

OPENING REMARKS
SENATE APPROPRIATIONS II COMMITTEE
APRIL 7, 2016 - ROOM 212 - STATE CAPITAL

GOOD MORNING.

THANK YOU, CHAIRMAN TROTTER, AND MEMBERS OF THE SENATE APPROPRIATIONS II COMMITTEE, FOR THE OPPORTUNITY TO SPEAK WITH YOU TODAY REGARDING OUR STATE'S THIRD BRANCH OF GOVERNMENT. FOR THOSE OF YOU I HAVE NOT YET MET, I AM RITA B. GARMAN, THE CHIEF JUSTICE OF THE ILLINOIS SUPREME COURT.

WITH ME TODAY ARE MICHAEL TARDY, DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS, AND OUR CHIEF FISCAL OFFICER, MS. KATHLEEN O'HARA.

TODAY, WE ARE CONVENEED IN THE "OLD SUPREME COURT COURTROOM." WHEN THIS BUILDING OPENED 179 YEARS AGO, IT CONTAINED CHAMBERS FOR BOTH HOUSES OF THE GENERAL ASSEMBLY, OFFICES FOR THE GOVERNOR AND OTHER EXECUTIVE OFFICIALS, AND A CHAMBER FOR THE ILLINOIS SUPREME COURT.

WHILE THE THREE BRANCHES ARE NO LONGER HOUSED UNDER THE SAME ROOF, THIS BUILDING IS AN IMPORTANT

SYMBOL OF OUR CONSTITUTIONAL FORM OF GOVERNMENT. THE THREE BRANCHES MUST WORK TOGETHER TO SERVE THE PEOPLE OF ILLINOIS. WE DO THIS BY COOPERATION, COORDINATION AND COMMUNICATION AMONG THE BRANCHES, WHILE NOT SACRIFICING ANY BRANCH'S INDEPENDENCE AND AUTHORITY.

THIS IS MY THIRD AND FINAL APPEARANCE BEFORE YOU IN MY ROLE AS CHIEF JUSTICE OF THE SUPREME COURT OF ILLINOIS. LATER THIS YEAR, I WILL PASS THOSE DUTIES AND RESPONSIBILITIES TO ANOTHER OF MY COLLEAGUES. THUS, IT SEEMS A GOOD TIME TO REFLECT ON OUR RECENT ACCOMPLISHMENTS.

ONE OF THE COURT'S PRIMARY GOALS OVER THE PAST SEVERAL YEARS HAS BEEN THE ADOPTION OF NEW TECHNOLOGY AT ALL THREE LEVELS OF OUR JUDICIAL SYSTEM, TO MAKE OUR OPERATIONS MORE EFFICIENT AND TO MAKE OUR WORK MORE ACCESSIBLE AND TRANSPARENT TO THE PUBLIC WE SERVE.

I AM PLEASED TO NOTE THAT WE HAVE MADE GREAT PROGRESS ON THIS FRONT, INCLUDING:

- THE AVAILABILITY OF ELECTRONIC FILING (OR E-FILING) IN THE SUPREME COURT, WHICH HAS RESULTED IN SAVINGS TO THE COURT, TO PRACTITIONERS, AND TO THE CLIENTS THEY SERVE BY REDUCING THE VOLUME OF PAPER DOCUMENTS TO BE PRINTED, DELIVERED, AND STORED;

- AND, GIVEN THE SUCCESS OF OPTIONAL E-FILING, THE IMPLEMENTATION OF MANDATORY E-FILING OF DOCUMENTS IN CIVIL CASES IN THE SUPREME COURT AND THE FIVE DISTRICTS OF THE APPELLATE COURT BY JULY 1, 2017, AND IN THE CIRCUIT COURTS BY JANUARY 1, 2018. I ANTICIPATE THAT E-FILING IN CRIMINAL CASES WILL FOLLOW SHORTLY THEREAFTER;

