JUDICIAL CONFERENCE

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.

Alternative Dispute Resolution Coordinating Committee
Judge John O. Steele
Circuit Court of Cook County, Chair

During the 2006 Conference Year, the Committee monitored both Court-Annexed Mandatory Arbitration Programs and Court-Sponsored Major Civil Case Mediation Programs. The Committee considered amendments to the Supreme Court Rules. One rule consideration included Supreme Court Rule 87(e), Appointment, Qualification and Compensation of Arbitrators. The Committee considered amending paragraph (e) to increase the arbitration compensation level from $75.00 per hearing to $100.00 per hearing. The Committee plans to forward this recommendation to the Administrative Director for consideration. The Committee also crafted a proposed rule that would create the summary jury trial as another dispute resolution option available for use by the trial bench. The Committee plans to send the proposed rule to the Supreme Court for consideration. In the area of mediation, the Committee monitored exisitng Court-approved mediation programs, observed the inception of new mediation programs and continued to track statistical information to determine program efficacy.

Committee on Automation and Technology
Judge Grant S. Wegner
16th Circuit
Chair

During the 2006 Conference Year, the Automation and Technology Committee completed a disaster recovery guide for use in the trial courts. The Disaster Recovery Guide ("Guide") identifies critical topics and procedures recommended for inclusion in a court disaster recovery plan. The Guide outlines topics that are necessary for the development of a consolidated disaster recovery plan while still allowing for the autonomy of local departments and offices to include processes for their respective environment and needs. The Guide includes general topics, sample responses and templates that may be customized for each county where more detailed information and practices can be included for county and circuit-wide disaster recovery plans. The Guide facilitates the sharing of resources, practices, and procedures among neighboring counties/circuits and includes a Disaster Planning Checklist and research material used by the Committee to develop the Guide. The Committee began discussions regarding the use and impact of video conferencing equipment in the circuit courts. Further research and analysis will include the impact, benefits, costs, concerns, and technology required for video court/conferencing systems.

Study Committee on Juvenile Justice
Judge C. Stanley Austin
18th Circuit
Chair

During the 2006 Conference Year, the Committee updated Volume II of the *Illinois Juvenile Law Benchbook*, which primarily addresses juvenile court proceedings involving abuse, neglect, and dependency. The Committee researched and drafted new provisions on confidentiality for inclusion in Volume II of the benchbook. The new provisions will address access to juvenile court proceedings and records by the press; access to juvenile court records for research; and use of a minor's name in notice by publication to the parent. The Committee also discussed the insufficient funding for the operation/administration of juvenile diversion programs and the related lack of priority for juvenile diversion fees under Supreme Court Rule 529, which sets forth the percentage distribution of fines, penalties and costs collected for traffic offenses, which in turn is equal to the bail required by Supreme Court Rule 526. The Committee therefore recommended that if the Supreme Court increases the $75 bail for traffic offenses provided for in Rule 526, the juvenile diversion fee be given priority under Rule 529. Finally, the Committee began examining Problem-solving Courts in the management of juvenile delinquency, abuse, neglect, and dependency cases.

Study Committee on Complex Litigation
Judge Mary Ellen Coghlan
Circuit Court of Cook County, Chair

During the 2006 Conference Year, the Study Committee on Complex Litigation monitored and culled caselaw and other legal developments involving complex litigation in order to keep the Illinois Manual for Complex Civil Litigation and the Illinois Manual for Complex Criminal Litigation current. The Committee will include this information in future updates to the text of the Civil and Criminal Manuals. The Manuals will continue to be available on CD-ROM which affords judges the convenience of downloading and hyperlink and search capabilities. The Committee also drafted a new Alternative Dispute Resolution chapter for the Civil Manual. The draft was forwarded to the IJC Alternative Dispute Resolution Coordinating Committee for its review and recommendations. The Complex Litigation Committee anticipates that the final version of this chapter will be included in the next revised Civil Manual. Last, the Committee considered the utility of centralized document depositories in complex litigation cases and voted to recommend that the use of such facilities be expanded throughout Illinois for appropriate cases; however, it was recommended that management of document depositories remain the responsibility of the parties to the litigation, rather than the circuit clerk's office.

