

**ANNUAL REPORT
OF THE
COMMITTEE ON EDUCATION
TO THE ILLINOIS JUDICIAL CONFERENCE**

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I. STATEMENT ON COMMITTEE CONTINUATION

The Committee on Education was established to identify ongoing education needs for the Illinois judiciary and to develop short and long term plans to address these needs. In Conference Year 2006, the Committee was charged with identifying emerging legal, sociological, cultural, and technical issues that may impact decision making and court administration and, based on these emerging issues, with recommending and developing programs for new and experienced Illinois Judges. Specifically, the Committee was charged with assessing the judicial education needs, expectations and program participation of Illinois judges and recommending topics and faculty for the annual New Judge Seminar, Seminar Series, Education Conference and the Advanced Judicial Academy. The Committee was also charged with the review and recommendation of judicial education programs, offered by organizations and entities other than the Supreme Court, to be approved for the award of continuing judicial education credits. To achieve its overall charge, several specific activities and priorities were established at the beginning of the Conference year, as follows:

- Develop and recommend a “core” judicial education curriculum for Illinois judges which identifies the key judicial education topics and issues to be addressed through the judicial education activities each Conference year;
- Recommend a plan to enhance the identification, recruitment and preparation of potential judicial education faculty members in each of the recommended core curriculum areas;
- Assess Illinois judges’ needs for comprehensive judicial reference documents, “benchbooks,” and self-study materials and recommend a plan, including a template for seminar materials, to meet the identified needs; and
- Recommend a plan for advanced use of technology to deliver judicial education programs, including web-casting, web-archiving, CD and DVD tutorials, and other “distance learning” options.

In March 2006, the scope and importance of these projects grew, with the Supreme Court’s adoption of Minimum Continuing Judicial Education (MCJE) provisions for all circuit, associate and appellate judges, through the presentation of an expanded 30-hour Education Conference in alternate years, beginning in 2008. Under the Court’s mandate, the expanded Education Conference will include a minimum of four hours of content addressing judicial conduct, ethics and professionalism issues and will ensure that all Illinois judges attain a minimum of 30 hours of continuing judicial education in each two year period, similar to the Minimum Continuing Legal Education requirements promulgated for Illinois attorneys. In adopting these provisions, the Court noted that it intends not only to ensure that Illinois judges attain minimum continuing judicial education hours, but also to ensure that judges have access to resources developed specifically

for the state's judiciary. To that end, the Court charged the Committee on Education with developing an expanded conference which meets the ongoing judicial education needs of both trial court and appellate judges.

A. Judicial Education Needs Assessment

A comprehensive Judicial Education Needs Assessment was a key element in achieving several of the Committee's charges, including the identification of current and future education needs for the Illinois judiciary, developing a "core" judicial education curriculum and assessing judges' needs for comprehensive judicial reference documents. Education Conference 2006 presented an opportunity to update the judicial education needs assessment, last conducted in 2004, and distribute a comprehensive survey to all Illinois judges for their input and suggestions.

The survey, which was distributed at the opening sessions of the Education Conference included questions regarding the key challenges judges face in each case assignment, their current seminar attendance patterns, any obstacles to participating in judicial education programs, and the types of speakers and faculty most beneficial to participants. The survey also asked questions about the types of seminar and reference materials most useful to judges as well as the topics and issues which should be addressed in future programs. Significant responses and findings include the following:

- 43.6% of trial judges responded to the survey. 22.5% of appellate judges responded.
- Respondents indicated that they attend judicial education programs primarily to learn about new case law and statutes, gain information from experts, enhance judicial knowledge and skills, and to network with other judges.
- Many judges indicated that they like small group discussions or other structured and informal opportunities to talk with other judges about specific problems or challenges and to apply the new knowledge or skills gained to the work they do.
- Judges indicated a strong interest in well-organized, concise and current outlines of governing law, checklists, tools and samples from other judges. Many judges specifically referred to "benchbook" format as the most useful format for providing materials and requested that materials be provided on CD-ROM.
- Judges stated that handling cases with *pro se* litigants presents significant challenges in criminal, civil and family law cases. Handling high-volume calls and staying current with frequent changes in case law and statutory authority were also cited as common challenges.

