

REPORT
OF THE
ILLINOIS JUDICIAL
CONFERENCE
2002



2002 REPORT

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ROSTER OF JUDICIAL CONFERENCE OF ILLINOIS

The following are members of the Judicial Conference of Illinois during the 2002 Conference year.

SUPREME COURT

Hon. Mary Ann G. McMorrow*
First Judicial District

Hon. Charles E. Freeman
Supreme Court Justice
First Judicial District

Hon. Robert R. Thomas
Supreme Court Justice
Second Judicial District

Hon. Thomas R. Fitzgerald
Supreme Court Justice
First Judicial District

Hon. Rita B. Garman
Supreme Court Justice
Fourth Judicial District

Hon. Thomas L. Kilbride
Supreme Court Justice
Third Judicial District

Hon. Philip J. Rarick
Supreme Court Justice
Fifth Judicial District

Appellate Court

Hon. Alan J. Greiman
Chairman, Executive Committee
First District Appellate Court

Hon. John T. McCullough
Presiding Judge
Fourth District Appellate Court

Hon. Susan F. Hutchinson
Presiding Judge
Second District Appellate Court

Hon. Gordon E. Maag
Presiding Judge
Fifth District Appellate Court

Hon. Tom M. Lytton
Presiding Judge
Third District Appellate Court

*Chief Justice Moses W. Harrison II served as Presiding Officer of the Judicial Conference until his retirement on September 5, 2002.

APPOINTEES

Hon. Thomas R. Appleton
Circuit Judge
Seventh Judicial Circuit

Hon. C. Stanley Austin
Circuit Judge
Eighteenth Judicial Circuit

Hon. Robert P. Bastone
Associate Judge
Circuit Court of Cook County

Hon. Joseph F. Beatty
Circuit Judge
Fourteenth Judicial Circuit

Hon. Amy Bertani-Tomczak
Circuit Judge
Twelfth Judicial Circuit

Hon. Preston Bowie, Jr.
Associate Judge
Circuit Court of Cook County

Hon. Robert E. Byrne
Circuit Judge
Eighteenth Judicial Circuit

Hon. Ann Callis
Circuit Judge
Third Judicial Circuit

Hon. Robert L. Carter
Chief Judge
Thirteenth Judicial Circuit

Hon. Joseph N. Casciato
Associate Judge
Circuit Court of Cook County

Hon. Mary Ellen Coghlan
Circuit Judge
Circuit Court of Cook County

Hon. Claudia Conlon
Circuit Judge
Circuit Court of Cook County

Hon. Lloyd A. Cueto
Circuit Judge
Twentieth Judicial Circuit

Hon. John R. DeLaMar
Circuit Judge
Sixth Judicial Circuit

Hon. Deborah M. Dooling
Circuit Judge
Circuit Court of Cook County

Hon. Annette A. Eckert
Associate Judge
Twentieth Judicial Circuit

Hon. Timothy C. Evans
Chief Judge
Circuit Court of Cook County

Hon. Edward C. Ferguson
Circuit Judge
Third Judicial Circuit

Hon. Charles H. Frank
Associate Judge
Eleventh Judicial Circuit

Hon. Vincent M. Gaughan
Circuit Judge
Circuit Court of Cook County

Hon. James R. Glenn
Circuit Judge
Fifth Judicial Circuit

Hon. Robert E. Gordon
Circuit Judge
Circuit Court of Cook County

Hon. Alan J. Greiman
Appellate Court Judge
First Appellate Court District

Hon. Diane M. Lagoski
Associate Judge
Eighth Judicial Circuit

Hon. Donald C. Hudson
Circuit Judge
Sixteenth Judicial Circuit

Hon. Lori R. Lefstein
Circuit Judge
Fourteenth Judicial Circuit

Hon. Susan F. Hutchinson
Appellate Court Judge
Second Appellate Court District

Hon. James B. Linn
Associate Judge
Circuit Court of Cook County

Hon. Frederick J. Kapala
Circuit Judge
Seventeenth Judicial Circuit

Hon. Tom M. Lytton
Appellate Court Judge
Third Appellate Court District

Hon. Lynne Kawamoto
Associate Judge
Circuit Court of Cook County

Hon. Gordon E. Maag
Appellate Court Judge
Fifth Appellate Court District

Hon. Robert K. Kilander
Chief Judge
Eighteenth Judicial Circuit

Hon. Lewis E. Mallott
Associate Judge
Third Judicial Circuit

Hon. Dorothy Kirie Kinnaird
Circuit Judge
Circuit Court of Cook County

Hon. William D. Maddux
Circuit Judge
Circuit Court of Cook County

Hon. Gerald R. Kinney
Circuit Judge
Twelfth Judicial Circuit

Hon. Patricia Martin Bishop
Circuit Judge
Circuit Court of Cook County

Hon. Kurt Klein
Circuit Judge
Sixteenth Judicial Circuit

Hon. Mary Anne Mason
Circuit Judge
Circuit Court of Cook County

Hon. John Knight
Circuit Judge
Third Judicial Circuit

Hon. John R. McClean, Jr.
Associate Judge
Fourteenth Judicial Circuit

Hon. Randye A. Kogan
Associate Judge
Circuit Court of Cook County

Hon. John T. McCullough
Appellate Court Judge
Fourth Appellate Court District

Hon. Clyde L. Kuehn
Appellate Court Judge
Fifth Appellate Court District

Hon. James J. Mesich
Associate Judge
Fourteenth Judicial Circuit

Hon. Colleen McSweeney-Moore
Circuit Judge
Circuit Court of Cook County

Hon. Steven H. Nardulli
Associate Judge
Seventh Judicial Circuit

Hon. Rita M. Novak
Associate Judge
Circuit Court of Cook County

Hon. Stuart A. Nudelman
Circuit Judge
Circuit Court of Cook County

Hon. P. J. O'Neill
Chief Judge
Third Judicial Circuit

Hon. Stephen R. Pacey
Circuit Judge
Eleventh Judicial Circuit

Hon. Stuart E. Palmer
Circuit Judge
Circuit Court of Cook County

Hon. Lance R. Peterson
Associate Judge
Thirteenth Judicial Circuit

Hon. M. Carol Pope
Circuit Judge
Eighth Judicial Circuit

Hon. Dennis J. Porter
Associate Judge
Circuit Court of Cook County

Hon. Ellis E. Reid
Appellate Court Judge
First Appellate Court District

Hon. James L. Rhodes
Circuit Judge
Circuit Court of Cook County

Hon. Teresa K. Righter
Associate Judge
Fifth Judicial Circuit

Hon. Stephen A. Schiller
Circuit Judge
Circuit Court of Cook County

Hon. Mary S. Schostok
Circuit Judge
Nineteenth Judicial Circuit

Hon. John P. Shonkwiler
Chief Judge
Sixth Judicial Circuit

Hon. David W. Slater
Associate Judge
Fourth Judicial Circuit

Hon. Robert B. Spence
Circuit Judge
Sixteenth Judicial Circuit

Hon. Eddie A. Stephens
Associate Judge
Circuit Court of Cook County

Hon. Jane Louise Stuart
Circuit Judge
Circuit Court of Cook County

Hon. Mary Jane Theis
Appellate Court Judge
First Appellate Court District

Hon. Michael P. Toomin
Circuit Judge
Circuit Court of Cook County

Hon. Edna Turkington
Circuit Judge
Circuit Court of Cook County

Hon. Hollis L. Webster
Circuit Judge
Eighteenth Judicial Circuit

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Hon. Grant S. Wegner
Chief Judge
Sixteenth Judicial Circuit

Hon. Milton S. Wharton
Circuit Judge
Twentieth Judicial Circuit

Hon. Kendall O. Wenzelman
Chief Judge
Twenty-First Judicial Circuit

Hon. Walter Williams
Associate Judge
Circuit Court of Cook County

MEMBERS OF EXECUTIVE COMMITTEE

Hon. Mary Ann G. McMorrow, Chairman
Chief Justice
First Judicial District

Hon. Robert P. Bastone
Associate Judge
Circuit Court of Cook County

Hon. Joseph F. Beatty
Circuit Judge
Fourteenth Judicial Circuit

Hon. Robert L. Carter
Chief Judge
Thirteenth Judicial Circuit

Hon. Lloyd A. Cueto
Circuit Judge
Twentieth Judicial Circuit

Hon. Timothy C. Evans
Chief Judge
Circuit Court of Cook County

Hon. Robert K. Kilander
Chief Judge
Eighteenth Judicial Circuit

Hon. Clyde L. Kuehn
Appellate Court Judge
Fifth Appellate Court District

Hon. Rita M. Novak
Associate Judge
Circuit Court of Cook County

Hon. Stuart A. Nudelman
Circuit Judge
Circuit Court of Cook County

Hon. M. Carol Pope
Circuit Judge
Eighth Judicial Circuit

Hon. Ellis E. Reid
Appellate Court Judge
First Appellate Court District

Hon. Stephen A. Schiller
Circuit Judge
Circuit Court of Cook County

Hon. John P. Shonkwiler
Chief Judge
Sixth Judicial Circuit

Hon. Robert B. Spence
Circuit Judge
Sixteenth Judicial Circuit

*Chief Justice Moses W. Harrison II served as Presiding Officer of the Judicial Conference until his retirement on September 5, 2002.

OVERVIEW OF THE ILLINOIS JUDICIAL CONFERENCE

The Supreme Court of Illinois created the Illinois Judicial Conference in 1953 in the interest of maintaining a well-informed judiciary, active in improving the administration of justice. The Conference has met annually since 1954 and has the primary responsibility for the creation and supervision of the continuing judicial education efforts in Illinois.

The Judicial Conference was incorporated into the 1964 Supreme Court Judicial Article and is now provided for in Article VI, section 17, of the 1970 Constitution. Supreme Court Rule 41 implements section 17 by establishing membership in the Conference, creating an Executive Committee to assist the supreme court in conducting the Conference, and appointing the Administrative Office as secretary of the Conference.

In 1993, the supreme court continued to build upon past improvements in the administration of justice in this state. The Judicial Conference of Illinois was restructured to more fully meet the constitutional mandate that “the supreme court shall provide by rule for an annual Judicial Conference to consider the work of the courts and to suggest improvements in the administration of justice and shall report thereon annually in writing to the General Assembly.” The restructuring of the Conference was the culmination of more than two years of study and work. In order to make the Conference more responsive to the mounting needs of the judiciary and the administration of justice (1) the membership of the entire Judicial Conference was totally restructured to better address business of the judiciary; (2) the committee structure of the Judicial Conference was reorganized to expedite and improve the communication of recommendations to the court; and (3) the staffing functions were overhauled and strengthened to assist in the considerable research work of committees and to improve communications among the Conference committees, the courts, the judges and other components of the judiciary.

The Judicial Conference, which formerly included all judges in the State of Illinois, with the exception of associate judges (approximately 500 judges), was downsized to a total Conference membership of 82. The membership of the reconstituted Conference includes:

Supreme Court Justices	7
Presiding judges of downstate appellate districts and chair of First District Executive Committee	5
Judges appointed from Cook County (including the chief judge and 10 associate judges)	30
Ten judges appointed from each downstate district (including one chief judge and 3 associate judges from each district)	<u>40</u>
Total Conference Membership	82

The first meeting of the reconstituted Conference convened December 2, 1993, in Rosemont, Illinois.

A noteworthy change in the Conference is that it now includes associate judges who comprise more than a quarter of the Conference membership. In addition to having all classifications of judges represented, the new structure continues to provide for diverse geographical representation.

Another important aspect of the newly restructured Conference is that the Chief Justice of the Illinois Supreme Court presides over both the Judicial Conference and the Executive Committee of the Conference, thus providing a strong link between the Judicial Conference and the supreme court.

The natural corollary of downsizing the Conference, and refocusing the energies and resources of the Conference on the management aspect of the judiciary, is that judicial education will now take place in a different and more suitable environment, rather than at the annual meeting of the Conference. A

comprehensive judicial education plan was instituted in conjunction with the restructuring of the Judicial Conference. The reconstituted judicial education committee was charged with completing work on the comprehensive education plan, and with presenting the plan for consideration at the first annual meeting of the reconstituted Judicial Conference. By separating the important functions of judicial education from those of the Judicial Conference, more focus has been placed upon the important work of providing the best and most expanded educational opportunities for Illinois judges. These changes have improved immensely the quality of continuing education for Illinois judges.

ANNUAL MEETING OF THE ILLINOIS JUDICIAL CONFERENCE

October 24-25, 2002

**Palmer House Hilton
17 East Monroe
Chicago, Illinois**

AGENDA

THURSDAY, OCTOBER 24

11:00 a.m. to 12:00 noon Registration

12:00 noon to 2:00 p.m. Judicial Conference Luncheon

**Address by: Honorable Mary Ann G. McMorrow
 Chief Justice
 Supreme Court of Illinois**

2:00 p.m. to 4:30 p. m. Committee Meetings

- **Alternative Dispute Resolution Coordinating Committee**
- **Automation and Technology Committee**
- **Committee on Criminal Law and Probation Administration**
- **Committee on Discovery Procedures**
- **Committee on Education**
- **Study Committee on Complex Litigation**
- **Study Committee on Juvenile Justice**

5:00 p.m. to 6:00 p.m. Reception

FRIDAY, OCTOBER 25

7:15 a.m. to 9:00 a.m. Buffet Breakfast

9:00 a.m. to 11:45 a.m. Plenary Session:

**Call to Order by Honorable Mary Ann G. McMorrow, Chief Justice
Presentation of Consent Calendar
Presentation of Committee Reports (Questions and Comments Following Each Report)**

- **Alternative Dispute Resolution Coordinating Committee**
- **Criminal Law and Probation Administration Committee**
- **Committee on Discovery Procedures**
- **Study Committee on Juvenile Justice**

BREAK

- **Study Committee on Complex Litigation**
- **Automation and Technology Committee**
- **Education Committee**

Comments and Recommendations

Moderator: Hon. Stuart A. Nudelman

11:45 a.m. to 1:00 p.m. Buffet Luncheon

2002 REPORT

**2002 Annual Illinois Judicial Conference
Thursday, October 24, 2002
12:00 Noon
Palmer House Hotel
Chicago, Illinois**

Ladies and Gentlemen ---- Good afternoon. My name is Mary Ann G. McMorrow and it is my pleasure to welcome you to the Annual Meeting of the 2002 Judicial Council. I am delighted to be here --- I see among the crowd some new faces ---- and some very familiar faces as well. Your very attendance here today suggests to me the level of your commitment to improving the administration of justice in Illinois. Thank you all for coming.

I am pleased to be joined here on the dais by some of my former colleagues, as well as some of the current members of the Supreme Court. Let me first begin by introducing them to you. To my far right is the Honorable Benjamin Miller. Justice Miller is a former chief justice and while on the Court made tremendous contributions to the development of the law in Illinois. Next to Justice Miller is Justice Thomas L. Kilbride from the Third Judicial District, and next to Justice Kilbride, on my immediate right, is Justice Robert R. Thomas from the Second District.

To my far left is former Supreme Court Justice John L. Nickels, with whom I had the privilege to serve for 7 years before his retirement from the Court in 1998. As you know, this past year saw a change in the membership on our Court. After having served as a judge in Illinois for some 29 years, Justice Moses Harrison resigned from office. Justice Philip Rarick, his replacement, who is seated to my left, next to Justice Nickels, brings a wealth of admirable qualities. Not only is he a fine jurist, but also a collegial member of our Court. Last --- seated next to me on my right is my long-time colleague and friend, the honorable Thomas R. Fitzgerald.

I wish to welcome all of the members of the Court, as well as all of you ---- the members of the Judicial Conference ---- to the 2002 Annual Conference and to thank you for your contributions over the past conference year.

Since the 2001 Conference, and beyond the attacks of September 11th, horrific events which continue to occur beyond Illinois' borders have posed some profound challenges for our society. Ongoing acts and threats of terrorism ---- the specter of war against Iraq --- and now, even, the prey of an unknown sniper on more than a dozen innocent victims near and around our nation's capitol ---- demonstrate to each of us that peace and justice can not simply be presumed. They remain ideals which must be constantly fought for and, if they are to be maintained, vigilantly guarded.

As everyday citizens, our daily witness of these events has brought us face to face with the challenges that confront our national and local security. For those of us who are judges, these acts of terrorism and of violence have reinforced for us, not only the significance of the rule of law in the maintenance of an ordered society, but as well, our duty to protect and preserve it. As jurists, our role in confronting these challenges is no less important than that of law enforcement agents, whose duty it is to protect against unwanted intrusion and offensive activities, or that of emergency service providers whose call it is to give aid and needed attention to those who suffer harm as a result of those activities ---- or for that matter ---- the young men and women who may be called upon to go to war and will sacrifice life in the name of freedom. We are joint stakeholders in

charting the future course of our society. As judges, we share in the responsibility in the preservation of peace and justice. It is our responsibility to insist on respect for and strict adherence to the rule of law. It is equally our responsibility to insure and sustain the most efficient and effective administration of our judicial system.

In these difficult times, our court system has been able to carry out its function despite episodes of national and international turmoil and despite, even, this season, of great economic downturn. That is so because of the contributions of those who work in and with the courts --- judicial officers, committees, court administrators and staff. Their ---- or more correctly --- your creativity and enthusiasm , your intelligence and commitment have been the most vital factors in the continuing success of the judicial branch in the administration of justice.

