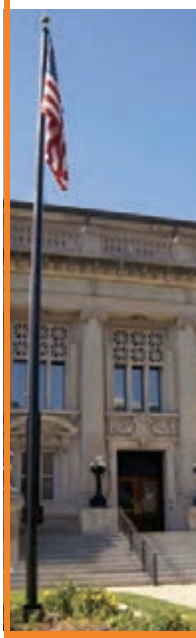
Judge Carolyn Quinn, Chair
Cook County Circuit Court

During the 2011 Judicial Conference Year, the Study Committee primarily focused its work on final review and revisions for the new Fourth Edition of the *Manual on Complex Civil Litigation*. Throughout the year, the Committee completed and approved the entire text, Chapters 1 through 9, and finalized the Fourth Edition for distribution, in hard copy and CD-ROM, by December 2011. The more streamlined approach taken for the Fourth Edition features far fewer footnotes. Instead of an appendix, form orders are included in several chapters for convenient downloading from the CD-ROM, and checklists have been added at the end of each chapter for a judge's easy and quick reference. With respect to other projects/priorities carried over from Conference Years 2009 and 2010, the Committee reviewed the *IJC Committee on Education Criminal Law and Procedure Benchbook* and considered appropriate revisions to the *Manual on Complex Criminal Litigation* in order to assure that the Criminal Manual would remain a unique resource for complex criminal cases. The Committee consensus was that comprehensive revisions to the Criminal Manual would be advisable. During Conference Year 2011, the Committee assigned a criminal subcommittee to review the Criminal Manual and determine which topics would remain and which would be stricken as duplicative of the Criminal Benchbook. The subcommittee created a detailed Table of Contents for the Criminal Manual which was approved by the full Committee. During Conference Year 2012, the subcommittee anticipates that it will continue to outline the chapter content and, when a full outline is completed, the Committee's Professor-Reporter will begin drafting new text and revising the current text for member review and editing.

Study Committee on Juvenile Justice

Judge Elizabeth A. Robb, Chair
11th Judicial Circuit

During the 2011 Conference Year, the Committee updated Volume I of the *Illinois Juvenile Law Benchbook*, which addresses juvenile court proceedings involving allegations of delinquency, addicted minors, minors requiring authoritative intervention and truant minors in need of supervision. It also addresses confidentiality and juvenile court records. The Committee also continued its study of the applicability of the two varying standards used in guardianship cases: (1) the best interests of the minor standard arising from the Juvenile Court Act and (2) the superior rights standard arising from the Probate Act. In conjunction with its study, the Committee reviewed the amendments to the Probate Act (755 ILCS 5/11-14.1) set forth in Public Act 96-1338, which became effective January 1, 2011. The Committee determined that it resolved the issue of guardianship standards because the amendment to the Probate Act precludes the termination of guardianship if the guardian establishes that termination would not be in the best interests of the minor. As a final matter, the Committee began studying the issue of disproportionate minority representation in juvenile justice and abuse and neglect cases. The Committee considered several resource materials on this issue as provided by the National Incidence Studies, MacArthur Foundation's Models for Change Initiative and the Haywood Burns Institute. The Committee determined that judicial education and training for judges is essential because there is a need to heighten awareness of judges as to possible biases toward minorities. The Committee also determined that there are various initiatives, including standardized arrest forms, school involvement, youth outreach services, group home training and family engagement efforts, addressing this issue in Illinois circuits. Having identified the available research on this issue, the Committee intends to begin the next step of identifying relevant programs for the Court's consideration.



Members of the Executive Committee of the Illinois Judicial Conference During 2011

Chief Justice Thomas L. Kilbride, Chair — **Michael J. Tardy**, Secretary

Adrienne W. Albrecht, Circuit Judge, 21st Circuit
Robert L. Carter, Appellate Judge, 3rd District
Mark H. Clarke, Chief Circuit Judge, 1st Circuit
Mary Ellen Coghlan, Circuit Judge, Circuit Court of Cook County
Lynn M. Egan, Circuit Judge, Circuit Court of Cook County
Timothy C. Evans, Chief Circuit Judge, Circuit Court of Cook County
Robert G. Gibson, Circuit Judge, 18th Circuit
Susan Fox Gillis, Associate Judge, Circuit Court of Cook County
Shelvin Louise Hall, Appellate Judge, 1st District
Elizabeth A. Robb, Chief Circuit Judge, 11th Circuit
Christopher C. Starck, Circuit Judge, 19th Circuit
John O. Steele, Appellate Judge, 1st District
Milton S. Wharton, Circuit Judge, 20th Circuit
Lisa Holder White, Circuit Judge, 6th Circuit