



A MESSAGE FROM THE CHIEF JUSTICE

On behalf of my colleagues on the Illinois Supreme Court and the entire Judicial Branch of our state, it is my pleasure to present the 2005 Annual Report of the Illinois Courts. This is my initial opportunity to submit the Annual Report in my capacity as Chief Justice and to describe and define the important place the judiciary has in our form of government and the free society we all enjoy.

The judicial article of the 1970 Illinois Constitution vests general administrative and supervisory authority over all courts in the Supreme Court. As Chief Justice, I look forward to meeting the challenges which likely will confront the judiciary. The considerable task of running the judicial branch of government was wisely and comprehensibly addressed by the drafters of the constitution through the provision that the Supreme Court shall appoint an Administrative Director and staff to assist in this responsibility. The Chief Justice and the entire Supreme Court appropriately rely on our Administrative Director and the Administrative Office of the Illinois Courts to manage the day-to-day operations of the judicial branch.

The judiciary plays an essential role in our constitutional system. The Courts preserve the balance of power between the Executive and Legislative Branches and have the vital function of protecting the most basic rights of Americans. Individual rights and the obligations of government become tangible and meaningful through the functioning of a neutral judiciary. The Judicial Branch provides citizens a means for assuring that statutes passed by the legislature are enforced fully and even-handedly. An independent judiciary can be relied upon by the public to give force and mutual accountability to those protections enumerated in the Bill of Rights as well as private contracts between parties.

During my tenure as Chief Justice, I seek to reaffirm the Supreme Court's commitment to preserving and improving a judicial system that is fair and effective. The Supreme Court has recently taken some important initial steps to attain these ends with two new major initiatives aimed at ensuring the quality of legal services in Illinois as well as promoting civility among lawyers within the profession and with their clients.

The Court has established a Commission on Professionalism, the purpose of which is "to promote among the lawyers and judges of Illinois principles of integrity, professionalism and civility; to foster commitment to the elimination of bias and divisiveness within the legal and judicial systems; and to ensure that those systems provide equitable, effective and efficient resolution of problems and disputes for the people of Illinois." ([Supreme Court Rule 799](#)) The philosophy of the Court, which is the underpinning for the work of the Commission, is to send a clear and unequivocal message to the attorneys of our state that they are expected to deliver services with improved competency, effectiveness and civility. The elimination of past patterns of divisiveness and bias in our legal system can be achieved in large measure as attorneys set an example for new attorneys entering the field, their colleagues in the bar, and society at large.

The Court believes the Commission is a necessary new component of a legal environment that has become increasingly competitive and combative as attorneys seek clients and favorable verdicts. The Commission formalizes and builds on the efforts of the Special Supreme Court Committee on Professionalism. It will act as a resource for ideas on professionalism and develop public statements on ethical and professional principles which can serve as a guide to assist attorneys on the critical tenets of the legal profession. The Commission will coordinate with law schools in preparing and presenting programs for law students on ethics and professionalism. An important further mission of the Commission will be to focus on the role of the judiciary in establishing and maintaining the highest levels of professional conduct. The Commission also will seek to expand opportunities for scholarship and study for a more representative body of law students.

With the recent establishment of Supreme Court rules (MCLE Rules) on continuing legal education for attorneys in our state, the Court has put in place an additional major component for raising the competency, effectiveness and civility of our legal profession. ([Supreme Court Rules 790 - 797](#)) "Under the new rules, attorneys are required to study both substantive legal matters as well as matters relating to professional civility. ... This dual focus will help to ensure that the public is served by capable professionals who are fully informed of the latest developments in the law. The Commission will play a key role in the new continuing legal education program, working closely with both the bar and the law schools to ensure that professionalism and civility instruction is a part of every lawyer's education." ([Press Release, September 29, 2005](#))

As provided in the preamble, Minimum Continuing Legal Education requirements (MCLE) are designed "to assure that those attorneys licensed to practice law in Illinois remain current regarding the requisite knowledge and skills necessary to fulfill the professional responsibilities and obligations of their respective practices and thereby improve the standards of the profession in general." The public contemplates nothing less from attorneys.

