

**ANNUAL REPORT
OF THE
AUTOMATION AND TECHNOLOGY COMMITTEE
TO THE ILLINOIS JUDICIAL CONFERENCE**

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I. STATEMENT ON COMMITTEE CONTINUATION

The Automation and Technology Committee ("Committee") of the Illinois Judicial Conference is charged with evaluating, monitoring, coordinating and making recommendations concerning automated systems for the Illinois judiciary. This is a formidable undertaking, given the variety of technological applications available to the courts. Technology affects, or has the potential to affect, nearly every operational and administrative judicial function. New and improved applications and devices are introduced regularly, each promising to bestow greater efficiency upon the judicial system and lower operating costs. Technology choices, moreover, must be made carefully and guided by thorough evaluation before resources are committed. The Committee occupies a unique position in this regard.

Since its inception the Committee has reviewed automation-related work being done by other judicial branch committees and criminal justice agencies; surveyed Illinois judges' use of computers and other automated systems; evaluated a number of software applications; assisted in the development of a computer education program for judges; developed a web page concept for the Illinois judiciary, which was approved by the Judicial Conference and Supreme Court for implementation; distributed a computer security brief at the Education Conference 2002; and pursued a variety of other activities in fulfillment of its charge. Much remains to be accomplished. Accordingly, the Committee respectfully requests that it be continued.

II. SUMMARY OF COMMITTEE ACTIVITIES

During the 2003 Conference year, this Committee continued its efforts to improve computer security for the Illinois judiciary. Toward that effort, the Committee drafted an amendment to Supreme Court Rule 63A(7). A copy of the proposed amendment is provided in Appendix 1. This is one of the Court's Judicial Canons which is generally referred to as the rule on "cameras in the courtroom." Advancements in technology have created numerous devices, such as laptops, personal data assistants (PDA's), and cell phones that can capture audio and video recordings of court proceedings and transmit them outside of the courtroom, without the knowledge or approval of the presiding judge. This would be contrary to the purpose of the original rule. These devices were not conceived at the time the rule was drafted. The amendment as drafted expands on existing definitions of "broadcasting" and "televising" to include such devices. The Rules Committee will submit the draft for public comment.

The Committee submitted a recommendation to the Director of the Administrative Office to require submissions of documents for posting on the Court's Web Site to be accompanied with a file of the same information in HTML (Hypertext Markup Language) format. The Director forwarded the Committee's recommendation to the Judicial Management Information Services (JMIS) Division for its review and recommendation.

HTML is a native format of the Internet. Documents stored on a web site in HTML can be

located using almost all web search "engines." Their file sizes are normally smaller resulting in faster screen displays and "downloading." Many of the documents on the Court's web site are kept in PDF (Portable Document Format). PDF has become a national standard for many court documents for which a free reader is available. While this format provides exact reproduction of the document, depending on a reviewer's connection speed, it may take longer to "download." Searches for specific words in a PDF document may also be limited, depending on the method used to create the PDF file. If the document is scanned as an image, it cannot be word searched. If the document is scanned using a method called Optical Character Read (OCR), word searching would be possible, depending on the search "engine" used. Some Internet search "engines" do not look inside of a PDF document. If the reviewer knew where the document was located, it could be opened and then word searched using the PDF search utility. The search engine used by the State of Illinois web site will look inside a PDF document when an Internet-wide search is performed. There is sometimes a delay between when the document becomes available to the Internet and when the State's search "engine" will locate it via a word search.

Most modern desktop word processing software products have a conversion utility that will save a document in HTML. A document creator using a product like WordPerfect or Word can easily create a HTML version of a document by selecting the "save as" option under the "File" menu and then selecting HTML as the format. Under the recommendation made by the Committee, both versions of the document would be submitted to the Administrative Office for posting.

Technology continues to shape the judicial system. The Committee has begun work on another survey to ascertain the level of technology used by the jurist in the workplace. The last survey was conducted in 1999 with the results being reported at the 2000 Judicial Conference. Prior to that, the initial survey was conducted in 1993, the first year of the Conference's redesign. Over the past ten years, the availability of e-mail, software options, speed and size of computers have continued to impact the judiciary. Issues continue to be raised regarding misuse of e-mail, information security, *ex parte* communications via technology, and other technological advancements affecting the way the judiciary does business. The survey will be finalized during the committee's meeting planned for October 2003. The Committee would like to distribute the survey during the Education Conference scheduled for early 2004.

The Committee reviewed a request by the Illinois State Police (ISP) to provide guidance on a new project they were working on to create a digital police record. Included in the project is a concept to create or save evidentiary documents in a digital format. While the Committee believed that there should be uniformity in this process, it felt that the request might have been seeking legal guidance from the Committee and a "safe" path for acceptance of those documents into court. This would place the Committee in a position of making a participatory ruling on the admissibility of evidence which they did not believe they could do.

Therefore, the Committee decided to prepare a response to the ISP indicating that the

Committee was unable to provide the ISP with any certainty as to a “safe” path to be followed at this time. If the ISP were to draft any proposals for change in statutory or court rule, the Committee would be happy to review them. Additionally, the Committee might recommend that the ISP consult the Electronic Commerce Security Act for guidance, if that had not already been done, or develop an ISP internal policy regarding the creation, use, and retention of digital records. Again the Committee would welcome a chance to review such a policy to assure uniformity in this area.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During the 2004 Conference Year, the Committee, with the approval of the Conference and Court, will continue its efforts to draft, distribute, and analyze the results of a new survey of computer usage by judges, continue to evaluate existing and emerging technologies, security issues, and legislation affecting court technology, and work on a statewide judicial information system and Intranet.

The members of the Committee look forward to the coming Conference year and appreciate the opportunity to be of service to the Supreme Court and the judicial branch.

IV. RECOMMENDATIONS

The Committee is making no recommendations to the Conference at this time.

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APPENDIX 1

**Proposed Amendment
to
Rule 63**

CANON 3

A Judge Should Perform the Duties of Judicial
Office Impartially and Diligently

The judicial duties of a judge take precedence over all the judge's other activities. The judge's judicial duties include all the duties of the judge's office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

...

(7) Proceedings in court should be conducted with fitting dignity, decorum, and without distraction. The taking of photographs in the courtroom during sessions of the court or recesses between proceedings, and the broadcasting or televising of court proceedings is permitted only to the extent authorized by order of the supreme court. For the purposes of this rule, the use of the terms "photographs," "broadcasting," and "televising" include the audio or video transmissions or recordings made by telephones, personal data assistants, laptop computers, and other wired or wireless data transmission and recording devices.

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