- THE EXPANSION OF MEDIA ACCESS IN THE CIRCUIT COURTS BY ALLOWING CAMERAS IN THE COURTROOMS;

- THE DESIGN AND TESTING OF A BROWSER-BASED CASE MANAGEMENT SYSTEM IN THE REVIEWING COURTS, WHICH WILL BE IMPLEMENTED IN THE SUPREME COURT THIS SUMMER AND IN THE APPELLATE COURTS THEREAFTER;

- THE USE OF TECHNOLOGY TO MAKE THE COURT SYSTEM MORE ACCESSIBLE TO THE PUBLIC, FOR EXAMPLE, BY MAKING IT POSSIBLE TO CONDUCT SOME COURT BUSINESS REMOTELY IN TRAFFIC AND CONSERVATION CASES;

- AND, FINALLY, EXPANSION OF THE INFORMATION PUBLICLY AVAILABLE THROUGH THE COURT'S WEBSITE, WHICH NOW INCLUDES AUDIO AND VIDEO RECORDINGS OF ORAL ARGUMENTS, AS WELL AS THE FULL TEXT OF EVERY COURT OPINION;

TO IMPLEMENT THESE AND OTHER NEW TECHNOLOGIES, \$11.5 MILLION IS INCLUDED IN THE SUPREME COURT'S FISCAL YEAR 2017 APPROPRIATION REQUEST.

THESE FUNDS ARE NECESSARY TO CONTRACT FOR A STATEWIDE ELECTRONIC FILING MANAGEMENT SYSTEM, AND TO ASSIST THE CIRCUIT COURTS IN INSTALLING HARDWARE AND SOFTWARE SYSTEMS THAT CAN BE FULLY INTEGRATED WITH THE STATEWIDE SYSTEM. THIS IS AN INVESTMENT IN OUR FUTURE.

I ASK YOUR ASSISTANCE BY PROVIDING THESE FUNDS THROUGH A DIRECT APPROPRIATION AND YOUR SUPPORT OF SENATE BILL 3162, WHICH SETS OUT FILING FEES TO BE PAID BY THE COURT USERS WHO WILL BENEFIT FROM ELECTRONIC FILING CAPABILITY.

ANOTHER INITIATIVE THE COURT HAS PRIORITIZED IS EXPANDED ACCESS TO THE COURTS FOR ALL ILLINOIS CITIZENS, PARTICULARLY THOSE WITH LIMITED ENGLISH LANGUAGE PROFICIENCY. YOU ARE LIKELY AWARE THAT OVER 22% OF OUR ALMOST 13 MILLION RESIDENTS DO NOT SPEAK ENGLISH AS THE PRIMARY LANGUAGE. THE ABILITY TO UNDERSTAND LEGAL PROCEEDINGS, AND TO BE UNDERSTOOD AS A PARTY OR AS A WITNESS, IS A FUNDAMENTAL PRINCIPLE OF JUSTICE.

OVER THE PAST THREE YEARS, THE COURT HAS INVESTED IN TESTING, TRAINING, AND CERTIFYING FOREIGN AND SIGN LANGUAGE INTERPRETERS. AS A RESULT, OUR STATEWIDE REGISTRY OF INTERPRETERS NOW CONTAINS 230 INTERPRETERS WHO PROVIDE CRITICAL INTERPRETIVE SERVICES IN OUR CIRCUIT COURTS.

IN ADDITION TO THE SERVICES OF INTERPRETERS, LIMITED ENGLISH PROFICIENT CITIZENS NOW HAVE ACCESS TO FORMS AND PROTOCOLS THAT HAVE BEEN TRANSLATED INTO SEVERAL LANGUAGES, INCLUDING SPANISH, POLISH, RUSSIAN, CHINESE, ARABIC, AND KOREAN. STANDARDIZED FORMS ADDRESSING EXPUNGING AND SEALING COURT RECORDS, DIVORCE, MORTGAGE FORECLOSURE, AND SMALL CLAIMS HAVE ALSO BEEN AUTOMATED FOR CITIZENS' USE.

