

**Chief Justice Lloyd A. Karmeier – Opening Remarks at  
Budget Appropriation Hearings  
April 18 and 19, 2018**

Good afternoon, Mr. Chairman and esteemed members of the committee.

My name is Lloyd Karmeier and I am the Chief Justice of the Illinois Supreme Court. With me today are Marcia Meis, Director of the Administrative Office of the Illinois Courts, and Kara McCaffrey, Assistant Director of the Administrative Office of the Illinois Courts, who serves as our fiscal officer.

This is my second opportunity to appear before this body to present the judicial branch of government's Appropriation Request. It is the first time for Marcia Meis and Kara McCaffrey.

I am certain most of you are aware that the Illinois Constitution vests the Supreme Court with general administrative and supervisory authority over all courts in our state. As such, I sit before you today to discuss the funding necessary to continue the constitutionally-required operations of the 900-plus judges and hundreds of court officials and employees that comprise the third branch of government.

As Chief Justice, I have many roles, but my job here today is to ensure that our judiciary has the resources necessary to maintain equal access to justice and prompt adjudication of legal proceedings. Oversight of the judiciary during the fiscal challenges perennially faced by our state has been extremely difficult. I hope to impress upon you how important it is to make certain the court system is adequately funded.

The breadth of the judicial branch's work may not always be obvious. Unlike the Governor – or the Legislative leadership – the Supreme Court rarely makes the headlines. We are not even featured in Capitol Fax. But I am not complaining.

This low profile is by design. Our judicial officials and court employees quietly go about doing the serious business of the courts every day. In so doing, we maintain our independence as public servants charged with the awesome responsibility of dispensing justice and assuring due process and equal protection under the law.

In one way or another, the judicial branch impacts all Illinois residents on a daily basis. The more highly visible examples are litigants or witnesses involved in civil actions, or prosecutors and defense counsel in criminal cases. These are the stuff of television and movies.

But even those many individuals who have never even entered a courthouse are touched by the justice system on a regular basis in more mundane ways - as jurors, perhaps, or through remote payment of citations, fines or fees, or simply as residents of a community that benefit from judicial decisions and the justice stakeholders working to ensure the effective and efficient operation of the legal system.

The many individuals who quietly keep the trains running in the judicial branch don't make the headlines because the legal system works, and works well.

But without adequate resources, this will not be so. With respect to the appropriation I seek for the coming fiscal year, I cannot emphasize too much that the judiciary is not a state agency - it is an equal branch of government and it deserves to be funded as a branch of government.

The Judicial Branch's approved general revenue fund appropriation – which is, by the way, consistently less than 1% of the entire State of Illinois budget each and every year - has remained flat at \$344.8 million for Fiscal Years 2015, 2016, 2017 and 2018, while each year the Court's expenses have continued to rise.

Accordingly, I offer the following to demonstrate why it is so important that the Judicial Branch be adequately funded in order to provide an efficient, effective and accessible court system throughout our state.

The Judicial Branch budget funds the Supreme Court, the five districts of the Appellate Court, the Administrative Office of the Illinois Courts, and certain salaries and other expenses to support the 24 circuit courts that encompass all 102 counties. Salaries for approximately 980 judicial officers and over 600

non-judicial personnel comprise well over half of the court's budget.

Yet many programs and initiatives and operational expenses must be funded out of the Supreme Court's appropriation - notably, statutorily-required probation reimbursements that are critical to public safety and the Court's e-filing initiative, which aims to bring all of our courts and 102 circuit clerk offices into the 21<sup>st</sup> Century.

Pursuant to statute, the Judicial Branch is required to reimburse counties 100% of probation officer salaries. In Fiscal Year 2017, the Judicial Branch only had the resources to reimburse the counties at 84% of the required level. In Fiscal Year 2018, the reimbursement level continued to decline, thus far allowing for a reimbursement level of only 81.5% of the statutory requirement.