This year, not unlike conference years before, has seen tremendous effort and development toward improving the administration of justice in Illinois. In addition to the work of the several committees which make up this judicial conference and each of the standing Supreme Court Committees, two special Committees are also diligently working to develop recommendations for the Court --- the common goal being --- to improve judicial operations within the state. One committee --- the Committee on Civility ---- is charged to recommend to the Court ways to promote respectful conduct, as the norm, within the legal profession. The other working group is the Committee on Child Custody. With heightened attention to the protection and welfare of children and to juvenile justice issues, this 15 member committee is working to formulate ways in which to expedite review of child custody cases in Illinois. More and more, we have begun to rely on advances in technology as means of insuring the public's access to the courts. A few years earlier we saw the development of the court's website ---- the genesis of which began with this Conference. Now, in very recent weeks, two policies --- one designed to respond to the public's growing interest in electronic access to court records and the other to accommodate the ability to file pleadings electronically -- have been put in place. Finally, much effort continues to be put forward in insuring the highest level of competency in the trial of capital cases. To date more than 496 attorneys have been approved for admission to the Capital Litigation Trial Bar.

This annual conference is the culmination of a year long dialogue among different levels of members of the bench, as well as some participating members of the bar. Because of your efforts, much has been accomplished, but in order to keep pace, your work -- rather, our work must be ongoing. We live in a world that is constantly changing -- changes that present unforeseen challenges and which, at times, may create uncertainties about tomorrow. Regardless of changing circumstances, we must be certain in our resolve -- we must remain committed to the goals and ideals that we as jurists hold in high esteem. It is, after all, our collective efforts toward improving the administration of justice that will show most clearly the value that we place on the preservation of peace and justice in our society.

I encourage you -- as you meet today in each of your separate committee meetings --- to review the work of this conference year and then to being afresh to develop new ideas, new strategies and new ways of achieving our common purpose. I look forward to hearing the committee reports tomorrow which, I am confident, will clearly evidence your hard work and commitment to improving the administration of justice in Illinois. On behalf of the entire Supreme Court, I wish to again welcome you to the Annual Conference and to express my sincere gratitude for your efforts on behalf of Illinois' judiciary.

RESOLUTION

IN MEMORY OF

THE HONORABLE MANUEL J. BERKOS

The Honorable Manuel J. Berkos, former associate judge for the Circuit Court of Cook County, passed away.

Judge Berkos was born March 4, 1924, in Cicero, Illinois. He received his law degree from Chicago-Kent College of Law. Judge Berkos worked as a prosecutor before being elected justice of the peace. When the modern Cook County Circuit Court was formed through consolidation in 1964, he became an associate judge for the Fourth Judicial Circuit. After leaving the bench, he served in the private sector.

The Illinois Judicial Conference extends to the family of Judge Berkos its sincere expression of sympathy.

RESOLUTION

IN MEMORY OF

THE HONORABLE MICHAEL A. BILANDIC

The Honorable Michael A. Bilandic, former Chief Justice of the Illinois Supreme Court, passed away January 15, 2002.

Justice Bilandic was born February 13, 1923, in Chicago, Illinois. He received his law degree from DePaul University College of Law. He began practicing law in Chicago in 1949. He was a member of the Chicago City Council from 1969 through 1976. He served as Mayor for the City of Chicago from 1976 until 1979. In 1984, he was elected a justice of the First District Appellate Court. In 1990, he was elected an Illinois Supreme Court Justice and subsequently served as Chief Justice from 1994 to 1997. He retired in 2000.

The Illinois Judicial Conference extends to the family of Justice Bilandic its sincere expression of sympathy.

RESOLUTION

IN MEMORY OF

THE HONORABLE ROBERT H. CHASE

The Honorable Robert H. Chase, former chief judge of the First Judicial Circuit, passed away November 6, 2001.

Judge Chase was born December 1, 1913, in Metropolis, Illinois. He received his law degree from the University of Illinois College of Law in 1938 and was admitted to the bar that same year. He was Massac County State's Attorney from 1940 through 1952 and served as a circuit judge in Massac County from 1970 through 1982, when he retired.

The Illinois Judicial Conference extends to the family of Judge Chase its sincere expression of sympathy.

RESOLUTION**IN MEMORY OF****THE HONORABLE SAUL A. EPTON**

The Honorable Saul A. Epton, former associate judge for the Circuit Court of Cook County, passed away September 7, 2001.

Judge Epton was born July 17, 1910, in Chicago, Illinois. He received his law degree from The John Marshall Law School in 1932, and was admitted to the bar that same year. From 1942 - 1960, he served as a special assistant to the attorney general, an assistant attorney general, and was a member of the Illinois Civil Service Commission. In 1960, he was a judge in the Municipal Court of Chicago. From 1962 - 1963, he was a circuit judge in Cook County, and in 1964 he was appointed an associate judge where he remained until his retirement in 1976.

The Illinois Judicial Conference extends to the family of Judge Epton its sincere expression of sympathy.

RESOLUTION

IN MEMORY OF

THE HONORABLE CONRAD F. FLOETER

The Honorable Conrad F. Floeter, former associate judge for the Nineteenth Judicial Circuit, passed away November 13, 2001.

Judge Floeter was born July 6, 1931, in Chicago, Illinois. He received his law degree from Loyola University School of Law in 1961, and was admitted to the bar that same year. From 1961-1974, he served on the Crystal Lake Zoning Board of Appeals and the McHenry County Board. He was appointed an associate judge for the Nineteenth Judicial Circuit in 1975 and remained in that position until his retirement in 1996.

The Illinois Judicial Conference extends to the family of Judge Floeter its sincere expression of sympathy.

RESOLUTION**IN MEMORY OF****THE HONORABLE JAMES C. FRANZ**

The Honorable James C. Franz, former associate judge for the Nineteenth Judicial Circuit, passed away July 7, 2002.

Judge Franz was born August 21, 1932 in Crystal Lake, Illinois. He received his law degree from Chicago-Kent College of Law in 1963 and was admitted to the bar that same year. He was appointed an associate judge for the Nineteenth Judicial Circuit in 1986 and remained in that position until his retirement.

The Illinois Judicial Conference extends to the family of Judge Franz its sincere expression of sympathy.

RESOLUTION

IN MEMORY OF

THE HONORABLE MEYER H. GOLDSTEIN

The Honorable Meyer H. Goldstein, former magistrate in Cook County, passed away February 2, 2002.

Judge Goldstein was born December 27, 1907, in Chicago, Illinois. He received his law degree from DePaul University College of Law in 1931, and was admitted to the bar that same year. From 1945-1964, he worked as a Cook County Assistant State's Attorney. He was appointed magistrate for the Cook County Circuit Court in 1964 and remained in that position until his retirement in 1984.

The Illinois Judicial Conference extends to the family of Judge Goldstein its sincere expression of sympathy.

RESOLUTION**IN MEMORY OF****THE HONORABLE STEWART C. HUTCHISON**

The Honorable Stewart C. Hutchison, former associate judge for the Twelfth Judicial Circuit, passed away May 22, 2002.

Judge Hutchison was born February 29, 1912, in Joliet, Illinois. He received his law degree from Chicago-Kent College of Law in 1924 and was later admitted to the bar. He served as an Assistant Commissioner to the Illinois Commerce Commission from 1941 to 1949 and became a probate judge in Will County in 1954. He held that position until 1963 and then served as an associate judge for the Twelfth Judicial Circuit until his retirement in 1972.

The Illinois Judicial Conference extends to the family of Judge Hutchison its sincere expression of sympathy.

RESOLUTION

IN MEMORY OF

THE HONORABLE WILLIAM B. KANE

The Honorable William B. Kane, former associate judge for the Circuit Court of Cook County, passed away October 23, 2001.

Judge Kane was born December 31, 1912, in Chicago, Illinois. He received his law degree from DePaul University College of Law in 1948, and was admitted to the bar in 1949. From 1959-1963, he served as Mayor for the City of Harvey, and from 1967-1968 he was Corporation Counsel for Harvey. He also worked as the Thornton Township Tax Collector. He was a Homewood Sheriff's Court Judge from 1944-1946, and Harvey Police Magistrate from 1943-1947 and again from 1951-1959. In 1968, he was appointed an associate judge for Cook County and remained in that position until his retirement in 1984.

The Illinois Judicial Conference extends to the family of Judge Kane its sincere expression of sympathy.

RESOLUTION

IN MEMORY OF

THE HONORABLE MICHAEL J. KELLY

The Honorable Michael J. Kelly, former circuit judge for the Circuit Court of Cook County, passed away May 16, 2002.

Judge Kelly was born January 18, 1944. He received his law degree from The John Marshall Law School in 1974 and was admitted to the bar that same year. He worked as an assistant corporation counsel from 1974 through 1978 and then worked in the private sector until 1984, when he served as an assistant attorney general. In 1988, Judge Kelly was elected to the Circuit Court of Cook County.

The Illinois Judicial Conference extends to the family of Judge Kelly its sincere expression of sympathy.

RESOLUTION

IN MEMORY OF

THE HONORABLE ANTHONY J. KOGUT

The Honorable Anthony J. Kogut, former circuit judge for the Circuit Court of Cook County, passed away March 14, 2002.

Judge Kogut was born December 7, 1916, in Chicago, Illinois. He received his law degree from The John Marshall Law School in 1944, and was admitted to the bar that same year. He served as a State of Illinois Referee for the Department of Finance from 1951-1953. Before he was elected a cook county circuit judge in 1970, he served as an assistant judge and a magistrate of the Cook County Circuit Court. Judge Kogut retired in 1982 and continued to work in the private sector.

The Illinois Judicial Conference extends to the family of Judge Kogut its sincere expression of sympathy.

RESOLUTION**IN MEMORY OF****THE HONORABLE ROBERT D. LAW**

The Honorable Robert D. Law, former associate judge for the Fifteenth Judicial Circuit, passed away February 14, 2002.

Judge Law was born June 12, 1922, in Freeport, Illinois. He received his law degree from the University of Wisconsin Law School in 1954, and was admitted to the bar in 1955. From 1954-1970, he served as a state representative, an assistant attorney general and an assistant state's attorney. In 1970, he was appointed an associate judge for the Fifteenth Judicial Circuit and he remained in that position until his retirement in 1978.

The Illinois Judicial Conference extends to the family of Judge Law its sincere expression of sympathy.

RESOLUTION

IN MEMORY OF

THE HONORABLE MARTIN G. LUKEN

The Honorable Martin G. Luken, former circuit judge for the Circuit Court of Cook County, passed away February 24, 2002.

Judge Luken was born February 23, 1912, in Chicago, Illinois. He received his law degree from Northwestern University School of Law in 1940, and was admitted to the bar that same year. He worked in the private sector and served as a Cook County Assistant State's Attorney. In 1966 he was appointed an associate judge in the Circuit Court of Cook County. Judge Luken retired from the bench in 1984.

The Illinois Judicial Conference extends to the family of Judge Luken its sincere expression of sympathy.

RESOLUTION**IN MEMORY OF****THE HONORABLE EDWARD McINTYRE**

The Honorable Edward McIntyre, former associate judge for the Twelfth Judicial Circuit, passed away November 13, 2001.

Judge McIntyre was born September 23, 1918, in Polson, Montana. He received his law degree from the University of Illinois College of Law in 1947, and was admitted to the bar that same year. From 1950-1977, he worked in the private sector, as a special assistant state's attorney and as a special assistant to the Illinois Attorney General. He was appointed an associate judge in the Twelfth Judicial Circuit in 1977 and he remained in that position until he retired in 1989.

The Illinois Judicial Conference extends to the family of Judge McIntyre its sincere expression of sympathy.

RESOLUTION

IN MEMORY OF

THE HONORABLE JAMES J. MEJDA

The Honorable James J. Mejda, former justice of the Illinois Appellate Court, passed away April 10, 2002.

Judge Mejda was born September 6, 1912, in Chicago, Illinois. He received his law degree from DePaul University College of Law in 1935, and was admitted to the bar that same year. He worked in the private sector until 1961, when he served as an assistant attorney general and chief of the legal department for the Illinois State Toll Highway Commission. In 1964, he was elected to the Cook County Circuit Court. In 1976, he was elected to the First District Appellate Court, where he served until 1985.

The Illinois Judicial Conference extends to the family of Judge Mejda its sincere expression of sympathy.

RESOLUTION**IN MEMORY OF****THE HONORABLE DONALD J. O'BRIEN**

The Honorable Donald J. O'Brien, former circuit judge for the Circuit Court of Cook County, passed away December 16, 2001.

Judge O'Brien was born October 4, 1913, in Chicago, Illinois. He received his law degree from DePaul University College of Law in 1936, and was admitted to the bar that same year. He worked as an assistant corporation counsel for Chicago until 1950, when he was elected to the state senate. In 1964, he was elected a circuit judge and remained in that position until he retired in 1980.

The Illinois Judicial Conference extends to the family of Judge O'Brien its sincere expression of sympathy.

RESOLUTION

IN MEMORY OF

THE HONORABLE WILLIAM K. RICHARDSON

The Honorable William K. Richardson, former magistrate for the Ninth Judicial Circuit, passed away December 31, 2001.

Judge Richardson was born December 6, 1913, in Galesburg, Illinois. He received his law degree from the University of Michigan Law School in 1937, and was admitted to the bar that same year. He served as Knox County Circuit Court Clerk from 1943-1966, when he became magistrate for the Ninth Judicial Circuit. He remained in that position until his retirement in 1982.

The Illinois Judicial Conference extends to the family of Judge Richardson its sincere expression of sympathy.

RESOLUTION**IN MEMORY OF****THE HONORABLE PAUL E. RILEY**

The Honorable Paul E. Riley, former U.S. District Judge and Madison County Circuit Judge, passed away October 11, 2001.

Judge Riley was born April 24, 1942, in Alton, Illinois. He received his law degree from St. Louis University School of Law in 1967, and was later admitted to the bar. He served as a Madison County Public Defender until 1985, and then served as a circuit judge in Madison County through 1994, when he was appointed to the federal bench. He retired in 1999.

The Illinois Judicial Conference extends to the family of Judge Riley its sincere expression of sympathy.

RESOLUTION

IN MEMORY OF

THE HONORABLE RAYMOND S. SARNOW

The Honorable Raymond S. Sarnow, former circuit judge for the Circuit Court of Cook County, passed away October 29, 2001.

Judge Sarnow was born August 21, 1919, in Chicago, Illinois. He received his law degree from Northwestern University School of Law in 1945, and was admitted to the bar that same year. He served in the Appeals Division of the Illinois Attorney General's Office until 1964, when he was appointed magistrate for Cook County. In 1971, he was appointed an associate judge. In 1976, he was elected a circuit judge and remained in that position until his retirement in 1983.

The Illinois Judicial Conference extends to the family of Judge Sarnow its sincere expression of sympathy.

RESOLUTION**IN MEMORY OF****THE HONORABLE RODNEY A. SCOTT**

The Honorable Rodney A. Scott, former circuit judge for the Sixth Judicial Circuit, passed away September 30, 2001.

Judge Scott was born March 11, 1915, in Monte Vista, Colorado. He received his law degree from the University of Illinois College of Law in 1939, and was admitted to the bar that same year. From 1940-1944, he served as the Moultrie County State's Attorney. From 1946 until his retirement in 1994, he served as a judge in the Moultrie County Court and in the Sixth Judicial Circuit Court.

The Illinois Judicial Conference extends to the family of Judge Scott its sincere expression of sympathy.

RESOLUTION

IN MEMORY OF

THE HONORABLE CARL SNEED

The Honorable Carl Sneed, former judge in Herrin, Illinois passed away April 24, 2002.

Judge Sneed was born in 1909. He served as a judge until 1951.

The Illinois Judicial Conference extends to the family of Judge Sneed its sincere expression of sympathy.

RESOLUTION**IN MEMORY OF****THE HONORABLE PASQUALE A. SORRENTINO**

The Honorable Pasquale A. Sorrentino, former circuit judge for the Circuit Court of Cook County, passed away October 15, 2001.

Judge Sorrentino was born September 3, 1917, in Chicago, Illinois. He received his law degree from DePaul University College of Law in 1941, and was admitted to the bar that same year. From 1945-1959, he was assistant corporation counsel in Chicago. In 1959, he became an assistant to a Cook County Probate Court judge. In 1962, he became a judge in the Superior Court of Cook County. Beginning in 1964, and continuing until his retirement in 1990, he served as a Cook County Circuit Court Judge.

The Illinois Judicial Conference extends to the family of Judge Sorrentino its sincere expression of sympathy.

RESOLUTION

IN MEMORY OF

THE HONORABLE LUCIA T. THOMAS

The Honorable Lucia T. Thomas, former circuit judge for the Circuit Court of Cook County, passed away July 7, 2002.

Judge Thomas was born in Cheyenne, Wyoming on March 10, 1917. She received her law degree from Robert H. Terrel Law School in 1940 and was admitted to the bar in 1942. From 1957 to 1969, she served as an assistant state's attorney for Cook County and an assistant corporation counsel for the City of Chicago. In 1977, she became a Cook County Circuit Court Judge and remained in that position until she retired in 1990.

The Illinois Judicial Conference extends to the family of Judge Thomas its sincere expression of sympathy.

RESOLUTION**IN MEMORY OF****THE HONORABLE VIRGIL W. TIMPE**

The Honorable Virgil W. Timpe, former magistrate for the Eighth Judicial Circuit, passed away November 1, 2001.