In response to questions regarding potential seminar or session topics, the following topics received the highest ratings. Topics were rated on a scale of 1 to 5, 1 signifying "no interest" and 5 indicating "great interest."

TOPIC:	RATING:
• Criminal Law & Procedure (Criminal Law)	4.0
• Search & Seizure (Criminal Law)	4.0
• Expert & Evidentiary Issues (Criminal Law)	4.0
• Constitutional Issues (Criminal Law)	3.9
• Jury Issues (Criminal Law)	3.9
• Sentencing (Criminal Law)	3.8
• Contempt (Courtroom Management)	3.8
• Judicial Decision Making (Courtroom Management)	3.8
• Evidentiary Issues & Experts (Civil Law)	3.8
• Damages (Civil Law)	3.8
• Judicial Writing (Courtroom Management)	3.7
• Caseflow Management (Courtroom Management)	3.7
• Trial Management (Criminal Law)	3.7
• Expert Witnesses (Civil Law)	3.7
• Injunctions (Equitable Remedies)	3.6
• Trial Management (Civil Law)	3.6
• Custody (Domestic Relations/Family Law)	3.6
• <i>Pro Se</i> Litigations (Multi Disciplinary Issues)	3.5
• Settlement (Courtroom Management)	3.5
• DUI Cases & Traffic (Criminal Law)	3.5

In addition to the overall Needs Assessment Survey provided to all judges at the Education Conference, the Administrative Office of the Illinois Courts also developed a customized survey for use by chief judges to provide additional feedback regarding the ongoing judicial education needs of judges with administrative and supervisory authority and to offer chief judges an additional opportunity to provide feedback regarding the judicial education needs of judges in their circuits. Results of this customized survey will be provided to the Committee on Education for analysis and consideration in conjunction with the overall Needs Assessment results.

B. Committee Workgroups

To fulfill the Supreme Court's 2006 Committee Charge, address the findings of the Judicial Education Needs Assessment, implement the Court's MCJE provisions, and continually enhance judicial education resources available to Illinois judges, the Committee established five workgroups to focus on key areas of judicial education activities. Each workgroup is comprised of Committee members and is provided extensive assistance by a staff liaison from the Judicial Education Division of the Administrative Office of the Illinois Courts. The workgroups began their work in February 2006, with initial reports at the April 2006 meeting. Workgroups will continue discussion and development of recommendations to be presented to the Committee in August 2006. An

overview of each workgroup and its charge follows.

New Judges Seminar Workgroup

This workgroup was asked to develop the curriculum, topics and faculty for the annual New Judge Seminar, for consideration and approval by the Supreme Court. Beginning in January 2005, the New Judge Seminar has utilized a “skills-based” approach to assist new judges in identifying and developing the skills of successful, effective jurists while maintaining sessions on substantive law on key topics. Under this curriculum, seminar faculty were asked to avoid attempting to impart all the information and black letter law available on a particular topic, which is difficult or impossible in the given time frames. Instead, seminar faculty were asked to identify the key information and knowledge new judges need and then focus on the critical skills and abilities new judges will need to develop. In response to this curriculum redesign, faculty have significantly increased the interaction, question-and-answer and problem-solving elements of the seminar. The seminar also included informational “kiosks,” which were brief fifteen-minute sessions on topics of specific interest or concern to new judges, such as conducting weddings, wrapping up a law practice, requests to seal court files, economic interest statements and the basics of court scheduling. These informal sessions provided a small group forum for new judges to ask questions and receive practical tips from more experienced judges.

The January and December 2005 programs both received an outstanding overall rating of 4.8 on a scale of 1 to 5, with new judges’ comments indicating that the program provided valuable assistance in their transitions to the bench, through the presentations of, and interactions with, the skilled jurists who serve as faculty. Based on the success of the current curriculum, the workgroup recommended utilizing a similar agenda and faculty pool for the next presentation, which is anticipated for January 2007 in Chicago. The Court approved this recommendation at its May 2006 Administrative Term and program planning has commenced.

