

JUDICIAL CONFERENCE

Alternative Dispute Resolution Coordinating Committee

Judge Lance R. Peterson
13th Circuit
Chair

During the 2004 Conference Year, the Committee monitored both Court-Annexed Mandatory Arbitration Programs and Court-Sponsored Major Civil Case Mediation Programs. The Committee met with arbitration administrators and supervising judges of circuits with mandatory arbitration programs. Topics included the amendment of supreme court rules, and several programmatic issues raised by arbitration administrators and supervising judges. Proposed rule amendments forwarded to the Supreme Court Rules Committee during Conference Year 2004 include: Supreme Court Rule 90 - Conduct of the Hearings. Adding paragraph (h) Prohibited Communication would prohibit certain communications of an arbitrator during the pendency of a case and until a final order is entered and the time for appeal has expired; and Supreme Court Rule 222 - Limited and Simplified Discovery in Certain Cases. Amending paragraph (c) is intended to require practitioners to follow the dictates of local rule as it pertains to the extension of time for disclosure. The Committee continued to monitor existing Court-sponsored mediation programs and track statistical information to determine program efficacy.

Study Committee on Juvenile Justice

Judge Patricia Martin
Bishop
Circuit Court of Cook
County
Chair

During the 2004 Conference Year, the Committee continued updating Volume I of the two-volume set of the *Illinois Juvenile Law Benchbook*. The two-volume set is designed to provide judges with a practical and convenient guide to procedural, evidentiary, and substantive issues arising in Juvenile Court proceedings. Volume I, published in 2000, covers juvenile court proceedings involving allegations of delinquency, minors requiring authoritative intervention (MRAI) and addicted minors. Volume II addresses exclusively proceedings brought in the juvenile court which involve allegations of abuse, neglect and dependency. The Committee monitored the use of the uniform juvenile court orders it designed for use by judges involved in abuse, neglect or dependency proceedings in the Juvenile Court. Each uniform order contains the U.S. Department of Health and Human Services' requirements for judicial determinations that a court must make when removing or authorizing removal of a child from his/her parents. The Committee continued to discuss at great length the 2003 Federal Children and Family Services Review, in which several individual members of the Committee participated. The review studied compliance with federal funding mandates concerning necessary findings in juvenile cases. Additionally, the Committee began to identify various statewide juvenile justice initiatives, identify and compile information on promising balanced and restorative justice programs, and identify and compile information on promising reentry of juvenile offender programs that exist in Illinois. The Committee will evaluate whether these compilations should be included in the *Juvenile Law Benchbook* or disseminated as part of the Committee's education activities. Finally, the Committee continued its commitment to educating Illinois judges on juvenile law issues by participating in various educational programs and workshops.

Committee on Discovery Procedures

Judge Frederick J.
Kapala
Appellate Court
2nd District
Chair

During the 2004 Conference Year, the Committee considered proposed amendments to Supreme Court Rules 204, 237, 222, and 206. The Supreme Court Rules Committee's proposal to amend Supreme Court Rule 204(d) would create a paragraph to address deposition fees for an independent expert witness. The Committee conveyed to the Supreme Court Rules Committee its questions/concerns regarding the definition of fee and independent expert and the potential increase in the cost of litigation by encouraging charging a fee for testimony. The Rules Committee subsequently decided to discontinue further discussion of the proposed amendment. The Supreme Court Rules Committee's proposal to amend Supreme Court Rule 237 would add a paragraph requiring the appearance of certain individuals and the production of certain documents at expedited hearings. The Committee expressed concerns about compelling an officer, director or employee of a party to appear for an expedited hearing with very little notice and about allowing expedited hearings beyond the context of domestic relations cases. The Committee forwarded its concerns to the Rules Committee, which agreed with modifying the proposed amendment. The Committee therefore recommended adoption of the modified proposal to amend Rule 237. The Committee also considered the Alternative Dispute Resolution Coordinating Committee's proposal to amend Supreme Court Rule 222(c), which requires practitioners to follow the dictates of timeliness set by local rule in making initial disclosures under Rule 222. The Committee forwarded its recommendation to adopt the proposed amendment to the Supreme Court Rules Committee. The Committee next reconsidered its prior proposal to amend Supreme Court Rule 206(c) to eliminate objections, except as to privilege, in discovery depositions, and to require that objections in evidence depositions be concise and state the exact legal basis for the objection. The Committee again decided to table this proposed amendment for future discussion given that the mechanism is in place to terminate a deposition and go to court where objections become too numerous or where a deposing attorney's questions become abusive. Finally, the Committee considered and tabled discussion on the creation of a uniform court order for purposes of disclosing medical records under "HIPAA" (Health Insurance Portability and Accountability Act) and on the elimination of the distinction between discovery and evidence depositions.