Judge Timpe was born December 14, 1919, in Quincy, Illinois. He received his law degree from St. Louis University School of Law in 1948, and was admitted to the bar that same year. From 1953-1961, he served as the attorney for the City of Quincy. In 1965, he was appointed magistrate for the Eighth Judicial Circuit and an associate judge in 1971, a position he retained until his retirement in 1987.

The Illinois Judicial Conference extends to the family of Judge Timpe its sincere expression of sympathy.

RESOLUTION

IN MEMORY OF

THE HONORABLE ERNEST H. UTTER

The Honorable Ernest H. Utter, former circuit judge for the Eighth Judicial Circuit, passed away January 17, 2002.

Judge Utter was born June 30, 1925, in Chicago, Illinois. He received his law degree from the University of Illinois College of Law in 1950, and was admitted to the bar that same year. From 1954 until his retirement in 1980, he served as a Schuyler County judge, an associate judge, and a circuit judge in the Eighth Judicial Circuit.

The Illinois Judicial Conference extends to the family of Judge Utter its sincere expression of sympathy.

RESOLUTION**IN MEMORY OF****THE HONORABLE JOHN A. WHITNEY**

The Honorable John A. Whitney, former associate judge for the Tenth Judicial Circuit, passed away January 17, 2002.

Judge Whitney was born October 10, 1921, in Peoria, Illinois. He received his law degree from the University of Michigan Law School in 1948, and was admitted to the bar in 1949. From 1965-1969, he served as the Peoria City Prosecutor. He was appointed magistrate for the Tenth Judicial Circuit in 1969. He became an associate judge in 1971, and remained in that position until his retirement in 1989.

The Illinois Judicial Conference extends to the family of Judge Whitney its sincere expression of sympathy.

RECOGNITION OF RETIRED JUDGES

Frances Barth was born in Chicago, Illinois, on August 29, 1937. He received his law degree from DePaul University College of Law in 1962 and was admitted to the bar that same year. Judge Barth served as an assistant attorney general from 1963 through 1969 and then served as an assistant state's attorney until 1971. From 1971 through 1975, Judge Barth was legal advisor to the Cook County Board of Commissioners, where he served until he was appointed an associate judge in the Cook County Circuit Court. In 1988, he was elected a circuit judge and served in that position until 2000, when he began serving on the First District Appellate Court. He retired October 1, 2001.

Bruce Black was born May 16, 1944, in Peoria, Illinois. He received his law degree from the University of Illinois College of Law in 1971, and was admitted to the bar that same year. Immediately prior to becoming a judge, he was the Tazewell County State's Attorney, having previously served as an assistant state's attorney. In 1985, he joined the Tenth Judicial Circuit and became chief judge in 1999. Judge Black was named to serve a 14-year term as a federal bankruptcy judge for the Northern District of Illinois in 2001. He retired from the Tenth Judicial Circuit August 1, 2001.

Raymond A. Bolden was born December 17, 1933, in Chicago, Illinois. He received his law degree from the University of Illinois College of Law and was admitted to the bar in 1962. Judge Bolden was appointed an associate judge in the Twelfth Judicial Circuit in 1986, and remained in that position until his retirement August 31, 2001.

J. David Bone was born in 1941 in Jacksonville, Illinois. He received his law degree from Stetson University College of Law in 1971 and was admitted to the bar that same year. From 1971 to 1981, Judge Bone worked in the private sector, and also served part-time as an assistant state's attorney from 1972-74. In 1982, he was appointed to serve as an associate judge in the Seventh Judicial Circuit. In 1988, he was appointed a circuit judge, elected and retained in 1990 and retained in 1996 where he remained until his retirement July 2, 2002.

Charles W. Chapman was born in Granite City, Illinois, on February 18, 1942. He received his law degree from the St. Louis University School of Law in 1967, and was admitted to the bar that same year. Judge Chapman worked in the private sector until he became an associate judge in the Third Judicial Circuit in 1979. He was appointed a circuit judge in 1980, and then subsequently elected in 1982. He remained in that position until he was elected a justice in the Fifth District Illinois Appellate Court in 1988. He retired August 31, 2001.

Robert B. Cochonour was born in Ada, Oklahoma on November 18, 1939. He received his law degree from the University of Florida Levin College of Law in 1966, and was later admitted to the bar. Immediately prior to becoming a judge in 1990 in the Fifth Judicial Circuit, he worked in the private sector and served as Cumberland County State's Attorney. He retired May 7, 2002.

Martin E. Conway, Jr. was born August 1, 1942 in Aledo, Illinois. He received his law degree from the University of Notre Dame Law School and was admitted to the bar in 1966. Judge Conway worked in the private sector until 1985, when he joined the Fourteenth Judicial Circuit Court. He remained in that position until his retirement January 4, 2002.

Donald C. Courson was born February 18, 1944 in Greensburg, Pennsylvania. He received his law degree from The John Marshall Law School and was admitted to the bar in 1970. From 1970 through 1979, Judge Courson served as an assistant state's attorney and as an assistant public defender while also working in the private sector. He then joined the Tenth Judicial Circuit Court as an associate judge in 1979. Judge Courson was appointed a circuit judge in 1982, subsequently elected in 1984 and remained in that position until his retirement November 30, 2001.

Thomas P. Durkin was born March 14, 1943, in Chicago, Illinois. He received his law degree from Loyola University School of Law in 1967, and was admitted to the bar that same year. Judge Durkin served as an assistant state's attorney in Cook County from 1967-1969 and worked in the private sector until 1979. In 1979, he was appointed an associate judge in the Circuit Court of Cook County. He was elected a circuit judge in 1990, and he retained that position until his retirement August 6, 2001.

Stephen G. Evans was born September 18, 1946 in Columbus, Ohio. He received his law degree from the University of Illinois College of Law and was admitted to the bar in 1972. Judge Evans worked in the private sector, and in 1976 he was elected a circuit judge in the Ninth Judicial Circuit. From 1989 through 1991, and again from 1997 through 1999, Judge Evans served as the chief judge of the Ninth Judicial Circuit. He retired September 19, 2001.

Marvin E. Gavin was born July 4, 1931, in Chicago Heights, Illinois. He received his law degree from Harvard Law School in 1955, and was admitted to the bar that same year. Judge Gavin served as an assistant attorney general from 1956-1957 and worked in the private sector until 1968. He was general counsel for the U.S. Department of Health, Education and Welfare from 1970-1980, when he was appointed to the Circuit Court of Cook County as an associate judge. He retired August 10, 2001.

Adrienne M. Geary was born November 16, 1941, in Chicago, Illinois. She received her law degree from The John Marshall Law School in 1986 and was admitted to the bar that same year. Judge Geary worked in the private sector until 1996, when she was elected to the Cook County Circuit Court. She remained in that position until her retirement November 30, 2001.

Leonard R. Grazian was born May 27, 1924, in Chicago, Illinois. He received his law degree from The John Marshall Law School in 1950, and was admitted to the bar that same year. Judge Grazian worked in the private sector until 1978, when he was elected a judge in the Cook County Circuit Court. He retired December 31, 2001.

Albert Green was born in Chicago, Illinois on April 14, 1924. He received his law degree from DePaul University College of Law in 1949, and was admitted to the bar that same year. Judge Green worked in the private sector until he became a circuit judge in the Circuit Court of Cook County in 1976. He served in that position until his retirement October 31, 2001.

Robert P. Hennessey was born March 12, 1941, in Granite City, Illinois. He received his law degree at St. Louis University School of Law in 1968, and was admitted to the bar that same year. Judge Hennessey served as an assistant state's attorney for Madison County from 1968 through 1989. In 1989, he joined the Third Judicial Circuit Court as an associate judge until his retirement December 31, 2001.

Ronald A. Himel was born March 14, 1941, in Chicago, Illinois. He received his law degree from DePaul University College of Law in 1966 and was admitted to the bar that same year. From 1971 to 1972 and again from 1974 to 1983, Judge Himel worked in the private sector. He served as an assistant public defender from 1966 to 1971 and as an assistant state's attorney from 1972 to 1974. In 1984, he was appointed to the Circuit Court of Cook County as an associate judge and was elected as a circuit judge in 1992, where he served until his retirement on July 6, 2002.

Dennis M. Huber was born on February 13, 1947, in Hillsboro, Illinois. He received his law degree from the University of Illinois College of Law in 1972 and was admitted to the bar that same year. Judge Huber worked in the private sector from 1972 to 1979, when he served as a public defender for Montgomery County. Since 1979, he has served as a circuit judge in the Fourth Judicial Circuit until his retirement July 17, 2002.

Aubrey F. Kaplan was born in Chicago, Illinois on October 9, 1926. He received his law degree from Northwestern University School of Law and was admitted to the bar in 1960. Judge Kaplan served as an assistant attorney general from 1961 through 1964, when he began working in the private sector. In 1968, he worked as an assistant corporation counsel for the City of Chicago, and then from 1968 through 1973, he was an assistant state's attorney. In 1973, he was appointed an associate judge in Cook County. He remained in that position until his retirement October 9, 2001.

Paul C. Komada was born March 18, 1942 in Chicago, Illinois. He received his law degree from Chicago-Kent College of Law and was admitted to the bar in 1967. Immediately prior to becoming a judge, he served as the Coles County State's Attorney and also worked in the private sector. In 1980, Judge Komada joined the Fifth Judicial Circuit, where he remained until his retirement October 1, 2001.

Thaddeus L. Kowalski was born in Chicago, Illinois, on August 10, 1931. He received his law degree from Northwestern University School of Law in 1958, and was admitted to the bar that same year. Judge Kowalski served in the private sector until 1969. He worked in the Office of the Cook County Public Defender from 1969 through 1980, when he joined the Cook County Circuit Court as an associate judge. He retired December 31, 2001.

E. Thomas Lang was born September 28, 1943 in Evanston, Illinois. He received his law degree from Loyola University School of Law in 1969, and was admitted to the bar that same year. Judge Lang served in the private sector and as an assistant state's attorney in Lake County prior to joining the Nineteenth Judicial Circuit as an associate judge in 1981. He retired December 21, 2001.

Frank W. Meekins was born August 25, 1943 in Chicago, Illinois. He received his law degree from DePaul University College of Law in 1967, and was admitted to the bar that same year. Judge Meekins served in the private sector until he was appointed to the Cook County Circuit Court in 1979. He was subsequently assigned to various courts in Cook County. He was appointed supervising judge of the criminal division in 1994 and served in that position until his retirement on August 31, 2001.

Ronald B. Mehling was born in Chicago, Illinois on July 16, 1942. He received his law degree from Drake University Law School in 1966, and was admitted to the bar that same year. From 1966 to 1970 and again from 1970 to 1985, Judge Mehling worked in the private sector. From 1968 to 1970, he served as an assistant public defender for DuPage County. In 1985, he was

appointed to the Eighteenth Judicial Circuit as an associate judge. He was appointed a circuit judge in 1991, subsequently elected in 1992, and served in that position until his retirement on July 16, 2002.

Michael R. Morrison was born October 3, 1944, in Rockford, Illinois. He received his law degree from Chicago-Kent College of Law and was admitted to the bar in 1970. Judge Morrison served as an assistant city attorney for the City of Rockford until 1972, when he joined the Seventeenth Judicial Circuit as an associate judge. In 1996, he was elected a circuit judge and served as chief judge from 1998 through 1999. He retired December 31, 2001.

Joan M. Pucillo was born in Chicago, Illinois in 1941. She received her law degree from The John Marshall Law School in 1968, and was admitted to the bar that same year. Judge Pucillo worked at the Argonne National Laboratory, Health and Hospital Governing Commission, and then joined the U.S. Merit Systems Protection Board of Chicago prior to being appointed an associate judge in 1991. She served in that position until her retirement on July 6, 2002.

John W. Rapp, Jr. was born on December 12, 1940, in Oak Park, Illinois. He received his law degree from Loyola University School of Law in 1965, and was admitted to the bar that same year. Judge Rapp worked at the Administrative Office of the Illinois Courts as an assistant to the director from 1963 through 1965, and then worked in the private sector until 1970. He was elected an associate circuit judge of the Fifteenth Judicial Circuit in 1970. In 1971, he was designated a full circuit judge, and subsequently served as chief judge from 1982 through 1998. In 1998, he was assigned to the Second District Illinois Appellate Court, where he served until his retirement on November 30, 2001.

S. Louis Rathje was born November 1, 1939, in Geneva, Illinois. He received his law degree from Northwestern University School of Law in 1964, and was admitted to the bar that same year. Judge Rathje was elected a circuit judge in 1992 and elected an appellate justice in 1994. He was appointed to the Supreme Court in 1999, and served there until his term expired. He retired on November 1, 2001.

Gerald T. Rohrer was born on June 11, 1940, in Evanston, Illinois. He received his law degree from Loyola University School of Law in 1966, and was admitted to the bar that same year. Judge Rohrer served in the private sector from 1966 through 1967 and from 1979 through 1981. He was the Cook County State's Attorney from 1967 through 1969, an assistant attorney general, and deputy chief from 1969 through 1979. In 1981, he was appointed an associate judge in the Cook County Circuit Court, and remained in that position until his retirement December 31, 2001.

Michael F. Sheehan, Jr. was born January 3, 1934, in Chicago, Illinois. He received his law degree from DePaul University College of Law in 1962, and was admitted to the bar that same year. Judge Sheehan worked in the private sector until 1988, when he was appointed to the Cook County Circuit Court as an associate judge. He remained in that position until his retirement December 11, 2001.

David L. Underwood was born June 11, 1945, in Champaign, Illinois. He received his law degree from California Western School of Law in 1976, and was admitted to the bar that same year. Immediately prior to becoming a judge, he worked in the private sector. In 1978, he joined the Second Judicial Circuit as a circuit judge. Judge Underwood retired on July 2, 2002.

Willie M. Whiting was born June 5, 1924, in Chicago, Illinois. She received her law degree from The John Marshall Law School in 1950, and was admitted to the bar in 1951. Judge Whiting worked in the private sector until 1961, when she began working in the Cook County State's Attorney's office and later in the U.S. Attorney's Office. In 1966, she was appointed a Cook County magistrate. In 1971, Judge Whiting became an associate judge and in 1978 she was elected to the Cook County Circuit Court. She retired October 1, 2001.

W. Charles Witte was born in Chicago, Illinois on September 21, 1941. He received his law degree from the University of Baltimore School of Law in 1975, and was admitted to the bar that same year. Judge Witte worked in the private sector until 1978, when he joined the Eleventh Judicial Circuit as an associate judge. He became a circuit judge in 1988 and remained in that position until his retirement December 28, 2001.

2002 REPORT**NEW JUDGES**

Allen, James Jeffrey — Circuit Judge, 12th Judicial Circuit
Braud, Walter D. — Circuit Judge, 14th Judicial Circuit
Brewer, Eileen M. — Circuit Judge, Cook County
Chapman, Melissa A. — Appellate Judge, 5th Judicial District
Conway, James G., Jr. — Circuit Judge, 14th Judicial Circuit
Fawell, Blanche Hill — Associate Judge, 18th Judicial Circuit
Gainer, Thomas V., Jr. — Circuit Judge, Cook County
Gomora, Paula A. — Circuit Judge, 12th Judicial Circuit
Johnson, Moira S. — Circuit Judge, Cook County
Joyce, John F. — Associate Judge, 15th Judicial Circuit
Lawrence, Paul G. — Associate Judge, 11th Judicial Circuit
Lewis, David W. — Associate Judge, 5th Judicial Circuit
Long, Kelly D. — Circuit Judge, 4th Judicial Circuit
Love, Noreen V. — Circuit Judge, Cook County
Masters, Allan W. — Circuit Judge, Cook County
McGraw, Joseph G. — Circuit Judge, 17th Judicial Circuit
Nixon, Lewis — Circuit Judge, Cook County
Okrei, Roman R. — Circuit Judge, 12th Judicial Circuit
Peterson, Lance R. — Associate Judge, 13th Judicial Circuit
Potkonjak, Theodore S. — Associate Judge, 19th Judicial Circuit
Richardson, Marzell L., Jr. — Associate Judge, 12th Judicial Circuit
Shadid, James E. — Circuit Judge, 10th Judicial Circuit
Shick, Mitchell K. — Circuit Judge, 5th Judicial Circuit
Spence, Robert B. — Circuit Judge, 16th Judicial Circuit
Thanas, Thomas A. — Circuit Judge, 12th Judicial Circuit
Tognarelli, Richard L. — Associate Judge, 3rd Judicial Circuit
Washington, Edward II — Circuit Judge, Cook County
Wolfson, Lori M. — Circuit Judge, Cook County

**ANNUAL REPORT OF THE
ALTERNATIVE DISPUTE RESOLUTION COORDINATING
COMMITTEE
TO THE ILLINOIS JUDICIAL CONFERENCE**

Honorable William D. Maddux, Chairperson

Honorable Harris H. Agnew, Ret.
Honorable Claudia Conlon
Honorable Jacqueline P. Cox
Honorable Annette A. Eckert
Honorable Donald J. Fabian
Honorable Robert E. Gordon
Honorable Randy A. Kogan

Kent Lawrence, Esq.
Honorable Loren P. Lewis
Honorable Lewis E. Mallott
Cheryl I. Niro, Esq.
John T. Phipps, Esq.
Honorable Stephen R. Pacey
Honorable Lance R. Peterson

Honorable Anton J. Valukas, Ret.