Advanced Judicial Academy Workgroup

The Academy Workgroup was charged with coordinating the work of the Academy Planning Committee and to relay recommendations, questions and issues to the full Committee on Education for consideration in its development of a proposed curriculum, topics, speakers and activities for the 2007 Academy. While work on the 2007 program is in its initial stages, the Committee anticipates recommending to the Supreme Court that the June 2007 Academy address the challenges posed by two of the most difficult populations – the mentally ill and substance abusers – common to all types of cases, including civil, criminal, family law, delinquency, child protection and other matters. The Committee plans to recommend inclusion of nationally-renowned experts to help judges understand the environmental, clinical & behavioral elements comprising mental illness and substance abuse and to analyze the obstacles judges face in attempting to predict, modify and prevent dysfunctional or destructive behaviors. The Committee has asked the Academy Planning Committee to build in opportunities for participants to interact extensively with the expert faculty to analyze the types of decisions they make, identify effective

– and ineffective – interventions.

Reference Materials Workgroup

One of the key findings of the 2004 and 2006 Judicial Education Needs Assessments conducted by the Committee, under the auspices of the Court, was that Illinois judges would benefit from the development of judicial education materials in a “benchbook” format. The Reference Materials Workgroup was convened to analyze the need for reference material and develop recommendations to meet those needs. Judges indicated a strong interest in benchbooks prepared by, and for, the exclusive use of Illinois judges and containing materials such as case law outlines, checklists and other reference tools highly valued by Illinois judges. The workgroup also recommended that these benchbooks be well organized and contain a detailed, user-friendly index to maximize utility. Consistent formatting, organization and content would also assist in transition from “paper-based” reference documents, to resources that could be provided to judges on CD-ROM and/or through the internet, in accordance with the Court’s charge to the Committee to enhance the use of technology to deliver judicial education resources.

Based on the analysis of the workgroup, the Committee has recommended to the Court the creation of comprehensive, current and high-quality reference materials – in the form of well-organized, uniformly formatted benchbooks – on a range of substantive and procedural topics. The Committee has recommended development of materials covering up to six distinct areas of Illinois law, including *Criminal Law and Procedure*, *Illinois Evidence*, *Civil Law and Procedure*, *Family Law and Procedure*, *DUI/Traffic* and *Domestic Violence*, independent of any program or session which may be taught at future judicial education programs.

The Committee has further recommended the recruitment of Illinois law professors with expertise in these areas of law to assist with this project. While all reference materials will be reviewed and approved by judicial faculty, the law professors would collect and analyze the outlines of governing law to be contained in each benchbook. The Committee recommends appointment of one law professor to assist each panel of judges, to be appointed by the court and designated as “writing faculty,” for the preparation of these benchbooks. The identification and recruitment of these judicial “writing faculty” is described further in the section of this report addressing the work of the Faculty Recruitment and Development Workgroup.

Education Conference & Seminar Series Workgroup

This workgroup was convened to develop a plan and timeline to implement the mandates for Education Conference 2008 as well as analyze the evolving roles of the Education Conference and the annual Seminar Series as judicial education resources for Illinois judges, in light of the Court’s MCJE provisions. This workgroup was asked to recommend any improvements needed to the curriculum, planning and delivery of Education Conference and to develop a “core curriculum” template and enhanced planning process for annual Seminar Series.

The Education Conference/Seminar Series group began its work by analyzing both the 2004 and 2006 Judicial Education Needs Assessment results as well as participant evaluations of

Education Conference 2006 and recent Seminar Series programs. Based on those sources of information regarding Illinois judges' priorities for judicial education, the workgroup recommended to the Committee that the curriculum for Education Conference 2006 include the following elements:

