

JUDICIAL CONFERENCE COMMITTEE ACTIVITIES

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 2007 Conference Year, the Committee monitored both Court-annexed mandatory arbitration programs and Court-approved mediation programs. The Committee continued to track mandatory arbitration statistics to determine program efficacy. The Committee undertook many initiatives prescribed by the Court during Conference Year 2007. Some of those projects included development of a uniform arbitrator reference manual, studying child custody and visitation mediation to identify a mechanism for tracking statistical data, presenting a proposed rule governing summary jury trials to the Court for review, considering the impact of increasing certain fees related to mandatory arbitration, and contemplation of a recommendation to allow arbitrators the opportunity to accept *pro bono* service credit in lieu of compensation. The Committee also met with arbitration administrators and supervising judges of circuits with mandatory arbitration programs to discuss program operations and identify areas for improvement. In the area of mediation, the Committee monitored existing Court-approved mediation programs, observed the inception of new mediation programs in accord with the Supreme Court's Article IX Rules with respect to child custody proceedings and continued to track statistical information to determine program efficacy.

Committee on Automation and Technology

Judge Grant S. Wegner,
16th Circuit, Chair

During the 2007 Conference Year, the Automation and Technology Committee studied the technologies, capabilities, impact, legislation and rules associated with the use of video court/conferencing systems in the Illinois trial courts. The Committee is developing an impact statement to summarize its findings, including the benefits and detriments of video court/conferencing systems as they relate to both civil and criminal hearings. The impact statement is expected to include recommendations for new rules and/or case law or revisions to existing rules that might govern the use of video court/conferencing systems in Illinois.

The Automation and Technology Committee also discussed revisions to the Disaster Recovery Guide developed by the Committee in 2006. No changes were recommended to the Disaster Guide at this time.

Study Committee on Juvenile Justice

Judge C. Stanley Austin,
18th Circuit, Chair

During the 2007 Conference Year, the Committee updated Volume I of the *Illinois Juvenile Law Benchbook*, which addresses juvenile court proceedings involving allegations of delinquency, addicted minors, minors requiring authoritative intervention, truant minors in need of supervision and confidentiality of juvenile court records. In updating Volume I, the Committee revised the existing section on confidentiality, which discusses access to juvenile court hearings and to juvenile court records in the context of delinquency matters. In addressing the scope of confidentiality in juvenile matters, the Committee considered Supreme Court Rule 660, which provides that, in all appeals filed from proceedings under the Juvenile Court Act, the minor shall be identified by first name and last initial or by initials only. The Committee is in favor of utilizing the same procedure at the trial court level in cases involving notice by publication to parents in juvenile matters. In Conference Year 2007, the Committee also began assessing the efficacy of the juvenile problem-solving courts in Cook County, Kane County, Peoria County and Will County by following up with the judges and the probation departments about additional details, including the number of juveniles in the program and its effectiveness. As a final matter, the Committee began gathering information from each circuit court regarding their need for mental health evaluations and services for juveniles. The Committee distributed a survey for each circuit to describe the nature and availability of mental health evaluations/services it offers for juveniles. Each circuit offering such services also is asked to provide some statistical information and to comment on the adequacy of its services and application of assessment results in rendering a dispositional order.

Study Committee on Complex Litigation

Judge Mary Ellen Coghlan,
Circuit Court of Cook County, Chair

During the 2007 Judicial Conference year, the Study Committee on Complex Litigation reviewed Illinois Supreme Court and Appellate Court opinions and other legal developments involving complex litigation issues for purposes of updating and revising the *Illinois Manual for Complex Civil Litigation* and the *Illinois Manual for Complex Criminal Litigation*. The Committee also reviewed the forms contained in the appendixes to both *Manuals* and added several new documents to assure that the forms and

Members of the Executive Committee of the Illinois Judicial Conference During 2007

Chief Justice Robert R. Thomas, Chair

Cynthia Y. Cobbs, Secretary

Adrienne W. Albrecht, Circuit Judge, 21st Circuit
Robert L. Carter, Appellate Judge, 3rd District
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
Shelvin Louise Hall, Appellate Judge, 1st District
Robert K. Kilander, Circuit Judge, 18th Circuit