COMMITTEE ACTIVITIES

Committee on Education
Judge Hollis L. Webster
18th Circuit
Chair

The Committee on Education is charged by the Supreme Court with developing judicial education resources which enable Illinois judges to hone the knowledge and skills needed to be efficient, effective jurists. In 2006, the Supreme Court promulgated Minimum Continuing Judicial Education (MCJE) requirements for all Appellate, Circuit and Associate judges and asked the Committee to develop a 30 hour curriculum for the Education Conference, presented in alternate years, to fulfill the new MCJE provisions. To do so, the Committee worked closely with the Administrative Office to develop and analyze the results of a comprehensive "judicial education needs assessment" intended to identify emerging legal, sociological, cultural, and technical issues that impact decision making and court administration by Illinois judges. Based on the needs assessment results, the Committee recommended a "core curriculum" for Education Conference 2008 and the preparation of "judicial benchbooks" in six distinct topics or areas of Illinois law. To implement these recommendations, the Committee worked with the Administrative Office to enhance the identification, recruitment and preparation of judicial education faculty to teach judicial education sessions and/or to prepare components of the benchbooks. In addition to these MCJE-related activities, the Committee oversaw the presentation of the biennial Education Conference, attended by Illinois' more than 900 judges, in February and March 2006. The Conference featured sessions on civil law, criminal law, family law, evidence, judicial ethics and other issues. Half-day sessions focused on jury management, *pro se* and indigent litigants and the impact of methamphetamine production and use. In addition to the Education Conference, the Committee conducted the annual seminar series, comprised of six regional (2 day) seminars and two mini (1 day) seminars, presented the annual New Judges Seminar and conducted a Faculty Development Workshop for judges serving as faculty for Judicial Conference programs. Faculty for all programs were assisted by staff of the Administrative Office of the Illinois Courts.

Committee on Discovery Procedures
Judge Frederick J. Kapala
Appellate Court
2nd District
Chair

During the 2006 Conference Year, the Committee proposed amendments to Supreme Court Rules 214 and 216, and began exploring mandatory disclosure. The Committee addressed the problems associated with sorting through various and often voluminous documents submitted pursuant to a written request to produce under Supreme Court Rule 214. The Committee sought to clarify Rule 214 by requiring that documents, produced pursuant to a Rule 214 request, are labeled to correspond with the specific categories in the written request. The Committee forwarded its proposed amendments to the Supreme Court Rules Committee. The Committee also analyzed the abuses surrounding a request to admit under Supreme Court Rule 216, which include burying the request with numerous other discovery requests where they are more likely to go undetected by the responding party until after the deadline has passed. The Committee found that such abuses often occur in small cases in high volume courtrooms, such as municipal court, where many of the law firms are "bulk filers," who represent credit card companies and collection agencies, and many of the litigants are *pro se*. After much discussion, the Committee proposed certain narrow amendments to Rule 216, including requiring prior leave of court before serving a request to admit; proper notice to all parties; and prohibiting such requests from being served more than 120 days after the filing of a responsive pleading unless there is agreement otherwise, or the court so orders. Nevertheless, the Committee limited application of its proposed amendments to civil actions not in excess of $50,000. Consistent with Supreme Court Rule 3, the Committee forwarded its proposed amendments to the Supreme Court Rules Committee. Finally, the Committee began exploring the feasibility and nuances of a rule requiring mandatory disclosure of relevant documents to address the problem of parties not receiving relevant information before trial.

Committee on Criminal Law and Probation Administration
Judge Donald C. Hudson
16th Circuit
Chair

The Illinois Judicial Conference Committee on Criminal Law and Probation Administration undertook several significant projects in 2006, which included conducting a literature search and review on evidence-based practices in reducing offender recidivism, the development of a comprehensive report entitled *"The Efficacy and Trends of Speciality Courts,"* conducting a survey of Illinois speciality courts resulting in the development of the *"Illinois Problem Solving Courts Inventory."* The Committee also examined issues affecting criminal law and procedure and reviewed proposals to amend Supreme Court Rules affecting criminal procedure and probation administration. The Committee also continued to discuss and monitor the impact of the United State Supreme Court case of *Crawford v. Washington,* 541 U.S. 36, 124 S.Ct. 1354, 158 L.Ed. 177 (2004) and any of its progeny concerning confrontation clause issues.

Members of the Executive Committee of the Illinois Judicial Conference During 2006

Chief Justice Robert R. Thomas, Chair **Cynthia Y. Cobbs**, Secretary

Joseph F. Beatty, Circuit Judge, 14th Circuit
Robert L. Carter, Chief Circuit Judge, 13th Circuit
James K. Donovan, Appellate Judge, 5th District
Timothy C. Evans, Chief Circuit Judge, Circuit Court of Cook County
Susan Fox Gillis, Associate Judge, Circuit Court of Cook County
Robert K. Kilander, Chief Circuit Judge, 18th Circuit
John C. Knight, Circuit Judge, 3rd Circuit
Rita M. Novak, Associate Judge, Circuit Court of Cook County
Stuart A. Nudelman, Circuit Judge, Circuit Court of Cook County
Stephen H. Peters, Circuit Judge, 6th Circuit
M. Carol Pope, Circuit Judge, 8th Circuit
Robert B. Spence, Circuit Judge, 16th Circuit
John O. Steele, Circuit Judge, Circuit Court of Cook County
Joseph J. Urso, Circuit Judge, Circuit Court of Cook County