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 Patricia Banks
Circuit Court of Cook County, Chair

The Alternative Dispute Resolution Coordinating Committee monitors and assesses both court-annexed mandatory arbitration programs and mediation programs approved by the Supreme Court. During the course of the Conference year, the Committee developed a training curriculum for new arbitrators. If approved, the curriculum would entail a recommended training document which would include a training outline for new arbitrators. The Committee also examined current collection methods for statistical data related to the arbitration program to determine if current data collected is accurately capturing the outcomes of the program. During Conference Year 2009, Committee activities also included reconsideration of a proposal to amend Supreme Court Rule 91 (Absence of a Party at Hearing); consideration of an increase to arbitration program jurisdictional dollar limits and its impact; development of an arbitration program participant satisfaction survey; preparation of proposed rule amendments and creation of a related form for arbitrators to waive compensation and accept *pro bono* legal service credit in its stead; consideration of arbitrator chair qualifications; and study of the reliability and applicability of a settlement data initiative.

Committee on Automation and Technology

Judge Kenneth A. Abraham
18th Circuit, Chair

In 2009, the Automation and Technology Committee completed its review of the Disaster Recovery Guide with regard to critical court functions, proposing language to be added to the Disaster Recovery Guide of 2006. The Committee's analysis focused on the need for an interdependent relationship between the Criminal Court and the Sheriff during a disaster. As the level of the disaster increases, this dependency increases as does that with county officials and emergency management personnel who all make key decisions regarding the well-being of those incarcerated. After considering the life and health of prisoners, the focus should be turned upon the Constitution and statutory rights of those previously incarcerated as well as those arrested during a disaster. Plans should include the ability to contact court staff, including the State's Attorney, Public Defender, circuit clerk, court reporters, and possibly interpreters, as arrangements are made for hearings. In addition to contacting court staff, a temporary facility needs to be identified to conduct hearings. Consideration should be given to its security capabilities, the transportation of prisoners, and the ability to access court records. The Committee also analyzed the potential features of a secure website for use throughout the judiciary, documenting benefits, potential uses, and recommends such a technology as an efficient and effective alternative to communication and collaboration.

Study Committee on Juvenile Justice

Judge John R. McClean, Jr.
14th Circuit, Chair

During the 2009 Conference Year, the Committee updated Volume I of the *Illinois Juvenile Law Benchbook*, which addresses proceedings brought in juvenile court that involve allegations of delinquency, addicted minors, minors requiring authoritative intervention (MRAI) and truant minors in need of supervision. The Committee also continued its study of the juvenile drug courts in Cook, Kane, Peoria and Will counties. The Committee discovered that each of the programs utilizes different criteria and collects limited statistics as to the program's effectiveness. In particular, the Committee noted that there appears to be no analytical data, such as recidivism rates for those successfully completing the program, to measure the effectiveness of the program. The Committee therefore concluded that other states' standards and data collection should be studied to gain insight on establishing more effective juvenile drug courts in Illinois. The Committee further continued its research of the availability/adequacy of mental health services for juveniles by focusing on the Models for Change National Initiative, which promotes juvenile justice reform in several areas including mental health. The goal of the Initiative with respect to mental health for juveniles is that professionals in the fields of juvenile justice, child welfare, mental health, substance abuse and education would work collaboratively to meet the mental health needs of youth without unnecessary juvenile justice system involvement. The Committee found the Initiative's work in Pennsylvania to be instructive with respect to encouraging collaboration among diverse groups to provide mental health services for juveniles. As a final matter, the Committee discussed the applicability of the best interests of the minor standard and the superior rights standard in guardianship cases.

Study Committee on Complex Litigation

Judge Mary Ellen Coghlan
Circuit Court of Cook County, Chair

During the 2009 Judicial Conference year, the Study Committee on Complex Litigation, with the assistance of its Professor/Reporter and several new members appointed by the Court, embarked on the creation of a Fourth Edition of the

Manual on Complex Civil Litigation. This endeavor, the most comprehensive of the projects/priorities identified in the Committee's charge for Conference Year 2009, comprised much of the Committee's work for this year, as the members focused on planning, organization and drafting of the Fourth Edition. Among the subjects to be included in the Fourth Edition will be text on construction cases, another of the projects/priorities identified in the Committee's 2009 charge. With respect to projects/priorities carried over from Conference Year 2008, the Committee was requested to review the Criminal Law and Procedure benchbook created by the IJC Committee on Education and consider appropriate revisions to the Criminal Manual. With the completion of the benchbook toward the latter part of the 2009 Judicial Conference year, the Committee anticipates being requested to review the benchbook in Conference Year 2010 to determine if substantial changes should be made to the Criminal Manual in order to avoid overlapping information and maintain the Manual's unique use as a "how to" guide for judges handling protracted or high-profile criminal cases. The Committee was also requested during Conference Year 2009 to revise the ADR chapter in the Civil Manual to address declaratory judgment cases. The Committee intends to include new text consistent with this charge in the Fourth Edition of the Civil Manual.