LET ME NOW TURN TO THE SUBJECT OF CRIMINAL JUSTICE REFORM, WHICH I KNOW THAT THE GOVERNOR AND THE GENERAL ASSEMBLY SUPPORT.

WHILE THE LEGISLATURE DEFINES CRIMINAL OFFENSES AND ESTABLISHES SENTENCING RANGES, AND THE GOVERNOR SIGNS THESE BILLS INTO LAW, THE JUDICIAL BRANCH ALSO PLAYS A KEY ROLE IN REDUCING THE SIZE OF THE PRISON POPULATION, PROTECTING THE RIGHTS OF INDIVIDUAL DEFENDANTS, AND MAKING OUR COMMUNITIES SAFE.

MANY DEFENDANTS REMAIN IN JAIL BEFORE TRIAL BECAUSE THEY CANNOT AFFORD TO POST BOND. THUS, THE INTERVAL BETWEEN AN ARREST AND THE FINAL DISPOSITION OF A CRIMINAL CASE ACCOUNTS FOR A SUBSTANTIAL PART OF THE RESOURCES EXPENDED IN OUR CRIMINAL JUSTICE SYSTEM. IT ALSO ACCOUNTS FOR A GREAT DEAL OF THE DISRUPTION TO DEFENDANTS' FAMILY LIVES AND EMPLOYMENT.

YET MANY DEFENDANTS PRESENT A LOW RISK OF REOFFENDING IF THEY ARE RELEASED INTO THE COMMUNITY WHILE AWAITING TRIAL. THE KEY IS TO ENACT SENSIBLE AND PRACTICAL REFORMS TO ENSURE THAT PUBLIC SAFETY IS NOT COMPROMISED IN OUR EFFORT TO CREATE A MORE EFFECTIVE AND EFFICIENT SYSTEM OF PRETRIAL JUSTICE.

TO THIS END, SELECTED CIRCUIT COURTS ARE CURRENTLY PARTICIPATING IN A PILOT PROJECT UTILIZING A SCIENTIFICALLY-VALIDATED RISK ASSESSMENT TOOL. THE P.S.A. OR "PUBLIC SAFETY ASSESSMENT" USES OBJECTIVE, EVIDENCE-BASED STANDARDS TO PREDICT THE LIKELIHOOD OF FAILURE TO

APPEAR OR RE-ARREST. THE RISK CALCULATION CONSIDERS NUMEROUS CHARACTERISTICS INCLUDING THE INDIVIDUAL'S CRIMINAL HISTORY AND AGE, AS WELL AS THE NATURE OF THE CHARGES.

PRELIMINARY RESULTS FROM THE THREE PILOT SITES - COOK, KANE, AND MCLEAN COUNTIES - HAVE BEEN ENCOURAGING, AND WE ARE ANTICIPATING FURTHER EXPANSION OF THE PROGRAM STATEWIDE.

I SHOULD NOTE THAT THE P.S.A. WAS DEVELOPED BY RESEARCHERS AND LUMINOSITY AND FUNDED BY THE ARNOLD FOUNDATION. AFTER THIS STUDY PHASE, WHEN IT IS TIME TO IMPLEMENT THIS APPROACH STATEWIDE, WE WILL NEED THE SUPPORT OF THE LEGISLATURE. WITH PROPER FUNDING, THE JUDICIAL SYSTEM CAN IMPLEMENT REFORMS THAT MAKE PRETRIAL DETENTION AND POST-INCARCERATION PROBATION MORE EFFECTIVE.

MY COLLEAGUES AND I ARE DEDICATED TO DELIVERING JUSTICE TO ALL WHO COME BEFORE THE COURTS OF THE STATE OF ILLINOIS, WHETHER IN CIVIL OR CRIMINAL

MATTERS. WE STRIVE TO MAKE THE COURTS ACCESSIBLE TO ALL, AND TO ADOPT NEW TECHNOLOGIES AND APPROACHES THAT USE THE TAXPAYER'S FUNDS WISELY AND EFFECTIVELY.