A key component of the program requires every new Illinois attorney admitted to practice after December 31, 2005, to complete a Basic Skills Course, totaling at least 15 hours of instruction. The course will cover local court practice and rules, filing requirements for various government agencies, the drafting of pleadings and other documents, practice techniques and procedures under the Illinois Rules of Professional Conduct, client communications, the use of trust accounts, required record keeping and other rudimentary elements of practice. ([Rule 793](#)) "Law school teaches us how to think like lawyers, but not always how to practice law. ... The basic skills course will ensure that every new attorney enters the profession with a firm understanding of the tools that are essential to the day-to-day practice of law." ([Press Release, September 29, 2005](#))

During 2005, the Court instituted additional initiatives aimed at improving the judicial system. The Court amended Rule 281 on small claims cases and filed a new Rule 46 on the official record of court proceedings. The upper limit for small claims court jurisdiction was raised from \$5,000 to \$10,000 to recognize the increase in dollar value of business transactions and the associated value of tort and contract disputes. This change by the Court will allow the circuit courts and litigants to efficiently and effectively resolve such matters. ([Supreme Court Rule 281](#))

Court reporting personnel were removed from the operational and budgetary control of the Supreme Court by the General Assembly. In recognition of this change, the Court adopted [Supreme Court Rule 46](#) and authorized appropriate standards promulgated by the Administrative Office to assure the timely preparation and availability of a record on appeal. The rule and standards also are necessary for managing the operation of digital recordation as an additional authorized means of making a record on appeal. Fiscal and operational responsibility for this technology remains under the Supreme Court through its Administrative Office.

Innovations in technology will continue to be a principal focus of the Supreme Court. Our citizens will benefit from the conveniences provided by the utilization in the courts of technologies that have proven to be effective in the private sector. Exploration on a pilot basis of emerging electronic applications in the circuit courts will permit the Court to make informed decisions before full implementation of appropriate new technologies.

This message would not be complete without describing the structure and highlighting some of the programs of the Administrative Office, led by the Supreme Court's Administrative Director, Cynthia Y. Cobbs. Under the leadership of Director Cobbs, the Administrative Office provides administrative and technical support to all three levels of Illinois' courts and serves as liaison to the Court's various committees, including the committees of the Judicial Conference, a constitutionally mandated forum for the development of improvements in the administration of justice. The divisions of the Administrative Office include the Executive Office, Administrative Services, Court Services, Judicial Education, Judicial Management Information Services (JMIS) and Probation Services.

The Administrative Director and Executive Office work closely with the Chief Justice and the Court to prepare, present and follow-up on the policy matters contained in the Court's Administrative Agenda. These issues include fiscal and programmatic issues, rules and issues related to the other branches of state government and to entities which are involved in, or have an interest in, the administration of the Judicial Branch. Staff of the Executive Office also act as secretariat to the Court's Commission, the constitutionally created body for judicial discipline. The Administrative Services Division is responsible for budgeting, payroll, benefits and contract administration and procurement. The Court Services Division has operational responsibility for program areas focused on the circuit courts. These include the Conference of Chief Circuit Judges, mandatory arbitration, circuit clerk case and statistical reporting and the Court Improvement Program. The Judicial Education Division organizes and coordinates the extensive array of educational programs for Illinois judges in conjunction with the Education Committee of the Judicial Conference. The JMIS Division supports the communication, technology and resources for the Supreme and Appellate Courts, and is instrumental in the automated information exchange between the circuit courts and state entities including the Secretary of State and the Illinois State Police. The Probation Division is responsible for the administration of a significant level of salary reimbursement to the counties for circuit court based probation services. Training, technical assistance, statistical and case reporting as well as improvement of professional practices are also within the domain of the Probation Division. A further description of the responsibilities and programs of each of the divisions of the Administrative Office is contained elsewhere in this publication. ([Administrative Summary to the Annual Report of 2005](#))

I am pleased to invite your review of the work of the Illinois Judicial Branch and the Administrative Office as contained in the 2005 Annual Report. Finally, I want to extend my appreciation to all who have assisted with the numerous projects and initiatives featured herein.

A handwritten signature in black ink that reads "Robert R. Thomas". The signature is written in a cursive, flowing style.

Robert R. Thomas
Chief Justice