Lower levels of reimbursement, coupled with extreme delays in issuing payments out of the State Comptroller's Office have diminished the capacity of many jurisdictions to maintain sufficient probation resources at the local level. This is a true detriment to the safety and well being of Illinois taxpayers. Shorting probation resources is also wasteful, as probation is, by far, the corrections model that provides the most "bang for the buck."

Currently, it costs Illinois taxpayers approximately \$24,000 annually to house an individual within the Department of Corrections. However, it costs only \$1,100 a year for that same individual to be supervised by a probation officer in the community. That is a 95% dollar savings per year, but the greater savings is that probation allows individuals to remain

within their communities and maintain family and employment relationships.

While some of you may disagree with one another about the specifics of bail reform, I think we can all agree that it makes sense to support efforts for offenders who do not pose a risk to the community to remain *taxpayers* instead of becoming a *tax burden* through incarceration.

Juvenile probation presents an even more compelling cost savings. Housing a juvenile within the Department of Justice costs taxpayers \$85,000 per year. The cost to supervise this juvenile in the community is only \$1,900 per year. In addition, supervising, as opposed to incarcerating, a juvenile dramatically increases the probability of rehabilitation while decreasing the risk of being a repeat offender. As you can see, probation



continues to offer a cost-effective alternative for eligible individuals while, at the same time, ensuring their public safety.

Another major priority that is in its second year of existence is the Supreme Court's mandatory statewide e-filing initiative. As a major component of the state court's e-Business plan, civil e-filing has been successfully implemented in the Supreme Court, all 5 districts of the Appellate Court and 94 of the 102 counties. The remaining 8 counties have begun the process of migrating from their current e-filing platforms to the state electronic filing manager.

Among its many and obvious benefits, e-filing simplifies the document filing process for attorneys, self-represented litigants, clerk's offices, courts and taxpayers by allowing the filing of court documents electronically anytime and from any location. In addition, the e-filing initiative includes document

access through re:SearchIL. This feature allows case documents to be accessible statewide to judges, clerks, parties and, eventually, the public after the Supreme Court approves a remote access policy.

In light of fiscal challenges, the Supreme Court has determined to “slow walk” mandating criminal e-filing in all the courts, although the greatest benefits and efficiencies will be realized through implementation of mandatory e-filing in criminal and high-volume traffic cases.

The Judicial Branch's Appropriation Request for Fiscal Year 2019 in the amount of \$410.6 million will ensure the third branch of government has the necessary resources to meet our constitutional and statutory obligations for probation reimbursements, judicial salaries and other essential services statewide. We shall continue our tradition of principled

stewardship of state resources, and we take very seriously our obligation to do our part in practicing fiscal restraint.

I am proud of the many measures taken by the Supreme Court, such as certification of problem-solving courts as an effective and efficient way of approaching offenders, as well as efforts by state court officials and employees to keep a watchful eye on expenditures and find ways to do more with less.

The move of our educational conferences from downtown Chicago to the suburb of Lombard, resulting in a savings of approximately \$750,000, is a notable recent and ongoing example.

At some point, however, the needs become too urgent and continuing on the same funding course becomes unsustainable. We have reached that point.

In closing, I would simply like to reiterate that while hearings on budget requests from agencies and departments within the State of Illinois are a routine part of the annual appropriations process, the court's appearance is different from all the others.

That is because the Judicial Branch is a separate and equal branch of government albeit operating in a different sphere than the legislative and executive branches.

Unlike your branch we do not have the power of the purse to levy or collect revenues; we do not have police power to enforce our judgments or orders.

Our constitution requires us to submit to you our request for the appropriation we need to operate this 3<sup>rd</sup> Branch of Government. The constitution requires you to fund our branch.

Thank you for this opportunity to discuss the Supreme Court's appropriation request. You have our utmost commitment of cooperation, communication and fiscal dedication as we move forward during this difficult fiscal time. I hope that we have your commitment in aiding the judicial branch to remain strong and responsive to all Illinois residents for Fiscal Year 2019.

Once again, thank you for your time. We look forward to working with each of you and we are happy to answer any questions you may have.