IN THE MIDST OF THE STATE'S FUNDING CRISIS, THE COURT'S FISCAL YEAR 2017 APPROPRIATION REQUEST FOR \$442.9 MILLION, WHICH REPRESENTS A GENERAL REVENUE FUND INCREASE OF 16.9%, IS AMBITIOUS. AS YOU CONSIDER THIS REQUEST, I URGE YOU TO KEEP SEVERAL THINGS IN MIND.

FIRST, A SUBSTANTIAL PORTION OF THIS AMOUNT WILL FUND JUDICIAL SALARIES. THE NUMBER OF JUDGES AND THEIR SALARIES ARE SET BY STATUTE.

SECOND, THE APPROPRIATION REQUEST ALSO PROVIDES 100% OF THE STATUTORILY MANDATED FUNDING FOR APPROXIMATELY 3,200 PROBATION, PRETRIAL AND DETENTION OFFICES STATEWIDE. PROBATION SERVICES ARE A WISE INVESTMENT BECAUSE IT IS MUCH LESS EXPENSIVE, IN BOTH FINANCIAL AND HUMAN TERMS, TO

PROVIDE PROBATION SERVICES THAN IT IS TO INCARCERATE INDIVIDUALS WHO COULD SAFELY BE LIVING AND WORKING IN THEIR COMMUNITIES.

THIRD, THIS REQUEST PROVIDES CONTINUED FUNDING FOR THE OPERATIONAL EXPENSES OF THE SUPREME COURT, THE FIVE DISTRICTS OF THE APPELLATE COURT, VARIOUS CIRCUIT COURT PROGRAMS, AS WELL AS THE OPERATION OF THE ADMINISTRATIVE OFFICE AND 619 STAFF THROUGHOUT THE STATE. THESE ARE THE FUNDS THAT WE MUST EXPEND TO KEEP THE DOORS OPEN, SO THAT THE PEOPLE OF THE STATE OF ILLINOIS HAVE ACCESS TO JUSTICE.

FINALLY, WE HAVE REQUESTED A MODEST AMOUNT, AS I MENTIONED EARLIER, TO ALLOW US TO IMPLEMENT INNOVATIONS THAT WILL MAKE OUR JUSTICE SYSTEM MORE EFFICIENT AND RESPONSIVE. WE MUST INVEST IN TECHNOLOGY AND IN CRIMINAL JUSTICE REFORM BECAUSE THE OLD WAY OF DOING THINGS IS INEFFICIENT, INEFFECTIVE, AND IN SOME WAYS BECOMING OBSOLETE.

I APPRECIATE THE GRAVITY OF THE DECISIONS YOU MUST MAKE IN THE COMING MONTHS AND THE CHALLENGE YOU FACE WHEN BALANCING COMPETING NEEDS WITH LIMITED RESOURCES.

MY COLLEAGUES AND I SHARE YOUR COMMITMENT TO IMPLEMENTING COST SAVING ENDEAVORS WHEREVER POSSIBLE. WE COMMIT THE RESOURCES OF OUR ADMINISTRATORS AND PERSONNEL TO WORK COLLABORATIVELY WITH YOU TO BALANCE OUR CRITICAL FUNDING NEEDS WITH YOUR OVERALL FISCAL STRATEGIES. WE ARE HAPPY TO ANSWER ANY QUESTIONS YOU HAVE.

IN CLOSING, I WANT TO EXPRESS MY APPRECIATION FOR THE PAST THREE YEARS OF ATTENTIVENESS, COLLABORATION, AND SUPPORT FOR THE CRITICAL SERVICES AND NEEDS OF THE JUDICIAL BRANCH. THANK YOU FOR YOUR GRACIOUS ATTENTION.