October 2002

I. STATEMENT OF COMMITTEE CONTINUATION

Since the 2001 Annual Meeting of the Illinois Judicial Conference, the Alternative Dispute Resolution Coordinating Committee (“Committee”) has found that the climate for alternative dispute resolution (“ADR”) continues to be favorable and the legal community has become increasingly receptive to ADR programs. This conference year, the Committee was busy with many activities which are enumerated below.

Early in the year, the Committee finalized two amendment proposals to Supreme Court Rules regarding arbitration and forwarded them to the Administrative Office of the Illinois Courts for consideration. The Committee also considered several other proposed amendments to Supreme Court Rules.

The Committee met with arbitration administrators and their supervising judges to discuss topics related to arbitration practice. Prior to this meeting, the Committee arranged for arbitration administrators to meet with the Committee liaison to assist in the development of an agenda comprised of arbitration issues to be discussed with the Committee.

As part of the Committee’s charge, court-annexed mandatory arbitration programs operating in fifteen counties continued to be monitored throughout the Conference year.

In the area of mediation, the Committee continued to oversee the court-sponsored major civil case mediation programs operating in seven circuits. During State Fiscal Year 2002, more than 334 cases have gone through these programs statewide.

During the 2003 Conference year, the Committee plans to continue to monitor the court-annexed mandatory arbitration programs, to oversee and facilitate the improvement and expansion of major civil case mediation programs, to monitor proposed amendments to Supreme Court Rules for mandatory arbitration, and to continue to study and evaluate other ADR options.

Because the Committee continues to provide service, recommendations, and information to Illinois judges and lawyers, as well as to monitor developments and the effectiveness of court-annexed and court-sponsored alternative dispute resolution programs, the Committee respectfully requests that it be continued.

II. SUMMARY OF COMMITTEE ACTIVITIES

A. Court-Annexed Mandatory Arbitration

As a part of its charge, the Committee surveys and compiles information on existing court-supported dispute resolution programs. Court-annexed mandatory arbitration has been operating in Illinois for a little more than fifteen years. Since its inception in Winnebago County in 1987, under Judge Harris Agnew’s leadership, the program has steadily and successfully grown to meet the needs of fifteen counties. Most importantly, court-annexed mandatory arbitration has become an effective case management tool to reduce the number of cases tried and the length of time cases spend in the court system. Court-annexed mandatory arbitration has become widely

accepted in the legal culture.

In January of each year, an annual report on the court-annexed mandatory arbitration program is provided to the legislature. A copy of the Fiscal Year 2002 Annual Report which will be provided to the legislature is attached hereto as Appendix 1.¹ A complete statistical analysis for each circuit is contained in the Fiscal Year 2002 Report. The Committee emphasizes that it is best to judge the success of a program by the percentage of cases resolved before trial through the arbitration process, rather than focusing on the rejection rate of arbitration awards.

The following is a statement of Committee activities since the 2001 Annual Meeting of the Illinois Judicial Conference concerning court-annexed mandatory arbitration.

1. Considerations of Proposed Amendments to Supreme Court Rules

a. The Committee considered a proposal to amend Supreme Court Rule 86(b) to increase the arbitration jurisdictional limits to \$50,000 or such lesser jurisdictional limits as may be implemented by local circuit option. This recommendation was reviewed at the 2001 annual meeting between the Committee, supervising judges, and arbitration administrators. The consensus was that most programs would have enough cases to sustain a stable level of activity, bring more cases through the arbitration program, and ultimately reduce even more of the caseload burden in the courtroom.

The Committee sent the proposal to amend Supreme Court Rule 86(b) to the Director of the Administrative Office of the Illinois Courts for consideration. The Director notified the Committee that the Supreme Court traditionally treated requests for jurisdictional limits on a case-by-case basis. Therefore, the Court has voted not to forward this proposal to the Rules Committee, continuing to reserve unto itself the opportunity to review requests for increases of the limit on a case-by-case basis. Subsequently, the Committee advised all judicial circuits operating a mandatory arbitration program, subject to the discretion of the chief circuit judge of the respective circuit with a program, that they may petition the Supreme Court to increase jurisdictional limits to \$50,000. Since this advisement and during this Conference year, the counties of Lake, Mc Henry, Winnebago, and Boone have successfully petitioned the Court and are now operating under the increased jurisdictional limit.

b. The Committee drafted a proposed amendment to Supreme Court Rule 90(c) along with a proposed form. This recommendation would require the plaintiff to file summary cover sheets detailing money damages incurred by category as set forth in Supreme Court Rule 90(c) (1) - (4). The language added was to specify if the bills have been paid or unpaid. This proposal should aid in the Committee's objective of seeing if arbitration awards might become more in line with a jury

¹The AOIC's Court-Annexed Mandatory Arbitration Fiscal Year 2002 Annual Report can be found on the AOIC portion of the Supreme Court website (www.state.il.us/court) and on the website of the Center for Analysis of Alternative Dispute Resolution Systems (www.caadrs.org).

verdict. The general purpose is to merge the awards between jurors and arbitrators toward a commonality.

The Committee sent the proposal to amend Supreme Court Rule 90(c) to the Director of the Administrative Office of the Illinois Courts for consideration. The Director notified the Committee that she forwarded the proposal to the Supreme Court Rules Committee for placement on the Committee's Public Hearing Agenda. Members of the Committee discussed the impact of this decision and await a determination by the Supreme Court Rules Committee.

2. Meeting with Supervising Judges and Arbitration Administrators

Initially, in June 1998, the Committee met with supervising judges and arbitration administrators of the program. The arbitration administrators requested that the Committee schedule future meetings for the administrators and the A.O.I.C. staff Committee liaison to meet to discuss plans and orders of business for their annual meeting each year. The Committee therefore arranged for them to meet in Kane County for that year and each subsequent year.

In preparation for this year's meeting with the Committee, the arbitration administrators met at the Kane County Courthouse in April 2002. At that meeting, the arbitration administrators discussed items of concern with the operation of arbitration centers, including computer equipment and software needs to assist in the preparation of arbitration statistics, the possibility of a supplemental retraining for arbitrators, the removal of inadequate arbitrators from the circuit's list of arbitrators, a proposed amendment to Supreme Court Rule 89, and the issue of awarding costs in arbitration hearings. The arbitration administrators assisted in the development of an agenda for the June 2002 annual meeting with the Committee.

On June 17, 2002, Committee members met with supervising judges and arbitration administrators at a meeting held in Chicago to discuss issues concerning the arbitration program and proposed rule amendments.

One of the major topics of discussion was the disparity between rejected arbitration awards and resultant jury verdicts. Extensive discussion and consideration took place concerning a recommendation from State Farm Insurance Companies which would allow a layperson to serve as an arbitrator on an arbitration panel. The Committee will continue to study the feasibility and applicability of this recommendation. Another recommendation regarding this issue was to keep arbitrators apprized of jury verdicts rendered subsequent to rejected arbitration awards via a feedback system. It was agreed that the circuits would further examine the feasibility of implementing some type of a system for feedback to inform arbitrators of the ultimate disposition of a case as compared to the dispositions of an arbitration hearing. It is contemplated that a feedback system would also educate them on the factors and principles of law applied for more common cases.

3. Pilot Program in 18th Circuit

Since 1996, the Supreme Court has authorized the 18th Circuit's (Du Page County) pilot

project which allows cases seeking more than \$30,000 but less than \$50,000 in money damages to be subject to mandatory arbitration. The first hearings were held in May 1997. The Supreme Court removed the pilot project designation during this Conference year and Du Page County now operates permanently at the \$50,000 jurisdictional limit. (Statistics for all court-annexed mandatory arbitration programs are contained in Appendix 1.)

4. Good Faith Participation

The Supreme Court forwarded a letter to the Committee regarding good faith participation in arbitration hearings. This has been an issue that the Committee has studied and monitored since the inception of the program. In order to ensure good faith participation, a suggestion was made to monitor this issue throughout the entire arbitration process. Currently, Supreme Court Rule 91(b) states that "all parties to the arbitration hearing must participate in the hearing in good faith and in a meaningful manner. If a panel of arbitrators unanimously finds that a party has failed to participate in good faith and in a meaningful manner, the panel's finding and factual basis therefor shall be stated on the award. Such award shall be *prima facie* evidence that the party failed to participate in the arbitration hearing in good faith and a meaningful manner and a court, when presented with a petition for sanctions or remedy therefor, may order sanctions as provided in Rule 219(c), including, but not limited to, an order debarring that party from rejecting the award, and costs and attorney fees incurred for the arbitration hearing and in the prosecution of the petition for sanctions, against that party."

The Committee discussed good faith participation in all stages of the arbitration proceedings with arbitration supervising judges and arbitration administrators to receive their input. The Committee is still evaluating data that has been collected and plans to continue to study this process throughout the next Conference year.

B. Mediation

Presently, court-sponsored mediation programs continue to operate in the Eleventh, Twelfth, Sixteenth, Seventeenth, Eighteenth, and Nineteenth Circuits² for cases in which *ad damnum* exceeds the limit for court-annexed mandatory arbitration. In addition, a program was started in the Fourteenth Judicial Circuit in February 2002. During State Fiscal Year 2002, over 334 cases have gone through major civil case mediation statewide. These programs are designed to provide quicker and less expensive resolution of major civil cases.

A total of 334 cases were referred to mediation in the seven programs from July 1, 2001, through June 30, 2002. Of these, 184 resulted in a full settlement of the matter; 16 reached a partial settlement of the issues; and 134 of the cases that progressed through the mediation process did not reach an agreement at mediation. (See Appendix 2 for statistics for these

²See Appendix 2 for a listing of counties in each circuit that operates a mediation program.

programs.)

In addition to the circuits mentioned above, the Circuit Court of Cook County operates a mediation program in its Law Division. The Law Division program uses sitting judges and trained volunteer lawyers to mediate cases. Under the rules of the program, all parties agree to have the case mediated and then they select a mediator who is agreed upon by all parties. The rules provide that mediation will not affect a set trial date.

In April 2001, the Supreme Court adopted Rule 99 which allows circuits to undertake mediation programs with the approval and direction of the Supreme Court. Additionally, programs already operating a mediation program were allowed to continue the program for one year after the effective date and were required to submit rules to the Supreme Court for approval within ninety days of the effective date.

The Committee studied and monitored mediation for several years and observed the enactment of Rule 99. With the advent of the rule, the Committee proposed language to the Supreme Court to provide immunity for a mediator to the same extent as a judge. On October 10, 2001, the Supreme Court accepted the specific recommendations of the Committee and amended Rule 99 to provide for such immunity.

Court-sponsored mediation programs have been successful and well received and have resulted in a quicker resolution of many cases. It is important to recognize that the benefits of major civil case mediation cannot be calculated solely by the number of cases settled. Because these cases are major civil cases by definition, early settlement of a single case represents a significant savings of court time for motions and status hearings as well as trial time. Additionally, in many of these cases, resolving the complaint takes care of potential counterclaims, third-party complaints and, of course, eliminates the possibility of an appeal. Finally, court-sponsored mediation programs are considered by many parties as a necessary and integral part of the court system.

C. Education

Under the Comprehensive Education Plan, there was an Education Conference for all judges which began in the year 2000. The mandatory arbitration program was presented at the Conference by the Committee and was successful. Education committee members agreed that a course in Alternative Dispute Resolution could be valuable to many judges. In Education Conference Year 2002, the Committee made a presentation on arbitration and mediation. This Committee stands ready to provide any necessary support and looks forward to working with the Committee on Education at future conferences.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During the 2003 Conference year, the Committee plans to continue to monitor and assess the court-annexed mandatory arbitration programs, suggest broad-based policy recommendations,

explore and examine innovative dispute resolution processing techniques, and to continue studying the impact of rule amendments. In addition, the Committee will continue to study, draft, and propose rule amendments in light of the suggestions and information received from program participants, supervising judges, and arbitration administrators.

The Committee also plans to oversee and facilitate the improvement and expansion of the major civil case mediation programs. The Committee also plans to actively study and evaluate other Alternative Dispute Resolution options, such as summary jury trials and early neutral evaluation.

IV. RECOMMENDATIONS

The Committee is making no recommendations to the Conference at this time.

2002 REPORT

APPENDIX 1

FISCAL YEAR 2002 ANNUAL REPORT TO THE ILLINOIS GENERAL
ASSEMBLY ON COURT-ANNEXED MANDATORY ARBITRATION

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INTRODUCTION

This Fiscal Year 2002 Annual Report on the court-annexed mandatory arbitration program is presented to satisfy the requirements of Section 1008A of the Mandatory Arbitration Act, 735 ILCS 5/2-1001A *et seq.*

The Supreme Court of Illinois and the Illinois General Assembly created court-annexed mandatory arbitration to reduce the backlog of civil cases and to provide litigants with a system in which their complaints could be more quickly resolved by an impartial fact finder.

Arbitration was instituted after deliberate planning. Efforts by the Supreme Court to devise a high quality arbitration system spanned nearly a decade. When developing the Illinois program, the Supreme Court and its committees secured the input of public officials representing all branches of Illinois government, as well as the general public. As a result, the system now in place is truly an amalgamation of the best dispute resolution concepts.

Beginning in September of 1982, Chief Justice Howard C. Ryan urged the judiciary to explore suitable court-sponsored alternative dispute resolution techniques. In September, 1985, the Illinois General Assembly passed and the Governor signed House Bill 1265¹, authorizing the Supreme Court to institute a system of mandatory arbitration. Before the end of May, 1987, the Supreme Court adopted arbitration-specific rules recommended by a committee of prominent judges and attorneys. Later that year, Winnebago County began operating a pilot court-annexed mandatory arbitration program.

Expanding on the success of the Winnebago County program, the Supreme Court authorized the following counties to implement court-annexed mandatory arbitration programs in the following order:

- ▶ Cook, DuPage, and Lake Counties in December, 1988
- ▶ Mc Henry County in November, 1990
- ▶ St. Clair County in May, 1993
- ▶ Boone and Kane Counties in November, 1994
- ▶ Will County in March, 1995
- ▶ Ford and Mc Lean Counties in March, 1996

The most recent request for implementation of an arbitration program came from the 14th Judicial Circuit. In November of 1999, the Supreme Court approved the program for all four counties in the 14th Circuit (Rock Island, Henry, Mercer, and Whiteside Counties) and the program began in October, 2000. Future expansion of court-annexed mandatory arbitration programs may occur if sufficient public funding is made available and with approval by the Supreme Court.

This Fiscal Year 2002 Annual Report summarizes the accomplishments of the arbitration

¹H.B. 1265, 83rd Gen. Assem., Reg. Sess., P.A. 84-844, (Il. 1985)

program from July 1, 2001, through June 30, 2002. The report begins with a general description of the court-annexed mandatory arbitration program in Illinois and provides information on recent changes made to the program. The second section of the report explains the statistics maintained by arbitration administrators. Statewide statistics are provided as an aggregate or average of the statistics furnished by the fifteen court-annexed mandatory arbitration programs operating around the state. Jurisdictions may have significantly different statistics. Therefore, when appropriate, individual program statistics are provided. The final section of the report provides information on the day-to-day operation of the court-annexed mandatory arbitration programs.

OVERVIEW OF COURT-ANNEXED MANDATORY ARBITRATION

In Illinois, court-annexed mandatory arbitration is a mandatory, non-binding form of alternative dispute resolution. In those jurisdictions approved by the Supreme Court to operate a court-annexed mandatory arbitration program, all civil cases filed seeking money damages within the program's jurisdiction are subject to the arbitration process. These modest sized claims are directed into the arbitration program because they are amenable to closer management and faster resolution using a less formal, alternative process.

Program Jurisdiction

Cases enter the arbitration program in one of two ways. In all counties operating a court-annexed mandatory arbitration program, except Cook County, litigants may file their case with the office of the clerk of the court as an arbitration case. The clerk records the case using an AR designation. These AR designated cases are placed directly on the calendar of the supervising judge for arbitration. Summons are returnable before the supervising judge for arbitration and all prehearing matters are argued before them.²

In the Circuit Court of Cook County, however, cases seeking between \$5,000 and \$50,000 in money damages are filed in the Municipal Department and are given an "M" designation by the clerk. Cases within this category which are arbitration-eligible (cases seeking up to \$30,000 in money damages) are subsequently transferred to arbitration. After hearing all preliminary matters, the case is transferred to arbitration.

In all jurisdictions operating a court-annexed mandatory arbitration program, a case may also be transferred to the arbitration calendar from another calendar if it appears to the court that no claim in the action has a value in excess of the monetary limit authorized by the Supreme Court for that county's arbitration program. For example, if the court finds that an action originally filed as a Law case (actions seeking over \$50,000) has a potential for damages under the jurisdiction for arbitration, the court may transfer the Law case to the arbitration calendar.

During Fiscal Year 1997, the Supreme Court amended a number of rules which affect arbitration. In November, 1996, the Supreme Court increased the jurisdictional limit for small claims actions from cases seeking up to \$2,500 in damages to cases seeking up to \$5,000 in damages, effective January 1, 1997. Concerns about enlarging the small claims calendar have led a number of counties operating arbitration programs to transfer cases seeking over \$2,500 in money damages into arbitration.