- Both "basic" and "advanced" sessions should be included, to provide judges an opportunity to choose sessions which introduce or review a specific area of law as well as more advanced sessions to allow faculty and participants to move beyond "nuts and bolts" to explore difficult, unique or challenging issues. Sessions should be clearly described, so that judges can choose among them, based on experience levels, interest and need.
- Interaction, participation, application and "problem-solving" elements should be incorporated into each session, whenever possible and appropriate. Judges frequently state that the most valuable part of a program is working through "real-life" situations with their colleagues, hearing different perspectives and approaches and applying new information and skills to their work. The workgroup concluded that, although there may be some "information dissemination" sessions which rely primarily on lecture (such as case law updates), whenever possible, judges should be encouraged to talk with each other, apply new information and skills and actively participate.
- Session lengths and types should be based on the scope and complexity of the topics taught. While some sessions work well for the 1.25 hour format currently used for the topic track sessions, others call for more time. As interaction and advanced sessions are incorporated, some topics may require half-day sessions or some variation thereof. The workgroup has also recommended consideration of a "topic track" system which would function like a "seminar within Education Conference." In this system, participants would sign up to attend a full day of sessions on a broad topic, such as family law, civil law or criminal law.

The workgroup has concluded that the role and scope of the Regional and Mini Seminars comprising the annual Seminar Series is likely to change significantly given the MCJE provisions and the expansion of Education Conference 2008, but has not yet made formal recommendations for the Committee's consideration. The workgroup is currently developing an extensive proposal for Education Conference 2008 and examining the role of the 2007-2008 Seminar Series, with the goal of providing a detailed recommendation on topics, faculty, sessions and curricula for both at the Court's November 2006 Administrative Term.

Faculty Recruitment & Development Workgroup

With the Court's adoption of MCJE provisions and the expansion of the Education Conference to a 30-hour curriculum, the need for skilled, knowledgeable and dedicated judges to serve as judicial education faculty is growing. Moreover, the recommendations of the Reference Materials and Education Conference/Seminar Series workgroups have yielded two distinct roles for judicial education faculty and thus two distinct opportunities for judges to become actively involved in judicial education in Illinois. The Faculty Recruitment and Development Workgroup was convened to identify effective methods to recruit, prepare and support excellent judicial education

faculty for both roles.

First, the workgroup was charged with expanding and enhancing the rosters of judges willing to serve as “Teaching Faculty” to prepare and present sessions at programs such as the Education Conference and the annual Seminar Series. Although these faculty will fulfill the “traditional” judicial education faculty role, the workgroup and Committee will be working closely with these judges to incorporate the interactive, application and “problem-solving” presentation elements sought by participants and recommended by the Education Conference/Seminar Series workgroup.

An equally important goal of this workgroup is the recruitment of judges to serve as “Writing Faculty.” Judges in these new faculty roles will prepare materials such as case law outlines, checklists and other reference tools highly valued by Illinois judges, independent of any program or teaching responsibilities and with the assistance of Illinois law professors, as described in the section of this report addressing the work of the Reference Material Workgroup.

To effectively recruit highly-qualified, skilled and energetic faculty members, the workgroup developed proposed faculty recruitment correspondence from the Court and data forms to gather information regarding prospective teaching and writing faculty. Following approval and dissemination of these materials, the workgroup and Committee will develop a detailed database, from which faculty pools can be developed for consideration by the Reference Materials and Education Conference/Seminar Series workgroup.

II. SUMMARY OF ACTIVITIES

In addition to assessing judicial education needs and initiating implementation of the Court’s MCJE provisions, the Committee’s Conference Year 2006 activities included conducting Education Conference 2006, a full seminar series, the annual New Judge Seminar and the annual Faculty Development Workshop.

Education Conference 2006

Under the auspices of the Court, the Committee on Education and the Administrative Office of the Illinois Courts presented the bi-annual Education Conference, held February 1 - 3 and March 15 - 17, 2006 in Chicago.

- **Attendance:** More than 900 judges, including more than 50 judges serving as faculty, attended the February and March conferences.
- **Overall Ratings:** The February and March conferences garnered an overall rating of 4.4 on a scale of 1 to 5, which indicates that the Education Conference continues to be well-received and well-evaluated by judicial attendees.
- **Judicial Conduct Sessions:** As required by the Court’s Comprehensive Education Plan for Illinois Judges, all attendees participated in the opening plenary sessions, which

featured a panel of speakers to discuss *Judicial Independence and the Role of the Courts in the 21st Century*.