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.

COMMITTEE ACTIVITIES

The Committee on Education is charged by the Supreme Court with developing and providing ongoing judicial education for Illinois judges. The Committee does so within the framework of the Court's Comprehensive Judicial Education Plan, which recognizes that judicial education is a primary means of advancing judicial competency. In Spring 2004 the Committee oversaw the presentation of the biennial Education Conference. More than 900 Illinois judges attended the February and March 2004 presentations, either as participants or as faculty. The Conference featured 15 distinct presentations on areas of substantive law as well as three half-day sessions on civil and criminal jury management, child development issues for judges and eyewitness perception and recollection. As required by the Education Plan, all attendees participated in opening plenary sessions on judicial conduct and ethics as well as one of two concurrent sessions on judicial conduct issues. In addition to the Education Conference, the Committee conducted a full schedule of seminars, presented a New Judge Seminar and conducted a Faculty Development Workshop for judges serving as faculty for Judicial Conference programs. The seminar series included five regional (2 day) seminars and three mini (1 day) seminars. Faculty for all programs were assisted by staff of the Administrative Office of the Illinois Courts. The Resource Lending Library sponsored by the Committee and operated by the Administrative Office continued to provide judicial education resources to Illinois judges. Loan material available through the library includes videotapes, audiotapes and publications. Permanent use items include seminar reading materials, bench books, manuals, and other materials. The total number of loan and permanent use items distributed to judges in Conference Year 2004 was 848, with 346 judges requesting one or more items from the library. As in prior years, seminar reading materials and informational videotapes were the most requested items.

During the 2004 Conference year, the Committee continued to pursue security and technology issues on behalf of the judiciary. The Committee's recommendation to amend Supreme Court Rule 63A(7) to include new technology devices in the definitions of broadcasting and televising was approved by the Court and became effective December 5, 2003. The Committee drafted, distributed, and analyzed the results of a survey of computer usage by judges. Additionally, the Committee continued to follow the electronic filing and optical imagery projects being conducted by the Supreme Court, reviewed the concept of electronic guilty pleas and secure discussion "chat" rooms for judges, discussed new technologies becoming available, especially in the area of Spyware and computer viruses and worms that may affect the judiciary, and considered the collection of information about trial court information systems in Illinois and how they have been funded.

During the past Conference year, the Committee met to discuss caselaw developments, new legislation, and rule changes in order to keep the *Illinois Manual for Complex Civil Litigation* and the *Illinois Manual for Complex Criminal Litigation* current. The Committee updated the civil manual with a sixteen-page cumulative list of manual pages affected by recent developments. The Committee produced a twenty-page cumulative update for the criminal manual. The materials for both the civil and criminal manuals, including updates and supplements, are also available on CD-ROM. The Committee drafted and voted to forward to the Supreme Court Rules Committee a proposed new Supreme Court Rule which would supplement Supreme Court Rule 384 and increase efficiency in the management of potentially overlapping complex civil cases, particularly class actions, by requiring litigants to disclose closely related litigation of which they are aware. The Committee also engaged in extensive discussions regarding the organization of the manuals, as well as their content. To assist its efforts, the Committee conducted a survey of the entire state judiciary in order to assess awareness of the manuals and obtain views regarding their usefulness.

The Criminal Law and Probation Administration Committee continued its review of probation practices and procedures during the 2004 Conference Year. The Committee's study included programs for persons with mental health problems, sex offender programs, and domestic violence. The creation of a youthful offender program that will address crime by youthful offenders in ways that will protect the public and rehabilitate the offender was recommended. The Committee also continues to study revision of Illinois criminal law statutes. Subcommittees were appointed to review Global Positioning Systems and confrontation clause issues. In addition, the Committee reconsidered its proposal to add a cautionary jury instruction on informants. The proposal would amend the existing cautionary instruction on accomplices.

Committee on Education
Judge Mary Jane Theis
Appellate Court
1st District
Chair

Committee on Automation and Technology
Judge Robert E. Byrne
Appellate Court
2nd District
Chair

Study Committee on Complex Litigation
Judge Stephen A. Schiller
Circuit Court of Cook County, Chair

Committee on Criminal Law and Probation Administration
Judge Michael P. Toomin
Circuit Court of Cook County, Chair

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Cynthia Y. Cobbs, Secretary

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