Also in November, 1996, the Supreme Court acted on the request of the Eighteenth Judicial Circuit to increase the jurisdiction of arbitration-eligible cases from cases seeking up to \$30,000 in money damages to cases seeking up to \$50,000 in money damages. The Supreme Court

²See Illinois Supreme Court Rule 86(d). The monetary limit for arbitration cases filed in Cook, Ford, Kane, Mc Lean, and Will Counties is \$30,000. The monetary limit for arbitration cases filed in Boone, Du Page, Henry, Lake, Mc Henry, Mercer, Rock Island, Whiteside, and Winnebago Counties is \$50,000. In St. Clair County, cases seeking up to \$20,000 in money damages are subject to arbitration.

decided to allow the Eighteenth Judicial Circuit to increase the jurisdictional limit for arbitration-eligible cases as a pilot project.³ During Fiscal Year 2002, the Supreme Court removed the pilot designation from Du Page County and the program now operates permanently at the \$50,000 jurisdictional limit.

Pre-Hearing Matters

The pre-hearing stage for cases subject to arbitration is similar to the pretrial stage for cases not subject to arbitration. Summons are issued, motions are made and argued, and discovery moves forward. However, discovery is limited for cases subject to arbitration pursuant to Illinois Supreme Court Rules 222 and 89.

One of the most important features of the arbitration program is the court's control of the time elapsed from the date of filing of the arbitration case, or the transfer of the case to arbitration, and the arbitration hearing. Illinois Supreme Court Rule 88 provides that all arbitration cases must go to hearing within one year of the date of filing or transfer to arbitration. As a result, faster dispositions are possible in the arbitration system.

Arbitration Hearing

The arbitration hearing resembles a traditional trial conducted by a judge, but the hearing is conducted by a panel of three trained attorney-arbitrators. Each party to the dispute makes a concise presentation of his/her case to the attorney-arbitrators. The Illinois Code of Civil Procedure and the rules of evidence apply in arbitration hearings; however, Illinois Supreme Court Rule 90(c) makes certain documents presumptively admissible. These documents include bills, records, and reports of hospitals, doctors, dentists, repair persons, and employers as well as written statements of opinion witnesses. By taking advantage of this streamlined evidence mechanism, lawyers can present the case quickly, and hearings are completed in approximately two hours.

Immediately after the hearing, the three arbitrators deliberate privately and decide the issues presented by the parties. They file their award on the same day as the hearing. To find in favor of one party, the concurrence of at least two arbitrators must be present and an award is determined.

After the arbitration hearing, the clerk of the court records the arbitration award and then forwards notice of the award to the parties. As a courtesy to the litigants, many of the arbitration centers post the arbitration award after it is submitted by the arbitrators so the parties will know the outcome on the same day as the hearing.

Rejecting an Arbitration Award

Illinois Supreme Court Rule 93 allows any party to reject the arbitration award. However, a party must meet four conditions when they seek to reject the award. First, the party who wants to reject the award must have been present, personally or via counsel, at the arbitration hearing

³At the same time the Supreme Court amended Illinois Supreme Court Rule 93 to provide that parties wishing to reject an award of over \$30,000 must pay a \$500 rejection fee.

or that party's right to reject the award will be deemed waived.⁴ Second, that same party must have participated in the arbitration process in good faith and in a meaningful manner.⁵ Third, the party wanting to reject the award must file a rejection notice within thirty days of the date the award was filed.⁶ Finally, except for indigent parties, the party who initiates the rejection must pay a rejection fee of \$200 to the clerk of the court.⁷ The rejection fee is intended to discourage frivolous rejections. If these four conditions are not met, the party may be barred from rejecting the award and any other party to the action may petition the court to enter a judgment on the arbitration award.

After a party successfully rejects an arbitration award, the supervising judge for arbitration places the case on the trial call.

Appointment, Qualification, and Compensation of Arbitrators

The Supreme Court provides the rules that govern the mandatory arbitration program. The requirements of arbitrators and court-supported arbitration jurisdiction can be located in Supreme Court Rule 86 *et seq.*

Alternative Dispute Resolution Coordinating Committee of the Illinois Judicial Conference Activities

The Alternative Dispute Resolution Coordinating Committee is a committee of the Illinois Judicial Conference which was created by the Supreme Court.

The charge of the Committee is to monitor and assess the court-annexed mandatory arbitration programs. The Committee also surveys and compiles information on existing court-supported dispute resolution programs, suggests broad-based policy recommendations, explores and examines innovative dispute resolution processing techniques, and studies the impact of proposed rule amendments. In addition, the Committee also works on drafting rule amendments in light of suggestions and information received from program participants, supervising judges, and arbitration administrators.

One of the Committee's main activities this past year was drafting rule amendments and proposals. The Committee sent a proposal to amend Supreme Court Rule 86(b) to the director of the Administrative Office of the Illinois Courts for consideration. The director notified the Committee that the Supreme Court traditionally treated requests for jurisdictional limits on a case-by-case basis. Therefore, the Court has voted not to forward this proposal to the Supreme Court

⁴See Illinois Supreme Court Rule 91(a).

⁵See Illinois Supreme Court Rule 91(b).

⁶See Illinois Supreme Court Rule 93(a).

⁷See Illinois Supreme Court Rule 93. As noted earlier, the Supreme Court amended Rule 93 to mandate that when the arbitrators return an arbitration award of over \$30,000 a party must pay \$500 to reject the award.

Rules Committee, continuing to reserve unto itself the opportunity to review requests for increases of the limit on a case-by-case basis. Subsequently, the Committee advised all judicial circuits operating a mandatory arbitration program, subject to the discretion of the chief circuit judge of the respective circuit with a program, that they may petition the Supreme Court to increase jurisdictional limits to \$50,000. Since this advisement and during this fiscal year, the counties of Lake, Mc Henry, Winnebago, and Boone have successfully petitioned the Court and are now operating under the increased jurisdictional limit.

The Committee continues to monitor the effects of Supreme Court Rules on arbitration practice and will continue to provide direction for the successful implementation of the program.

FISCAL YEAR 2002 STATISTICS

Court-annexed mandatory arbitration has now been operating in Illinois for a little more than fifteen years. The statistics discussed below provide a detailed depiction of the continued success of the program.

Introduction

Statistics are maintained by each of the fifteen arbitration programs to ensure that the program is meeting its goals of reducing case backlog and providing faster dispositions to litigants. The arbitration calendar is divided into three stages for the collection of arbitration statistics. The stages are pre-hearing, post-hearing, and post-rejection. Close monitoring and supervision of events at each of these stages helps to determine the efficacy of the arbitration process. Each arbitration stage has its own inventory of cases pending at the beginning of each reporting period, its own statistical count of cases added and removed during each reporting period, and its own inventory of cases pending at the end of each reporting period.

Pre-Hearing Calendar

Cases at the first stage of the arbitration process, the pre-hearing stage, are cases that are pending an arbitration hearing. There are three sources from which cases are added to the pre-hearing calendar: new filings, reinstatements, and transfers from other calendars.

Cases may be removed from the pre-hearing arbitration calendar in either a dispositive or non-dispositive manner. A dispositive removal from the pre-hearing arbitration calendar is one which terminates the case prior to commencement of the arbitration hearing. There are generally three types of pre-hearing dispositive removals: the entry of judgment; some form of dismissal; or the entry of a settlement order by the court.

A non-dispositive removal of a case from the pre-hearing arbitration calendar may either remove the case from the arbitration calendar altogether or simply move it along to the next stage of the arbitration process. An example of a non-dispositive removal which removes the arbitration case from the arbitration calendar altogether is when a case is placed on a special calendar. A case assigned to a special calendar is removed from the arbitration calendar, but not terminated. For example, a case transferred to a bankruptcy calendar generally stays all arbitration-related activity and assignment to this special calendar is considered a non-dispositive removal from the arbitration calendar.

Another type of non-dispositive removal from the pre-hearing calendar is a transfer out of arbitration. Occasionally a judge may decide that a case is not suited for arbitration. The judge may then transfer the case to a more appropriate calendar. Finally, an arbitration hearing is also a non-dispositive removal from the pre-hearing calendar.

Pre-Hearing Statistics

To reduce backlog and to provide litigants with the quickest disposition for their cases, Illinois' arbitration system encourages attorneys and litigants to focus their early attention on arbitration-eligible cases. Therefore, the practice is to set a firm and prompt date for the arbitration hearing so that disputing parties, anxious to avoid the time and cost of an arbitration hearing, have a powerful incentive to negotiate prior to the hearing. In instances where a default judgment can be taken, parties are also encouraged to seek that disposition at the earliest possible time.

Therefore, as cases move through the steps in the arbitration process, a sizeable portion of each court's total caseload should terminate voluntarily or by court order in advance of the arbitration hearing if the process is operating well. Fiscal Year 2002 statistics demonstrate that parties are carefully managing their cases, working to settle their disputes without significant court intervention, and settling their differences prior to the arbitration hearing.

During Fiscal Year 2002, 17,108 cases on the pre-hearing arbitration calendar were disposed through default judgment, dismissal, or some other form of pre-hearing termination.⁸ Therefore, a statewide average of 48% of the cases referred to arbitration were disposed prior to the arbitration hearing.⁹ While it is true that a large number of these cases may have terminated without the need for a trial, arbitration tends to induce disposition sooner in the life of most cases because firm arbitration hearing dates are set within one year of the case's entrance into the arbitration process.

Additionally, these terminations via court-ordered dismissals, voluntary dismissals, settlement orders, and default judgments typically require very little court time to process. To the extent that arbitration encourages these dispositions, the system helps save the court and the litigants the expense of costlier, more time consuming proceedings that might have been necessary without arbitration programs.

This high rate of pre-hearing terminations also allows each court to remain current with its hearing calendar and may allow the court to reduce a backlog. It is this combination of pre-hearing terminations and arbitration hearing capacity that enables the system to absorb and process a

⁸Cases disposed during Fiscal Year 2002 will include those cases pending at the end of Fiscal Year 2001. Additionally, not all cases referred to arbitration during Fiscal Year 2002 will have disposition information available. Some cases are still pending. Therefore, the statistics provided in this report give the reader a snapshot of the progress of arbitration cases through June 30, 2002.

⁹This number is derived by dividing the number of cases disposed via some form of prehearing termination during Fiscal Year 2002, (17,108) by the inventory of arbitration cases at the prehearing stage during Fiscal Year 2002. The inventory of cases at the prehearing stage is the sum of the number of arbitration cases pending statewide at the end of Fiscal Year 2001, (3,905) and the number of cases transferred or filed in arbitration during Fiscal Year 2002 (31,927).

greater number of cases in less time. In some instances, individual county numbers are even more impressive.

St. Clair County

St. Clair County reported that 1,824 cases were referred to court-annexed mandatory arbitration during Fiscal Year 2002 and 456 cases were pending on the pre-hearing arbitration calendar at the end of Fiscal Year 2001. During Fiscal Year 2002, 1,718 cases were disposed prior to the arbitration hearing. Therefore, as of June 30, 2002, 75% of the cases on the pre-hearing arbitration calendar were disposed prior to the arbitration hearing.

During Fiscal Year 2002, 183 arbitration hearings were held in St. Clair County. Therefore, as of June 30, 2002, 8% of the cases on the arbitration pre-hearing calendar progressed to the arbitration hearing.

Winnebago County

During Fiscal Year 2002, Winnebago County reported that 1,217 cases were funneled into the arbitration program. At the end of Fiscal Year 2001, 134 cases were pending on the pre-hearing arbitration calendar.

Prior to the arbitration hearing, 1,081 cases were terminated. Therefore, as of June 30, 2002, 80% of cases on the pre-hearing arbitration calendar were disposed prior to the arbitration hearing.

During Fiscal Year 2002, Winnebago County reported that 105 cases progressed to hearing. Therefore, as of June 30, 2002, only 8% of the cases on the pre-hearing arbitration calendar went to hearing.

McHenry County

McHenry County reported that 974 cases were transferred or filed as arbitration-eligible during Fiscal Year 2002. At the end of Fiscal Year 2001, 274 cases were pending on the pre-hearing arbitration calendar. During Fiscal Year 2002, 789 cases were disposed in some way prior to the arbitration hearing. Therefore, 63% of the cases on the pre-hearing arbitration calendar were disposed prior to the hearing.

During Fiscal Year 2002, McHenry County held 109 arbitration hearings. Therefore, as of June 30, 2002, only 9% of the cases on the pre-hearing arbitration calendar progressed to hearing.

Lake County

Lake County reported that 2,591 cases were filed in or transferred to the arbitration calendar during Fiscal Year 2002. There were 639 cases pending on the pre-hearing calendar at the end of Fiscal Year 2001. During Fiscal Year 2002, 1,989 cases were disposed prior to their progression to an arbitration hearing. Therefore, as of June 30, 2002, 62% of the cases on the pre-hearing arbitration calendar were disposed prior to the hearing.

Lake County reported conducting 450 hearings during Fiscal Year 2002. Therefore, as of June 30, 2002, only 14% of the cases on the pre-hearing arbitration calendar progressed to hearing.

Du Page County

Du Page County reported that 3,679 cases were filed in or transferred to the arbitration calendar during Fiscal Year 2002. During Fiscal Year 2002, 2,961 cases were disposed prior to their progression to an arbitration hearing. Therefore, as of June 30, 2002, 80% of the cases on the pre-hearing arbitration calendar were disposed prior to the hearing.

Du Page County reported conducting 612 hearings during Fiscal Year 2002. Therefore, as of June 30, 2002, only 17% of the cases on the pre-hearing arbitration calendar progressed to hearing.

Kane County

Kane County reported that 1,621 cases were referred to arbitration during Fiscal Year 2002. At the end of Fiscal Year 2001, 75 cases were pending on the pre-hearing arbitration calendar. During Fiscal Year 2002, 1,384 cases were disposed prior to the arbitration hearing. Therefore, as of June 30, 2002, 82% of the cases on the pre-hearing arbitration calendar were disposed prior to an arbitration hearing.

During Fiscal Year 2002, Kane County conducted 225 arbitration hearings. Therefore, as of June 30, 2002, only 13% of the cases on the pre-hearing arbitration calendar progressed to an arbitration hearing.

Boone County

Boone County reported that 98 cases were referred to arbitration during Fiscal Year 2002. At the end of Fiscal Year 2001, 27 cases were pending on the pre-hearing arbitration calendar. In Fiscal Year 2002, prior to the arbitration hearing, 81 cases were disposed. Therefore, as of June 30, 2002, 65% of the cases on the pre-hearing arbitration calendar were disposed prior to the arbitration hearing.

Boone County held 6 arbitration hearings during Fiscal Year 2002. Therefore, as of June 30, 2002, only 5% of the cases on the pre-hearing arbitration calendar progressed to hearing.

Will County

In Fiscal Year 2002, Will County reported that 1,800 cases were filed or transferred to arbitration. At the end of Fiscal Year 2001, 680 cases were pending on the pre-hearing calendar. During Fiscal Year 2002, 1,468 pre-hearing dispositions were reported. Therefore, as of June 30, 2002, 59% of all cases filed or transferred into arbitration were disposed prior to the arbitration hearing.

Will County reported that it held 226 hearings during Fiscal Year 2002. Therefore, as of June 30, 2002, only 9% of the cases on the pre-hearing arbitration calendar progressed to an arbitration hearing.

2002 REPORT***McLean County***

McLean County reported that in Fiscal Year 2002, 1,149 cases were filed or transferred into arbitration. At the end of Fiscal Year 2001, 567 cases were pending on the pre-hearing arbitration calendar. McLean County reported that 954 cases were disposed pre-hearing. Therefore, 56% of the cases filed or transferred into arbitration were disposed pre-hearing.

McLean County reported that it held 105 hearings during Fiscal Year 2002. Therefore, as of June 30, 2002, only 6% of the cases on the pre-hearing arbitration calendar progressed to hearing.

Ford County

In Fiscal Year 2002, Ford County reported 57 cases filed or transferred into arbitration with 46 of those cases disposed pre-hearing. Therefore, 74% of the cases in the arbitration program were disposed prior to hearing.

Ford County reported that it conducted 6 arbitration hearings during Fiscal Year 2002. Therefore, as of June 30, 2002, only 10% of the arbitration-eligible cases progressed to hearing in Ford County.

Rock Island County

In Fiscal Year 2002, Rock Island County reported 660 cases filed or transferred into arbitration. At the end of Fiscal Year 2001, 178 cases were pending on the pre-hearing calendar. Rock Island County reported that 453 cases were disposed pre-hearing. Therefore, 54% of the cases filed or transferred into arbitration were disposed pre-hearing.

Rock Island County reported that it held 91 arbitration hearings during Fiscal Year 2002. Therefore, as of June 30, 2002, only 11% of the cases filed on the pre-hearing arbitration calendar progressed to hearing.

Henry County

In Fiscal Year 2002, Henry County reported 92 cases filed or transferred into arbitration. At the end of Fiscal Year 2001, 47 cases were pending on the pre-hearing calendar. Henry County reported that 76 cases were disposed pre-hearing. Therefore, 55% of the cases filed or transferred into arbitration were disposed pre-hearing.

Henry County reported that it held 9 arbitration hearings during Fiscal Year 2002. Therefore, as of June 30, 2002, only 6% of the cases filed on the pre-hearing arbitration calendar progressed to hearing.