- **Topic Tracks & Half-Day Sessions:** The topic tracks and half-day sessions featured 18 distinct presentations on family law, civil law, criminal law, evidentiary issues, contempt and sanctions, methamphetamine cases, managing juries and First Amendment and media issues.
- **Early Bird Session:** More than 250 judges attended the optional morning session addressing the Judicial Inquiry Board, its processes, protocols and common issues which arise before the Board.

Through their numerical ratings and evaluation comments, participants overwhelmingly indicated that the conference provided useful information, updates and resources which will be of use to them in adjudicating and managing cases. Participants also indicated that they value the opportunity the Education Conference provides for judges to meet, explore common questions and problems and exchange ideas. The Committee wishes to extend thanks to the judicial faculty for Education Conference 2006, each of whom invested significant time and effort to prepare for the program. Their commitment and expertise made the fourth presentation of Education Conference a success. It should also be noted that Judicial Faculty and Committee liaisons for every session were assisted by staff from the Administrative Office of the Illinois Courts. Appendix A lists the overall evaluation ratings for each Education Conference session.

2005-2006 Seminar Series and Other Programs

The Committee presented a full seminar series, comprised of 6 Regional (two day) Seminars and 2 Mini (one-day) programs, conducted the five-day New Judge Seminar, and presented the annual Faculty Development Workshop for judges presenting Judicial Conference Programs. Judicial Faculty and Committee liaisons for each program were assisted by staff from the Administrative Office of the Illinois Courts. In addition to these Judicial Conference programs, two Capital Cases seminars were conducted by the Supreme Court Committee on Capital Cases, pursuant to Supreme Court Rule 43. Each of these programs was presented by judicial faculty members, appointed by the Court, who contributed significant time and expertise to prepare their presentations and the seminar materials. The Committee wishes to thank all judicial faculty members for their contributions to continuing judicial education programs for Illinois judges. A listing of topics, dates, locations, participant totals and participant evaluations is attached as Appendix B.

Resource Lending Library

The Resource Lending Library sponsored by the Committee and operated by the Administrative Office of the Illinois Courts continues to serve as a valued judicial education resource. Loan material available through the library includes videotapes, audiotapes and publications. Permanent use items include seminar reading materials, benchbooks, manuals, and

other materials.

- *Patrons:* During Fiscal Year 2006, 335 judges (compared to 229 judges in Fiscal Year 2005) requested one or more items from the library. 41% (136) of the judges requesting items were from Cook County, 57% (191) were from collar counties or downstate. 98% (327) of the Library patrons were trial judges.
- *Number of Loan and Permanent Use Items Provided:* During Fiscal Year 2006, a total of 734 loan and permanent use items were provided to judges. 708 of these items were permanent use materials, comprised primarily of seminar reading materials, benchbooks, manuals and other materials prepared by and for Illinois judges. In addition, 26 items were loaned to 17 judges. Loan materials include videotapes, audiotapes, publications and CD-ROMs.

III. COMMITTEE RECOMMENDATIONS FOR THE NEXT CONFERENCE YEAR

The members of the Committee continue to believe that providing ongoing judicial education is an absolutely essential element of Illinois' judicial system. The importance of judicial education is recognized in the Court's Comprehensive Judicial Education Plan for Illinois Judges, which states:

"It is an obligation of office that each judge in Illinois work to attain, maintain and advance judicial competency. Canon 3 of the Code of Judicial Conduct (Illinois Supreme Court Rule 63) states that a judge should 'be faithful to the law and maintain professional competence in it' and 'maintain professional competence in judicial administration.' Judicial education is a primary means of advancing judicial competency." (*Comprehensive Judicial Education Plan for Illinois Judges*, Section I, page 1)

IV. RECOMMENDATIONS

Given the rapid developments in substantive and procedural law, the obligation to support new judges in their transition to the bench as well as provide excellent ongoing judicial education resources to all Illinois judges, and the charge to effectively implement the Court's Minimum Continuing Judicial Education provisions, the Committee recommends that its work to develop ongoing judicial education resources for Illinois judges be continued.