Committee on Criminal Law and Probation Administration

Judge Mary S. Schostok
Second District Appellate Court, Chair

The Illinois Judicial Conference Committee on Criminal Law and Probation Administration undertook several significant projects in 2009. Research continued on the feasibility of a criminal dispute resolution program resulting in recommendations being made to the Judicial Conference. The Committee continued to study and examine the feasibility for improving court efficiency in the acceptance of guilty pleas which also resulted in recommendations being made to the Judicial Conference. Research was also conducted on the need for a first offender program for those convicted of certain class 4 and class 3 felonies. The Committee also examined the use of "shock incarceration" to the Illinois Department of Corrections for certain offenders as part of the terms and conditions of probation. The Committee also began examining the use of videoconferencing in criminal proceedings. At the request of the Supreme Court Rules Committee, the committee examined and commented on a proposed rule concerning the use of restraints on criminal defendants during trial and a proposed rule which would authorize an attorney to disclose information of guilt received in a privileged communication which would exonerate another person wrongfully convicted of the admitted crime. The committee also examined other 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 its progeny concerning confrontation clause issues.

Committee on Discovery Procedures

Judge Mary Anne Mason
Circuit Court of Cook County, Chair

During the 2009 Conference Year, the Committee drafted proposed amendments to Supreme Court Rules 212(a)(5) and 206(h). The Committee's proposed amendment to Rule 212(a)(5) seeks to give the trial court discretion to permit the use of a party's discovery deposition at trial. The Committee's proposed amendment arose following an Appellate Court decision affirming the trial court's barring the use of plaintiff's discovery deposition at trial pursuant to Rule 212(a)(5) even though plaintiff died before taking his evidence deposition and lengthy delays were caused by defendants. The Committee's proposed amendment to Rule 206(h) permits electronic depositions on notice without leave of court. The Committee reasoned that current practice has been the acceptance of remote electronic depositions such that there is no need to require a party to obtain a court order. The Committee also considered and rejected the following projects: (1) whether to define work product and privilege for purposes of objecting to discovery under Supreme Court Rule 201(b)(2); (2) whether general objections to interrogatories/requests to produce should be prohibited; and (3) the feasibility of contention discovery as recognized under the federal rules.

Committee on Education

Judge M. Carol Pope
Fourth District Appellate Court, Chair

The Supreme Court has given the Committee on Education a charge to develop and recommend a "core" judicial education curriculum for Illinois judges which identifies key judicial education topics and issues to be addressed through judicial education activities each Conference year. This charge includes the identification of emerging legal, sociological, cultural and technical issues that may impact decision making and court administration by Illinois judges. Based upon this core curriculum, the Committee develops seminars and conferences, in coordination with the Administrative Office, for new and experienced judges, that include, *New Judge Seminar, the Advanced Judicial Academy, Seminar Series and Education Conference*, as well as a *Faculty Development Workshop* for judicial faculty. The Committee also reviews and recommends non-judicial conference judicial education programs for the award of judicial education credit. In addition, the Committee works with the Administrative Office to produce six Illinois Judicial Benchbooks: *Criminal Law and Procedure, Civil Law and Procedure, DUI/Traffic, Family Law and Procedure, Evidence* and *Domestic Violence*. The benchbooks are available to Illinois judges in print or CD format, and also through access to the judicial portal.

Members of the Executive Committee of the Illinois Judicial Conference During 2009

Chief Justice Thomas R. Fitzgerald, Chair
Cynthia Y. Cobbs, Secretary

Adrienne W. Albrecht, Circuit Judge, 21st Circuit
Robert L. Carter, Appellate Judge, 3rd District
Stephen J. Culliton, Chief Circuit Judge, 18th Circuit
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
John C. Knight, Circuit Judge, 3rd Circuit
Rita M. Novak, Associate Judge, Circuit Court Cook County
M. Carol Pope, Appellate Judge, 4th District
Elizabeth A. Robb, Chief Circuit Judge, 11th Circuit
Robert B. Spence, Circuit Judge, 16th Circuit
John O. Steele, Appellate Judge, 1st District
Joseph J. Urso, Circuit Judge, Circuit Court of Cook County
Milton S. Wharton, Circuit Judge, 20th Circuit