Mercer County

In Fiscal Year 2002, Mercer County reported 24 cases filed or transferred into arbitration. At the end of Fiscal Year 2001, 6 cases were pending on the pre-hearing calendar. Mercer County reported that 13 cases were disposed pre-hearing. Therefore, 43% of the cases filed or transferred

into arbitration were disposed pre-hearing.

Mercer County reported that it held 2 arbitration hearings during Fiscal Year 2002. Therefore, as of June 30, 2002, only 7% of the cases filed on the pre-hearing arbitration calendar progressed to hearing.

Whiteside County

In Fiscal Year 2002, Whiteside County reported 212 cases filed or transferred into arbitration. At the end of Fiscal Year 2001, 63 cases were pending on the pre-hearing calendar. Whiteside County reported that 176 cases were disposed pre-hearing. Therefore, 64% of the cases filed or transferred into arbitration were disposed pre-hearing.

Whiteside County reported that it held 20 arbitration hearings during Fiscal Year 2002. Therefore, as of June 30, 2002, only 7% of the cases filed on the pre-hearing arbitration calendar progressed to hearing.

Cook County

The Cook County statistics differ significantly. During Fiscal Year 2002, 15,929 cases were transferred into the Cook County arbitration program. At the end of Fiscal Year 2001, 754 cases were pending on the pre-hearing arbitration calendar. As of June 30, 2002, 3,919 cases were disposed prior to the arbitration hearing. Therefore, as of June 30, 2002, 23% of the cases in the arbitration program in Cook County were disposed prior to the arbitration hearing.

The Cook County program conducted 11,182 hearings during Fiscal Year 2002. Therefore, as of June 30, 2002, 67% of the cases on the pre-hearing arbitration calendar progressed to hearing.

This is a much different picture than the one reported by other counties and can be explained by examining the Cook County arbitration program. As noted above, in Cook County, cases seeking between \$5,000 and \$30,000 in money damages are filed as Municipal Department cases. Cases within this category that are arbitration-eligible (cases seeking up to \$30,000 in money damages) are transferred to arbitration only after all pre-hearing matters have been heard and decided. Statistics are not available on the number of cases that may have been arbitration-eligible but were disposed prior to their transfer to arbitration.

Instead, statistics are available only on those cases which were transferred to arbitration and then were disposed prior to the hearing. This window of time is much shorter than the window of time for which statistics are provided by other counties. Additionally, a number of cases have already been disposed of, meaning the cases transferred have already gone through a substantial review process prior to their transfer to the arbitration program. Therefore, although it appears that fewer cases are disposed prior to an arbitration hearing in the arbitration process in the Cook County system, we cannot be sure that this is true because in Cook County cases are counted substantially later in the process and for a substantially shorter time frame.

In the Circuit Court of Cook County, after preliminary hearing matters are decided and the case has been transferred to arbitration, the clerk of the court will set a date for the arbitration

hearing. The clerk of the court waits until 30 days prior to the closure date for discovery before setting the arbitration hearing date to ensure that discovery is closed prior to the arbitration hearing.

In summary, the statistics provided by all programs on cases at the arbitration pre-hearing stage demonstrate that the parties are working to settle their differences without significant court intervention, prior to the arbitration hearing. The arbitration hearings induce these early settlements by forcing the parties to carefully manage the case prior to the arbitration hearing. Because arbitration hearings are held within one year of the filing of the arbitration case or the transfer of the case to the arbitration program, in most counties the circuit court can dispose of approximately 80-90% of the arbitration caseload within one year of the filing of the case. This case management tool provides swifter dispositions for litigants.

Post-Hearing Calendar

The post-hearing arbitration calendar consists of cases which have been heard by an arbitration panel and are waiting further action. Upon conclusion of an arbitration hearing, a case is removed from the pre-hearing arbitration calendar and added to the post-hearing calendar. Although the arbitration hearing is the primary source of cases added to the post-hearing calendar, cases previously terminated following a hearing may subsequently be reinstated (added) at this stage. However, this is a rare occurrence even in the larger courts.

The arbitration administrators report three types of post-hearing removals from the arbitration calendar: entry of judgment on the arbitration award; some other post-hearing termination of the case including dismissal or settlement by order of the court; or rejection of the arbitration award. While any of these actions will remove a case from the post-hearing calendar, only judgment on the award, dismissal, and settlement result in termination of the case, which are dispositive removals. Post-hearing terminations, or dispositive removals, are typically the most common means by which cases are removed from the post-hearing arbitration calendar.

A rejection of an arbitration award is a non-dispositive removal of a case from the post-hearing arbitration calendar. A rejection removes the case from the post-hearing arbitration calendar and places it on the post-rejection arbitration calendar.

Post-Hearing Statistics

A commonly cited measure of performance for court-annexed arbitration programs is the extent to which awards are accepted by the litigants as the final resolution of the case. However, parties have many resolution options after the arbitration hearing is concluded. Therefore, tracking the various options by which post-hearing cases are removed from the arbitration inventory gives a more accurate picture of the movement of cases than would looking only at the number of arbitration awards rejected.

When a party is satisfied with the arbitration award, they may move the court to enter judgment on the award. If no party rejects the arbitration award, the court may enter judgment on the award.

Additionally, figures reported show that approximately another 62% of the cases which progress to a hearing were disposed after the arbitration hearing on terms other than those stated

in the award. These cases are disposed either through settlement reached by the parties or by dismissals.

These statistics demonstrate that in a significant number of cases which progress to hearing, although the parties may agree with the arbitrator's assessment of the worth of the case, they may not want a judgment entered against them so they work to settle the conflict prior to the deadline for rejecting the arbitration award.

The post-hearing statistics for counties with arbitration programs consisting of judgments entered on the arbitration award,¹⁰ settlements reached after the arbitration award and prior to the expiration for the filing of a rejection, are detailed herein.

- **St. Clair County** reported the entry of 99 judgments on arbitration awards during Fiscal Year 2002. Therefore, in St. Clair County, 50% of the cases in which a hearing was held on or before June 30, 2002, were disposed when judgment was entered on the arbitration award. An additional 29 cases were settled prior to the expiration for the filing of a rejection. In Fiscal Year 2002 in St. Clair County, 15% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing settlement.
- **McHenry County** reported the entry of 37 judgments on arbitration awards during Fiscal Year 2002. Therefore, in McHenry County, 29% of the cases in which a hearing was held on or before June 30, 2002, were disposed when judgment was entered on the arbitration award. An additional 26 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2002 in McHenry County, 21% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- **Lake County** reported the entry of 103 judgments on arbitration awards during Fiscal Year 2002. Therefore, in Lake County, 20% of the cases in which a hearing was held on or before June 30, 2002, were disposed when judgment was entered on the arbitration award. An additional 117 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2002 in Lake County, 23% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- **DuPage County** reported the entry of 127 judgments on arbitration awards during Fiscal Year 2002. Therefore, in DuPage County, 21% of the cases in which a hearing was held on or before June 30, 2002, were disposed when judgment was entered on the arbitration award. An additional 191 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2002 in DuPage County, 31% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.

¹⁰ Judgment on the award statistics are generated by dividing the number of judgments on an arbitration award into the total number of cases on the post-hearing calendar. The total number of cases on the post-hearing calendar is generated by adding the number of cases added during FY2002 to the number of cases pending on the post-hearing calendar as of 7/01/01.

- **Will County** reported the entry of 50 judgments on arbitration awards during Fiscal Year 2002. Therefore, in Will County 19% of the cases in which a hearing was held on or before June 30, 2002, were disposed when judgment was entered on the arbitration award. An additional 54 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2002 in Will County, 21% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- **Winnebago County** reported the entry of 33 judgments on arbitration awards during Fiscal Year 2002. Therefore, in Winnebago County, 30% of the cases in which a hearing was held on or before June 30, 2002, were disposed when judgment was entered on the arbitration award. An additional 19 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2002 in Winnebago County, 17% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- **Kane County** reported the entry of 56 judgments on arbitration awards during Fiscal Year 2002. Therefore, in Kane County, 21% of the cases in which a hearing was held on or before June 30, 2002, were disposed when judgment was entered on the arbitration award. An additional 31 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2002 in Kane County, 12% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- **Boone County** reported the entry of 3 judgments on arbitration awards during Fiscal Year 2002. Therefore, in Boone County, 50% of the cases in which a hearing was held on or before June 30, 2002, were disposed when judgment was entered on the arbitration award. There were no cases dismissed prior to the expiration for the filing of a rejection. Therefore, no cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- **McLean County** reported the entry of 47 judgments on arbitration awards during Fiscal Year 2002. Therefore, in McLean County, 30% of the cases in which a hearing was held on or before June 30, 2002, were disposed when judgment was entered on the arbitration award. An additional 11 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2002 in McLean County, 7% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- **Ford County** reported that 4 cases were added to the post-hearing calendar and all of them received a judgment on the arbitration award entered during Fiscal Year 2002. Therefore, in Ford County, 67% of the cases in which a hearing was held on or before June 30, 2002, were disposed when judgment was entered on the arbitration award. One additional case was either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2002 in Ford County, 17% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.

- **Rock Island County** reported the entry of 30 judgments on arbitration awards during Fiscal Year 2002. Therefore, in Rock Island County, 29% of the cases in which a hearing was held on or before June 30, 2002, were disposed when judgment was entered on the arbitration award. An additional 20 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2002 in Rock Island County, 20% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- **Mercer County** reported the entry of 1 judgment on an arbitration award during Fiscal Year 2002. Therefore, in Mercer County, 50% of the cases in which a hearing was held on or before June 30, 2002, were disposed when judgment was entered on the arbitration award. One additional case was either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2002 in Mercer County, 50% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- **Henry County** reported the entry of 2 judgments on arbitration awards during Fiscal Year 2002. Therefore, in Henry County, 22% of the cases in which a hearing was held on or before June 30, 2002, were disposed when judgment was entered on the arbitration award. One additional case was either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2002 in Henry County, 11% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- **Whiteside County** reported the entry of 7 judgments on arbitration awards during Fiscal Year 2002. Therefore, in Whiteside County, 28% of the cases in which a hearing was held on or before June 30, 2002, were disposed when judgment was entered on the arbitration award. An additional 9 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2002 in Whiteside County, 36% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- **Cook County** reported the entry of 3,064 judgments on arbitration awards during Fiscal Year 2002. Therefore, in Cook County, 27% of the cases in which a hearing was held on or before June 30, 2002, were disposed when judgment was entered on the arbitration award. An additional 4,725 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2002 in Cook County, 42% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.

As indicated earlier, parties may also reject the arbitration award and proceed to trial. Parties may file a notice of rejection of the arbitration award for the same variety of tactical reasons that they file notices of appeal from trial court judgments. It's the opinion of the Alternative Dispute Resolution Coordinating Committee of the Illinois Judicial Conference that the rejection rate, when studied alone and out of context, may be a misleading indicator of the actual success of the arbitration programs.

Rejection rates for arbitration awards varied from county to county. The overall statewide average for the rejection rate was 46% in Fiscal Year 2002.

During Fiscal Year 2002, the mandatory arbitration programs reported the following rejection rates: Boone County, 50%; Cook County, 48%; Du Page County, 56%; Ford County, 0%; Henry County, 56%; Kane County, 55%; Lake County, 51%; McHenry County, 50%; McLean County, 19%; Mercer County, 0%; Rock Island County, 47%; St. Clair County, 33%; Whiteside County, 30%; Will County, 53%; Winnebago County, 55%.

Post-Rejection Calendar

The post-rejection calendar consists of arbitration cases in which one of the parties rejects the award of the arbitrators and seeks a trial before a judge or jury. In addition, cases which are occasionally reinstated at this stage of the arbitration process may be added to the inventory of cases pending post-rejection action. Removals from the post-rejection arbitration calendar are generally dispositive. When a case is removed by way of judgment before or after trial, dismissal, or settlement, it is removed from the court's inventory of pending civil cases.

Post-Rejection Statistics

Although rejection rates are an important indicator of the success of an arbitration program, parties have many resolution options still available after rejecting the arbitration award. As noted above, parties file a notice of rejection of the arbitration award for the same variety of tactical reasons that they file notices of appeal from trial court judgments. Therefore, a more important number than the rejection rate may be the frequency with which arbitration cases are settled subsequent to the rejection but prior to trial in the circuit court.

Arbitration statistics demonstrate that few arbitration cases proceed to trial even after the arbitration award is rejected.

- In *Cook County* (Fiscal Year 2002), of the 5,336 cases placed on the post-rejection calendar, 569 cases were disposed via trial and 2,523 were settled or dismissed or otherwise disposed and removed from the post-rejection calendar. This means that 3% of the total cases funneled into the arbitration program in Cook County during Fiscal Year 2002 resulted in trial.
- In *Du Page County* (Fiscal Year 2002), of the 612 cases placed on the post-rejection calendar, 79 cases were disposed via trial and 267 were settled or dismissed or otherwise disposed and removed from the post-rejection calendar. This means that 2% of the total cases funneled into the arbitration program in DuPage County during Fiscal Year 2002 resulted in trial.
- In *Ford County* (Fiscal Year 2002), there was no activity on the post-rejection calendar.
- In *Winnebago County* (Fiscal Year 2002), of the 64 cases placed on the post-rejection calendar, 22 cases were disposed via trial and 30 were settled or dismissed or otherwise disposed and removed from the post-rejection calendar. This means that 2% of the total cases funneled into the arbitration program in Winnebago County during Fiscal Year 2002 resulted in trial.
- In *Lake County* (Fiscal Year 2002), of the 239 cases placed on the post-rejection calendar, 57 cases were disposed via trial and 181 were settled or dismissed or otherwise disposed

and removed from the post-rejection calendar. This means only 2% of the total cases funneled into the arbitration program in Lake County during Fiscal Year 2002 resulted in trial.

- In *McHenry County* (Fiscal Year 2002), of the 58 cases placed on the post-rejection calendar, 25 cases were disposed via trial and 31 were settled or dismissed or otherwise disposed and removed from the post-rejection calendar. This means only 2% of the total cases funneled into the arbitration program in McHenry County during Fiscal Year 2002 resulted in trial.
- In *McLean County* (Fiscal Year 2002), of the 21 cases placed on the post-rejection calendar, 6 cases were disposed via trial and 16 were settled or dismissed or otherwise disposed and removed from the post-rejection calendar. This means less than 1% of the total cases funneled into the arbitration program in McLean County during Fiscal Year 2002 resulted in trial.
- In *St. Clair County* (Fiscal Year 2002), of the 61 cases placed on the post-rejection calendar, 13 cases were disposed via trial and 50 were settled or dismissed or otherwise disposed and removed from the post-rejection calendar. This means only 1% of the total cases funneled into the arbitration program in St. Clair County during Fiscal Year 2002 resulted in trial.
- In *Kane County* (Fiscal Year 2002), of the 124 cases placed on the post-rejection calendar, 33 cases were disposed via trial and 88 were settled or otherwise disposed and removed from the post-rejection calendar. This means only 2% of the total cases funneled into the arbitration program in Kane County during Fiscal Year 2002 resulted in trial.
- In *Will County* (Fiscal Year 2002), of the 120 cases placed on the post-rejection calendar, 26 cases were disposed of via trial and 101 cases were settled, dismissed, or otherwise disposed and removed from the post-rejection calendar. This means that 1% of the total cases funneled into the arbitration program in Will County during Fiscal Year 2002 resulted in trial.
- In *Boone County* (Fiscal Year 2002), of the 4 cases placed on the post-rejection calendar, no cases were disposed of via trial and 5 cases were either settled or dismissed and removed from the post-rejection calendar. This means that no cases funneled into the arbitration program in Boone County during Fiscal Year 2002 resulted in trial.
- In *Rock Island County* (Fiscal Year 2002), of the 43 cases placed on the post-rejection calendar, 12 cases were disposed of via trial and 21 cases were either settled or dismissed and removed from the post-rejection calendar. This means that 1% of the total cases funneled into the arbitration program in Rock Island County during Fiscal Year 2002 resulted in trial.
- In *Henry County* (Fiscal Year 2002), of the 5 cases placed on the post-rejection calendar, no cases were disposed of via trial and 2 cases were either settled or dismissed and removed from the post-rejection calendar. This means that no cases funneled into the arbitration program in Henry County during Fiscal Year 2002 resulted in trial.

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- In *Mercer County* (Fiscal Year 2002), there was no activity on the post-rejection calendar.
- In *Whiteside County* (Fiscal Year 2002), of the 6 cases placed on the post-rejection calendar, 1 case was disposed of via trial and 2 cases were either settled or dismissed and removed from the post-rejection calendar. This means that less than 1% of the total cases funneled into the arbitration program in Whiteside County during Fiscal Year 2002 resulted in trial.

These percentages were generated with figures submitted through June 30, 2002. Some cases in which an arbitration award was rejected and the case was transferred to the post-rejection calendar remain pending.

CONCLUSION

Taken together, these figures are convincing evidence that the arbitration system is operating consistent with policy makers' initial expectations for the program.

Statewide figures show that only a small number of the cases filed or transferred into arbitration proceed to an arbitration hearing. Arbitration-eligible cases are resolved and disposed prior to hearing in ways that do not use a significant amount of court time. Court-ordered dismissals, voluntary dismissals, settlement orders, and default judgments typically require very little court time to process. Arbitration encourages dispositions earlier in the life of cases, helps the court operate more efficiently, saves the court the expense of costlier proceedings that might have been necessary later, and saves time, energy, and money of the individuals using the court system to resolve their disputes.