John C. Knight, Circuit Judge, 3rd Circuit
Rita M. Novak, Associate Judge, Circuit Court 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

orders available are current. The Committee will include this information in the revised *Manuals*. The text of the *Manuals* will continue to be available on CD-ROM, which affords users the convenience of downloading, hyperlink and search capabilities. The forms in the Appendixes will be available electronically so that judges will have easy access to form orders. The Committee reviewed and accepted the recommended changes offered by the IJC Alternative Dispute Coordinating Committee with regard to the draft *Civil Manual* chapter on Alternative Dispute Resolution, which was forwarded for the ADR Committee's review in October 2006. The final version of the ADR chapter will be included in the revised *Civil Manual*. Next, the Committee studied the practical considerations in handling complex insurance cases and determined that no new text on this issue would be added to the *Civil Manual* at this time. Last, the Committee reviewed the *Civil Manual* to determine if text should be added with regard to construction cases. Noting that the new ADR chapter contained text on this issue, the Committee put over to the next Judicial Conference year further discussion as to whether additional text on construction cases should be added to the *Civil Manual*.

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 charged the Committee in collaboration with the Administrative Office, to develop the expanded 30-hour Education Conference for 2008. The Conference, presented in alternate years, would enable judges to fulfill the requirements of the new MCJE provisions. In 2007, the Committee worked closely with the Administrative Office to meet this challenge. A comprehensive "judicial education needs assessment" was used to identify emerging legal, sociological, cultural, and technical issues that impact decision-making and court administration by Illinois judges. Based on the results, Education Conference 2008 was designed to include basic and advanced sessions, using interactive techniques and problem-solving elements, that will provide individual judges the ability to customize their curriculum to match their needs.

In order to implement the expanded curriculum, the Committee worked with the Administrative Office to enhance the identification, recruitment and preparation of judicial education faculty. Faculty is needed both to teach judicial education sessions and to prepare components of the six core judicial benchbooks – Civil, Criminal, DUI / Traffic, Family Law, Evidence, and Domestic Violence. The benchbooks, organized and indexed in a manner to provide judges clear and concise direction on complicated matters, will be made available in electronic and hard copy formats.

The fourth biannual Advanced Judicial Academy was held in June 2007. This year, it addressed the life-altering decisions judges must

make in regard to mentally ill and addicted persons. Finally, the Committee planned the annual seminar series, consisting of three regional (2-day) seminars, presented the annual New Judges Seminar, and conducted a Faculty Development Workshop for judges serving as faculty for Committee programs.

Committee on Discovery Procedures

Judge Mary Anne Mason,
Circuit Court of Cook County, Chair

During the 2007 Conference Year, the Committee was assigned the comprehensive task of studying and defining e-Discovery. In addressing this project, the Committee began exploring the electronic discovery provisions of the Federal Rules of Civil Procedure; began collecting the rules from states providing for e-Discovery, and began examining the case law and numerous articles written on this subject. The Committee's goal is to prepare a report for the Court's consideration that addresses the issues arising from the discovery of electronically-stored information; namely the preservation, collection, review and production of electronic evidence. In 2007, the Committee also considered and rejected a proposal, forwarded by the Supreme Court Rules Committee, to amend Supreme Court Rules 206 and 211 to eliminate the making of objections to the evidence presented in discovery depositions. As a final matter, the Committee began reviewing its proposed amendments to Supreme Court Rules 214 and 216, which were submitted to the Supreme Court Rules Committee in Conference Year 2006, in light of the concerns raised at the 2007 Annual Public Hearing.

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 2007. Initial research was conducted on the feasibility of a criminal alternative dispute resolution program in Illinois by examining four other states' existing criminal alternative dispute resolution programs. A quick reference guide was developed for use by the judiciary for incorporating the principles of Evidence-Based Practices in sentencing. A similar quick reference guide was also developed for use by probation officers in the implementation of Evidence-Based Practices. The Committee presented to the Illinois Supreme Court, for its consideration, a uniform Pre-Sentence Investigation Report based on Evidence-Based Practices to assist court stakeholders in crafting sentences appropriate to individual offenders. The "*Illinois Problem Solving Courts Inventory*" was updated to include information on problem solving courts that became operational in 2007. The Committee also examined issues affecting criminal law and procedure, and continued to discuss and monitor the impact of the United States Supreme Court case of *Crawford v. Washington* and any of its progeny concerning confrontation clause issues.