The Committee requests that the Court and the Judicial Conference continue support of planning for Education Conference 2008, Advanced Judicial Academy 2007, New Judge Seminars and future Seminar Series. The Committee also requests the support of the Court and the Conference in the continuing efforts to recruit and prepare excellent Teaching and Writing Faculty and in preparing reference benchbooks for the exclusive use of Illinois judges. Additionally, the Committee seeks support in ensuring the cooperation and collaboration of Chief Circuit Judges in recruiting and preparing excellent judicial faculty from each of the state's Judicial Circuits.

Appendix A

Education Conference 2006 Overall Participant Evaluation Scores

EDUCATION CONFERENCE 2006

February 1-3 and March 15-17, 2006

Chicago

PARTICIPANT RATINGS

EVALUATION SCALE	Poor					Excellent				
	1	2	3	4	5	Average Rating				
Overall Conference Evaluation						4.4				
<i>Plenary Session:</i>										
Judicial Independence & the Courts in the 21 st Century						4.3				
<i>Optional Early Bird Session:</i>										
The Judicial Inquiry Board						4.7				
<i>Half-Day Sessions:</i>										
Judge & Jury: Defining the Relationship						4.0				
Methamphetamine Cases						4.9				
Working with <i>Pro Se</i> and Indigent Litigants						4.7				
<i>Evidence Topic Track Sessions:</i>										
Avoiding Errors: Ruling on Objections & Making the Record						4.4				
Hearsay Problems and Solutions						4.2				
Impeachment in Civil & Criminal Cases						4.8				
<i>Criminal Law Topic Track Sessions:</i>										
<i>Crawford v. Washington</i> : After the Dust Has Settled						4.7				
Fitness & Not Guilty by Reason of Insanity						4.6				
Updates & Hot Topics						4.6				
<i>Civil Law Topic Track Sessions:</i>										
Motions to Dismiss & for Summary Judgement						4.6				
Updates & Hot Topics						4.6				
Nuts and Bolts of Settlement						3.9				
<i>Family Law Topic Track Sessions:</i>										
Guardianships & Custody						4.5				
Nuts & Bolts of Paternity Actions						4.5				
Updates & Hot Topics						4.4				
<i>General Topic Track Sessions:</i>										
Contempt & Sanctions						4.7				
First Amendment and Media Issues for Judges						4.6				
Evidence-Based Practices in Managing Offenders						4.3				

Appendix B

Seminar Series & Other Programs Attendance & Evaluation Summaries

2005 - 2006 Seminars & Programs

SEMINAR	DATE	SITE	PARTICIPANTS	OVERALL RATING (Scale of 1 to 5)
Administrative Issues for Judges With Supervisory Authority	September 15-16, 2005	Springfield	16	4.6
Real World Evidentiary Issues	October 6-7, 2005	Chicago	55	4.8
Family: Custody, Support & Visitation	November 17-18, 2005	Naperville	59	4.2
Drug Cases From Start to Finish	April 20-21, 2006	Lisle	24	4.7
Practical Approaches to Substance Abuse Issues & DUI Offenders	June 8-9, 2006	Springfield	19	4.7
Literature & the Law: Mental Health Issues	May 18-19, 2006	Springfield	22	4.9
Abuse & Neglect: Updates, Hot Topics & Termination of Parental Rights	April 25, 2006	Chicago	28	4.2
Family: Complex Financial Issues	May 25, 2006	Springfield	36	4.5
Pretrial Issues in Civil Cases	September 29, 2005	Oak Brook	Canceled	N/A
<u>OTHER PROGRAMS</u>				
New Judge Seminar	December 5-9, 2005	Chicago	39	4.8
Education Conference	February 1-3, 2006 & March 15-17, 2006	Chicago	All	4.4
Faculty Development	July 21-22, 2005	Oak Brook	13	N/A
*Capital Cases: Third Seminar Series	September 7-8, 2005 May 10-11, 2006	Springfield Chicago	83 89	N/A N/A

**Presented by the Supreme Court Committee on Capital Cases pursuant to Supreme Court Rule 43*