Statewide statistics also show that a large number of cases that do proceed to the arbitration hearing are terminated in a post-hearing proceeding when the parties either petition the court to enter judgment on the arbitration award or remove the case from the arbitration calendar via another form of post-hearing termination, including settlement.

Finally, the overall success of the program can be quantified in the fact that a statewide average of only 2% of the cases processed through an arbitration program proceeded to trial in Fiscal Year 2002.

CIRCUIT PROFILES**Eleventh Judicial Circuit**

The Supreme Court of Illinois entered an order in March, 1996, allowing both McLean and Ford Counties to begin arbitration programs. Therefore, two counties within the five-county circuit currently use court-annexed mandatory arbitration as a case management tool. The Eleventh Judicial Circuit arbitration program is housed near the McLean County Law and Justice Center in Bloomington, Illinois.

The supervising judge for arbitration in McLean County is Judge Kevin P. Fitzgerald. The supervising judge for arbitration in Ford County is Judge Stephen R. Pacey. The supervising

judges are assisted by one administrative assistant for arbitration for both the McLean and Ford County programs.

Twelfth Judicial Circuit

The Twelfth Judicial Circuit is one of only three single-county circuits in Illinois. The Will County Arbitration Center is housed near the courthouse in Joliet, Illinois. According to the 2000 federal census, the county is home to 502,266 residents. Straddling the line between a growing urban area and a farm community, Will County is working to keep current with its increasing caseload.

After the Supreme Court approved its request, Will County began hearing arbitration cases in December of 1995. Judge Paula Gamora is the supervising judge for arbitration in the Twelfth Judicial Circuit. She is assisted by a trial court administrator and an administrative assistant.

Fourteenth Judicial Circuit

The Fourteenth Judicial Circuit is comprised of Rock Island, Henry, Mercer, and Whiteside Counties. This circuit is the most recent to receive Supreme Court approval to begin operating an arbitration program. In November of 1999, the Supreme Court authorized the inception of the program and arbitrations began in October, 2000. Hearings are conducted in an arbitration center located in downtown Rock Island.

The Fourteenth Circuit is the first program to receive permanent authorization to hear cases with damage claims between \$30,000 and \$50,000. The supervising judge for arbitration is Judge Mark A. VandeWiele.

Sixteenth Judicial Circuit

The Sixteenth Judicial Circuit consists of DeKalb, Kane, and Kendall Counties. During Fiscal Year 1994, the Supreme Court approved the request of Kane County to begin operating a court-annexed mandatory arbitration program. Initial arbitration hearings were held in June, 1995.

Judge Richard J. Larson is the supervising judge for arbitration in Kane County. He is assisted by an administrative assistant for arbitration.

Seventeenth Judicial Circuit

The Seventeenth Judicial Circuit is a two-county circuit in north central Illinois consisting of Winnebago and Boone Counties. The arbitration center is located in Rockford, which is one of the largest cities in the state and has a population of 320,204, according to 2000 federal census data. In the fall of 1987, court-annexed mandatory arbitration was instituted as a pilot program in Winnebago County, making it the oldest court-annexed arbitration system in the state.

Since its inception, the arbitration program in Winnebago County has consistently processed nearly 1,000 civil cases every year. Judge Timothy R. Gill is the supervising judge for Winnebago County. The Boone County program, which began hearings in February, 1995, is supervised by Judge Gerald F. Grubb. The supervising judges are assisted by an arbitration administrator and an assistant administrator for arbitration.

Eighteenth Judicial Circuit

The Eighteenth Judicial Circuit is a suburban jurisdiction serving the residents of Du Page County. Located west of Chicago, Du Page is one of the fastest growing counties in the state and the third most populous judicial circuit in Illinois. The continuing increase in population creates demands on the public services in the county. The circuit court has strived to keep pace with those demands in order to provide services of the highest quality. Court-annexed arbitration has become an important resource for assisting the judicial system in delivering those services.

The Supreme Court approved an arbitration program for the circuit in December, 1988. A few years later, on January 1, 1997, a pilot program was instituted for cases with money damages seeking up to \$50,000. During Fiscal Year 2002, the Supreme Court authorized DuPage County to permanently operate at the \$50,000 jurisdictional limit. Judge Kenneth A. Abraham is the supervising judge for arbitration. He is assisted by an arbitration administrator and administrative assistant, who help ensure the smooth operation of the program.

Nineteenth Judicial Circuit

Lake and McHenry Counties combine to form the Nineteenth Judicial Circuit. This jurisdiction ranks as the second most populous judicial circuit in Illinois, serving 904,433 citizens. Lake County sought Supreme Court approval to implement an arbitration program and that approval was granted in December, 1988.

As in the other circuits, the arbitration caseloads are assigned to a supervising judge. During Fiscal Year 2002, Judge Emilio B. Santi served as the supervising judge for arbitration in Lake County. He is assisted by an arbitration administrator and an administrative assistant. Arbitration hearings are conducted in a facility across the street from the Lake County Courthouse in downtown Waukegan.

Late in 1990, the Supreme Court was asked to consider the Nineteenth Judicial Circuit's request to expand the arbitration program into McHenry County. That request was approved. The Nineteenth Judicial Circuit was the first multi-county circuit-wide arbitration program in Illinois. Although centrally administered, the arbitration programs in Lake and McHenry Counties use their own county-specific group of arbitrators to hear cases.

Judge Maureen P. McIntyre serves as the supervising judge in McHenry County. Arbitration hearings are conducted in the McHenry County Courthouse in Woodstock. The arbitration administrator and administrative assistant in Lake County administer the program in McHenry County as well.

Twentieth Judicial Circuit

The Twentieth Judicial Circuit is comprised of five counties: St. Clair, Perry, Monroe, Randolph, and Washington. This circuit is located in downstate Illinois and is considered a part of the St. Louis metropolitan area. Circuit population is 355,836 according to the 2000 federal census.

The Supreme Court approved the request of St. Clair County to begin an arbitration program on May 11, 1993. The first hearings were held in February, 1994. This circuit is the first and only circuit in the downstate area to have an arbitration program.

The arbitration center is located across the street from the St. Clair County Courthouse. Judge Jan V. Fiss is the supervising judge. He is assisted by an arbitration administrator and an administrative assistant, who oversee the program's operations.

Circuit Court of Cook County

As a general jurisdiction trial court, the Circuit Court of Cook County is the largest unified court in the nation. Serving a population of more than 5.3 million people, this court operates through an elaborate system of administratively created divisions and geographical departments.

The Supreme Court granted approval to implement an arbitration program in Cook County in January, 1990, after the Illinois General Assembly and the Governor authorized a supplemental appropriation measure for the start-up costs. Cases pending in the circuit's Law Division were initially targeted for referral to arbitration and hearings for those cases commenced in April, 1990. Today, the majority of the cases transferred to arbitration are Municipal Department cases.

The Cook County program is supervised by Judge Jacqueline P. Cox, and day-to-day operations are managed by an arbitration administrator and deputy administrator.

Administrative Office of the Illinois Courts

The Administrative Office of the Illinois Courts (AOIC) works with the circuit courts to coordinate the operations of the arbitration programs throughout the state. The administrative staff assists in establishing new arbitration programs that have been approved by the Supreme Court. Staff also provide other support services such as drafting local rules, recruiting personnel, acquiring facilities, training new arbitrators, purchasing equipment, and developing judicial calendaring systems.

The AOIC also assists existing programs by preparing budgets, processing vouchers, addressing personnel issues, compiling statistical data, negotiating contracts and leases, and coordinating the collection of arbitration filing fees. The office also monitors the performance of each program. In addition, AOIC staff act as liaison to Illinois Judicial Conference committees, bar associations, and the public.

FISCAL YEAR 2002 PRE-HEARING CALENDAR

ARBITRATION CENTER	CASES PENDING HEARING 07/01/01 AS REPORTED	CASES REFERRED TO ARBITRATION	TOTAL CASES ON CALENDAR	PRE-HEARING DISPOSITIONS	PERCENT OF CASES ON PRE-HEARING CALENDAR DISPOSED PRIOR TO ARBITRATION HEARING	ARBITRATION HEARINGS	PERCENTAGE REFERRED TO HEARING	CASES PENDING HEARING 06/30/02
Boone	27	98	125	81	65.00%	6	5.00%	38
Cook	754	15,929	16,683	3,919	23.00%	11,182	67.00%	1,582
DuPage	N/A	3,679	3,679	2,961	80.00%	612	17.00%	N/A
Ford	5	57	62	46	74.00%	6	10.00%	10
Henry	47	92	139	76	55.00%	9	6.00%	54
Kane	75	1,621	1,696	1,384	82.00%	225	13.00%	87
Lake	639	2,591	3,230	1,989	62.00%	450	14.00%	791
McHenry	274	974	1,248	789	63.00%	109	9.00%	350
McLean	567	1,149	1,716	954	56.00%	105	6.00%	657
Mercer	6	24	30	13	43.00%	2	7.00%	15
Rock Island	178	660	838	453	54.00%	91	11.00%	294
St. Clair	456	1,824	2,280	1,718	75.00%	183	8.00%	379
Whiteside	63	212	275	176	64.00%	20	7.00%	79
Will	680	1,800	2,480	1,468	59.00%	226	9.00%	786
Winnebago	134	1,217	1,351	1,081	80.00%	105	8.00%	165

Jurisdictional Limits:

The monetary jurisdictional limit for arbitration cases filed in Cook, Ford, Kane, McLean, and Will Counties is \$30,000.

The monetary jurisdictional limit for arbitration cases filed in Boone, DuPage, Henry, Lake, McHenry, Mercer, Rock Island, Whiteside, and Winnebago Counties is \$50,000.

The monetary jurisdictional limit for arbitration cases filed in St. Clair County is \$20,000.

FISCAL YEAR 2002
POST-HEARING CALENDAR

ARBITRATION CENTER	CASES PENDING ON POST HEARING CALENDAR 07/01/01 AS REPORTED	CASES ADDED	JUDGMENT ON AWARD	POST-HEARING PRE-REJECTION DISPOSITION DISMISSED	AWARDS REJECTED	AWARDS REJECTED AS A PERCENTAGE OF HEARINGS	TOTAL CASES IN SYSTEM AS A PERCENTAGE OF ALL WHICH WERE REJECTED AS OF JUNE 30, 2002	CASES PENDING 06/30/02
Boone	0	6	3	0	3	50%	2%	0
Cook	N/A	11,182	3,064	4,725	5,336	48%	32%	N/A
DuPage	N/A	612	127	191	341	56%	9%	N/A
Ford	0	6	4	1	0	0%	0%	1
Henry	0	9	2	1	5	56%	4%	1
Kane	36	225	56	31	124	55%	7%	52
Lake	61	459	103	117	234	51%	7%	66
McHenry	12	114	37	26	57	50%	5%	6
McLean	47	108	47	11	21	19%	1%	76
Mercer	0	2	1	1	0	0%	0%	0
Rock Island	11	91	30	20	43	47%	5%	9
St. Clair	17	183	99	29	61	33%	3%	11
Whiteside	5	20	7	9	6	30%	2%	3
Will	35	222	50	54	117	53%	5%	36
Winnebago	8	106	33	19	58	55%	4%	4

Jurisdictional Limits:

The monetary jurisdictional limit for arbitration cases filed in Cook, Ford, Kane, McLean, and Will Counties is \$30,000.

The monetary jurisdictional limit for arbitration cases filed in Boone, DuPage, Henry, Lake, McHenry, Mercer, Rock Island, Whiteside, and Winnebago Counties is \$50,000.

The monetary jurisdictional limit for arbitration cases filed in St. Clair County is \$20,000.

FISCAL YEAR 2002

POST-REJECTION CALENDAR

ARBITRATION CENTER	CASES PENDING ON POST-REJECTION CALENDAR 07/01/01 AS REPORTED	CASES ADDED	PRE-TRIAL POST-REJECTION DISPOSITIONS DISMISSALS	TRIALS	PERCENT OF TOTAL CASES ON PRE-HEARING CALENDAR PROGRESSING TO TRIAL THROUGH 6/30/02	CASES PENDING 06/30/02
Boone	5	4	5	0	0%	4
Cook	N/A	5,336	2523	569	3%	2244
DuPage	N/A	612	267	79	2%	266
Ford	0	0	0	0	0%	0
Henry	1	5	2	0	0%	4
Kane	148	124	88	33	2%	151
Lake	97	239	181	57	2%	98
McHenry	27	58	31	25	2%	29
McLean	14	21	16	6	0%	13
Mercer	0	0	0	0	0%	0
Rock Island	19	43	21	12	1%	29
St. Clair	49	61	50	13	1%	47
Whiteside	0	6	2	1	0%	3
Will	68	120	101	26	1%	61
Winnebago	26	64	30	22	2%	38

Jurisdictional Limits:

The monetary jurisdictional limit for arbitration cases filed in Cook, Ford, Kane, McLean, and Will Counties is \$30,000.

The monetary jurisdictional limit for arbitration cases filed in Boone, DuPage, Henry, Lake, McHenry, Mercer, Rock Island, Whiteside, and Winnebago Counties is \$50,000.

The monetary jurisdictional limit for arbitration cases filed in St. Clair County is \$20,000.

APPENDIX 2

**2002 REPORT
APPENDIX 2**

**Court-Sponsored Major Civil Case
Mediation Statistics
Fiscal Year 2002**

Judicial Circuit	Full Agreement		Partial Agreement		No Agreement		Total Cases Mediated
	#	%	#	%	#	%	
*Eleventh (Ford & McLean)	7	54%	0	0%	6	46%	13
Twelfth (Will)	0	0%	0	0%	0	0%	0
**Fourteenth (Henry, Mercer, Rock Island & Whiteside)	0	0%	0	0%	0	0%	0
Sixteenth (Kane)	60	46.5%	9	7%	60	46.5%	129
Seventeenth (Winnebago & Boone)	60	72%	2	3%	21	25%	83
***Eighteenth (DuPage)	5	36%	1	7%	8	57%	14
****Nineteenth (Lake & McHenry)	52	55%	4	4%	39	41%	95
Total/Overall %	184	55%	16	5%	134	40%	334

* A total of (22) cases were referred to mediation. In addition to the statistics above: (1) case settled prior to mediation and (8) cases are pending mediation.

** The Fourteenth Judicial Circuit was approved by the Supreme Court to start a mediation program in February 2002. Subsequently, they did not have cases assigned to mediation until June 2002.

*** A total of (31) cases were referred to mediation. In addition to the statistics above: (5) cases are pending with orders of referral to mediation, (2) cases have been placed on the bankruptcy stay calendar, and (10) cases were either dismissed or settled. These cases only reflect the cases referred by court order and may not reflect the total number of cases being mediated in the 18th Judicial Circuit.

**** A total of (120) cases were referred to mediation. In addition to the statistics above: (13) cases are pending trial, (5) cases were removed from mediation, (5) cases were dismissed, and (2) cases are scheduled for a second mediation.

**ANNUAL REPORT OF THE
COMMITTEE ON CRIMINAL LAW AND PROBATION ADMINISTRATION
TO THE ILLINOIS JUDICIAL CONFERENCE**

Honorable Michael P. Toomin, Chairperson

Honorable Thomas R. Appleton
Honorable Amy M. Bertani-Tomczak
Honorable John R. DeLaMar
Honorable Vincent M. Gaughan
Honorable Donald C. Hudson
Honorable Kurt Klein
Honorable John Knight
Honorable James B. Linn

Honorable Colleen McSweeney Moore
Honorable Steven H. Nardulli
Honorable James L. Rhodes
Honorable Teresa K. Righter
Honorable Mary S. Schostok
Honorable Eddie A. Stephens
Honorable Walter Williams

October 2002

I. STATEMENT ON COMMITTEE CONTINUATION

The Committee on Criminal Law and Probation Administration (“Committee”) is charged with providing recommendations regarding the administration of criminal justice and the probation system. The Committee believes the Judicial Conference should maintain a committee to focus on these issues during the coming Conference year.

The Committee is working on a number of significant issues of a continuing nature, including:

- a study of youthful offender programs and other sentencing alternatives;
- monitoring the work of the Governor’s Criminal Code Rewrite and Reform Commission;
- a comprehensive review of probation programs and practices;
- review of proposals to amend Supreme Court Rules governing criminal cases.

Given the importance of these tasks, the Committee requests that it be continued in the coming Conference year.

II. SUMMARY OF COMMITTEE ACTIVITIES

A. Proposed Changes to Supreme Court Rule 434(b). The Committee is proposing an amendment to Supreme Court Rule 434(b) to clarify that the addresses of prospective jurors should not be disclosed unless non-disclosure would cause substantial prejudice to a party. The Supreme Court referred this issue to the Committee in response to a letter from Chief Judge Grant S. Wegner of the 16th Judicial Circuit, in which Judge Wegner stated that the release of names and addresses of prospective jurors is alarming to the public and potentially disruptive in gang-related cases. Judge Wegner noted that the decisions in *People v. Partee*, 157 Ill.App.3d 231, 259-60 (1st Dist., 1987) and *People v. Robinson*, 250 Ill.App.3d 824, 831-32 (2nd Dist., 1993) appeared to make disclosure of jurors’ addresses permissive.

The Committee generally agreed that existing case law provides trial judges with authority to withhold jurors’ addresses; however, a subcommittee was formed to study the matter. The subcommittee determined that it would be helpful to amend Rule 434(b) to clarify that jurors’ addresses should not be routinely disclosed. The existing language of Rule 434(b) provides that: “Upon request the parties shall be furnished with a list of prospective jurors with their addresses if known.”

The subcommittee prepared a draft amendment to Rule 434(b) with proposed committee comments. The proposed amendment would change the emphasis of Rule 434(b) to provide that prospective jurors’ addresses shall not be disclosed unless there is a legitimate basis for the disclosure. The Committee unanimously adopted the proposal drafted by the subcommittee. The Committee’s proposal (Attachment 1) has been forwarded to Chief Justice Harrison.

The Committee also considered the use of anonymous juries. Anonymous juries are used

rarely, if at all, in Illinois courts. The subcommittee found, however, that anonymous juries are accepted and frequently used in the federal system. See *United States v. Brown*, 250 F.3d 907, 917 (5th Cir., 2001) (“ . . . Anonymity protects, in addition to the jurors, the venire persons and the jurors’ families from influence exerted by outside parties . . . use of an anonymous jury is constitutional when, ‘there is strong reason to believe the jury needs protections’ . . .”). In light of existing case law permitting trial judges to use anonymous juries in appropriate cases, the Committee determined that it would not be necessary to recommend adoption of a rule to address the issue.

B. Proposed Supreme Court Rule 402A - Revocation Proceedings. In *People v. Hall*, 198 Ill.2d 173 (2001), the Supreme Court specified the requirements of due process in the context of a probation revocation proceeding in which the defendant admits a violation. *Hall* held that, before a defendant admits to a probation violation, the court must provide specific admonishments regarding the nature of the proceedings and the rights the defendant is waiving by admitting the violation, and must find that the defendant understands his rights and that the admission is voluntary. 198 Ill.2d at 181. *Hall* also requires the trial court to ascertain that there is a factual basis for the defendant’s admission. *Id.* After reviewing the *Hall* opinion, the Committee decided that a rule setting out the required procedures for accepting an admission to a probation violation would be useful to the trial courts.

The Committee’s proposal (Attachment 2) would create a new Rule 402A. The admonishments included in proposed Rule 402A follow the language of the *Hall* case, and are specific to revocation proceedings. The Committee considered the possibility of addressing the issue with an amendment to the similar provisions of Supreme Court Rule 402 (guilty pleas), but decided to propose a separate rule for the sake of clarity and convenience. The Committee’s proposal incorporates portions of Rule 402 by reference (provisions concerning plea negotiations, and transcript requirement for felony cases).

The Committee’s proposal covers proceedings involving stipulations to evidence sufficient to support revocation as well as proceedings involving a direct admission. Proposed Rule 402A is also applicable to proceedings to revoke conditional discharge and court supervision, which by statute are nearly identical to proceedings to revoke probation and call to mind similar due process considerations. See 730 ILCS 5/5-6-4 (Violation, Modification or Revocation of Probation, of Conditional Discharge or Supervision or of a sentence of county impact incarceration - Hearing); 730 ILCS 5/5-6-4.1 (Violation, Modification or Revocation of Conditional Discharge or Supervision - Hearing).

The Committee’s proposal to add Rule 402A has been forwarded to the Supreme Court Rules Committee for further consideration.

C. Informants - Proposal to Revise IPI Criminal No. 3.17. During the Conference year, the Committee considered the question of informant testimony in criminal trials. In recent years,

the use of informants in criminal trials has received a great deal of publicity, often negative. The only firm consensus within the Committee has been that testimony by jailhouse informants and other informants who testify for personal advantage carries an inherent risk of unreliability. In prior years, Committee members have generally, though not unanimously, agreed that proper pre-trial disclosure, vigorous cross-examination and the general IPI Criminal instruction on credibility were adequate to ensure that a jury would be able to properly evaluate informant testimony.

The Committee reconsidered its position on informant testimony during the current Conference year. Committee members agreed that juries could benefit from a specific, concise instruction that informant testimony must be viewed with caution. The Committee found that a cautionary instruction based on the instruction on accomplice testimony would properly inform the jury without overemphasizing the issue. A draft amendment to the accomplice testimony instruction, IPI Criminal No. 3.17, with associated Committee comments, was prepared and unanimously approved by the Committee. The Committee's proposal to amend IPI Criminal No. 3.17 (Attachment 3) was forwarded to the Supreme Court's IPI Criminal Committee for further consideration.

The Committee notes the General Assembly has considered several bills to limit the use of informant testimony. In its most recent session, the General Assembly considered House Bill 1844, which would have required a pretrial hearing on the admissibility of informant testimony, and Senate Bill 1774, which would have barred the use of informant testimony in capital cases.

D. Youthful Offender Programs. The Committee has expressed its support for the adoption of specific programs to address youthful offenders in past Conference years. During the 2002 Conference year, a subcommittee was formed to gather information on the subject. The subcommittee reported that information on the availability and efficacy of alternative sentencing programs for youths was somewhat difficult to obtain. To address this problem, the subcommittee prepared a preliminary report (Attachment 4), which provides an excellent overview of existing alternative sentencing programs for youthful offenders. The subcommittee's preliminary findings are that sentencing program for youthful offenders must include several key components: 1) close supervision of the offender, including contacts with the offender's parents, school teachers and others who have an impact on the offender's daily life when appropriate; 2) teaching and training aimed at improving the offender's academic, life and work skills; and 3) close coordination with rehabilitation and other social service providers. The subcommittee also reported that intermediate administrative sanctions can play an important part in an effective youthful offender sentencing program. Current programs that incorporate these concepts include intensive probation, day reporting, and boot camp.

The subcommittee also noted that continuing support for offenders who have completed a program would contribute to the long-term success of alternative sentencing. The subcommittee's preliminary finding was that supervision and support tends to drop off abruptly

when the youth completes a program. The subcommittee felt that ongoing support could significantly improve the chances of reducing recidivism.

The subcommittee is also studying sentencing options that will allow a person who completes a youthful offender program to maintain a clean record. The Committee continues to believe that the opportunity to maintain a clean record would be a significant incentive for participants in a youthful offender program, and that the stigma and disabilities associated with a conviction may be a disservice to the individual and the community in the case of a youthful, first-time offender. Alternatives for a sentencing plan include deferred prosecution, an expanded version of court supervision that would apply to lesser felonies and would allow imposition of broader and more rigorous conditions, and expanded opportunities for expungement of criminal records. The subcommittee is reviewing programs in other jurisdictions with a view toward developing the specifics of a specialized sentencing plan for youthful offenders, including criteria for determining eligibility for sentencing under the plan.

E. Criminal Law Revisions. One of the goals of the Committee during the Conference year was to monitor the progress of the Criminal Code Rewrite and Reform Commission ("CCRRC") established by Governor Ryan in May 2000, and provide assistance to the CCRRC as requested. Unfortunately, the Committee is advised that the CCRRC made very limited progress during the current Conference year.

The Committee continues to support revision of Illinois criminal law statutes to simplify and clarify existing law, to provide trial courts with a range of effective sentencing options, and to provide trial judges with the discretion essential to a fair and effective system of criminal justice.

F. Consecutive and Concurrent Sentences. The statute governing concurrent and consecutive sentences, 730 ILCS 5/5-8-4, has generated a significant number of appellate issues over the years. The Committee believes that the statutory language on consecutive and concurrent sentencing should be revised by the legislature to clarify the circumstances in which sentences for multiple offenses must be served consecutively or concurrently.

A bill to make non-substantive changes to clarify section 5-8-4 of the Unified Code of Corrections was introduced in the General Assembly in February 2002 (House Bill 5012, Attachment 5). The bill did not pass, but the Committee notes that the changes proposed would make section 5-8-4 much easier to read and understand. The Committee believes clarification of section 5-8-4 would benefit the trial judges, attorneys and the public, and should be pursued by the legislature.

G. Probation Administration. The Committee began a comprehensive review of probation issues during the current Conference year. Michael J. Bacula of the Cook County Probation Department provided the Committee with an excellent overview of the probation programs available in Cook County, and issues currently facing probation departments. Michael Tardy of the Administrative Office of the Illinois Courts also spoke to the Committee and provided

information on statewide trends. This information was very useful to the Committee in identifying specific issues for study.

In light of the sheer scope of the subject matter the Committee decided to form subcommittees to study various topics relating to probation, including: foundation issues (i.e., funding and staffing), domestic violence programs, drug offender programs, gang offender programs, mental health issues, sex offender programs, and as noted above, youthful offender programs. The Committee anticipates being able to provide a report on probation in the next Conference year.

H. Trial Issues After *Apprendi*. In its last annual report, the Committee indicated that it would study the trial issues raised by the U.S. Supreme Court's decision in *Apprendi v. New Jersey*, 530 U.S. 466, 120 S.Ct. 2348, 147 L.Ed.2d 435 (2000). Given the continuing developments in the law in the aftermath of *Apprendi*, the Committee determined that the potential trial issues that were identified are not capable of being properly addressed until case law clarifies the full scope of the *Apprendi* decision. Accordingly, the Committee deferred action on this matter.

I. Legislative Activity on Funding for the Criminal Justice System. During the last Conference year, the Committee reported that the General Assembly was considering a bill to establish State-supported minimum salaries for full-time public defenders. A second bill under consideration would have provided assistant prosecutors and assistant public defenders with state stipends aimed at improving retention of experienced attorneys.

House Bill 549, which provides State funding for two-thirds of the salary of a full-time public defender who is paid at least 90% of the salary of the state's attorney in the county, became effective on July 1, 2002 (P.A. 92-508). Unfortunately, the bill was not funded.

The bill dealing with stipends, House Bill 3563, was passed by the House in the General Assembly's Spring 2002 session, but did not pass the Senate.

The Committee continues to support legislative efforts to improve funding for the criminal justice system.

J. John Doe Warrants. During the current Conference year the Committee considered the use of John Doe warrants; i.e., warrants identifying the defendant by genome in place of name and other identifiers. Filing a John Doe warrant would theoretically stop the running of the statute of limitations for an offense in a case where the offender's name is unknown, but DNA evidence is available to provide an identification. At least one Wisconsin court has actually issued a John Doe warrant in a sexual assault case. The Committee found no specific provision in Illinois statutory law authorizing the use of John Doe warrants in sexual assault cases.

The General Assembly addressed this issue during its Spring 2002 session with a bill amending section 3-5 of the Criminal Code of 1961 to provide that an offense involving sexual conduct or sexual penetration may be commenced at any time if: 1) DNA identification of the offender is obtained and placed in a DNA database within 10 years of the offense; 2) the identity

of the offender is unknown after diligent investigation by law enforcement; and 3) the offense was reported to law enforcement by the victim within two years after its commission (unless section 3-6 provides a longer reporting period). House Bill 5578 passed in the General Assembly and has been signed by the Governor. P.A. 92-752, effective August 2, 2002.

Given the action taken by the General Assembly, the Committee concluded that no action was necessary.

K. Governor's Commission on Capital Punishment. The Report of the Governor's Commission on Capital Punishment (April 2002) contains a number of recommendations that may have significance for non-capital cases. The Report will be reviewed to determine whether any of the recommendations would be appropriate for formal consideration by the Committee.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During the next Conference year, the Committee intends to continue its work on youthful offender programs, and its review of probation programs and practices. The Committee will continue to monitor the effort to redraft Illinois' criminal laws, and will provide assistance to the Governor's Commission upon request. The Committee will also continue to review the existing Supreme Court Rules on criminal cases, and consider new and pending proposals to amend the Rules.

IV. RECOMMENDATIONS

The Committee is making no recommendations to the Conference at this time.

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ATTACHMENT 1

PROPOSED AMENDMENT - RULE 434(b)**Rule 434. Jury Selection**

(a) Impaneling Juries. In criminal cases the parties shall pass upon and accept the jury in panels of four, commencing with the State, unless the court, in its discretion, directs otherwise, and alternate jurors shall be passed upon separately.

(b) Names and Addresses of Prospective Jurors. Upon request, the parties shall be furnished with a list of prospective jurors ~~with their addresses, if known.~~ Addresses of prospective jurors shall not be disclosed unless it is clearly shown that non-disclosure would substantially prejudice a party to the proceedings.

(c) Challenging Prospective Jurors for Cause. Each party may challenge jurors for cause. If a prospective juror has a physical impairment, the court shall consider such prospective juror's ability to perceive and appreciate the evidence when considering a challenge for cause.

(d) Peremptory Challenges. A defendant tried alone shall be allowed 14 peremptory challenges in a capital case, 7 in a case in which the punishment may be imprisonment in the penitentiary, and 5 in all other cases; except that, in a single trial of more than one defendant, each defendant shall be allowed 8 peremptory challenges in a capital case, 5 in a case in which the punishment may be imprisonment in the penitentiary, and 3 in all other cases. If several charges against a defendant or defendants are consolidated for trial, each defendant shall be allowed peremptory challenges upon one charge only, which single charge shall be the charge against that defendant authorizing the greatest maximum penalty. The State shall be allowed the same number of peremptory challenges as all of the defendants.

(e) Selection of Alternate Jurors. After the jury is impaneled and sworn the court may direct the selection of alternate jurors, who shall take the same oath as the regular jurors. Each party shall have

one additional peremptory challenge for each alternate juror. If before the final submission of a cause a member of the jury dies or is discharged he shall be replaced by an alternate juror in the order of election.

Committee Comments

Supreme Court Rule 434(b) originally provided that upon request, the parties shall be furnished with a list of prospective jurors with their addresses if known. Under that practice, judges presiding over high-profile cases and gang-related prosecutions found that disclosure of prospective jurors' addresses was both alarming to the venire persons and potentially disruptive to those actually selected to serve. Actual cases of juror harassment have been reported, particularly in gang-related cases.

In *People v. Partee*, 157 Ill.App.3d 231 (1st Dist., 1987) and *People v. Robinson*, 250 Ill.App.3d 824 (2nd Dist. 1993), the appellate court held that disclosure of jurors' addresses is permissive. Also, in the legislative counterpart to Rule 434, the committee comments note that the provision for disclosure of addresses is for the convenience of the parties. (Smith-Hurd Illinois Compiled Statutes Annotated, 725 ILCS 5/115-4, p.15). Additionally, many judges employ generic terminology in identifying a prospective juror's residence and routinely instruct counsel to adhere to that practice where attorney *voir dire* is practiced.

Amended Rule 434(b) extends this practice and limits disclosure of prospective jurors' addresses to situations where non-disclosure would cause substantial prejudice to a party to the proceeding. Absent any legitimate basis for disclosure of this information, the residence addresses of prospective jurors should not be placed of record in criminal prosecutions.

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ATTACHMENT 2

PROPOSED RULE 402A

Rule 402A. Admissions or Stipulations in Proceedings to Revoke Probation, Conditional Discharge or Supervision.

In proceedings to revoke probation, conditional discharge or supervision in which the defendant admits to a violation of probation, conditional discharge or supervision, or offers to stipulate that the evidence is sufficient to revoke probation, conditional discharge or supervision, there must be substantial compliance with the following:

(A) *Admonitions to Defendant.* The court shall not accept an admission to a violation, or a stipulation that the evidence is sufficient to revoke, without first addressing the defendant personally in open court, and informing the defendant of and determining that the defendant understands the following:

(1) The specific allegations in the petition to revoke probation, conditional discharge or supervision;

(2) That the defendant has the right to a hearing with defense counsel present, and the right to appointed counsel if the defendant is indigent and the underlying offense is punishable by imprisonment;

(3) That at the hearing, the defendant has the right to confront and cross-examine adverse witnesses and to present witnesses and evidence in his or her behalf;

(4) That at the hearing, the State must prove the alleged violation by a preponderance of the evidence;

(5) That by admitting to a violation, or by stipulating that the evidence is sufficient to revoke, there will not be a hearing on the petition to revoke probation, conditional discharge or supervision, so that by admitting to a violation, or by stipulating that the evidence is sufficient to revoke, the defendant waives the right to a hearing and the right to confront and cross-examine adverse witnesses, and the right to present witnesses and

evidence in his or her behalf; and

(6) The sentencing range for the underlying offense for which the defendant is on probation, conditional discharge or supervision.

(b) *Determining Whether Admission is Voluntary.* The court shall not accept an admission to a violation, or a stipulation sufficient to revoke, without first determining that the defendant's admission is voluntary and not made on the basis of any coercion or promise. If the admission or tendered stipulation is the result of an agreement as to the disposition of the defendant's case, the agreement shall be stated in open court. The court, by questioning the defendant personally in open court, shall confirm the terms of the agreement, or that there is no agreement, and shall determine whether any coercion or promises, apart from an agreement as to the disposition of the defendant's case, were used to obtain the admission.

(c) *Determining Factual Basis for Admission.* The court shall not revoke probation, conditional discharge or supervision, on an admission or a stipulation without first determining that there is a factual basis for the defendant's admission or stipulation.

(d) *Application of Rule 402.* The provisions of Rule 402(d), (e), and (f) shall apply to proceedings on a Petition to Revoke Probation.

Committee Comments

This Rule follows the mandate expressed in *People v. Hall*, 198 Ill. 2d 173, 760 N.E.2d 971 (2001).

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ATTACHMENT 3

PROPOSED AMENDMENT - IPI CRIMINAL NO. 3.17**3.17 Testimony Of An Accomplice Or Informant**

[When a witness says he was involved in the commission of a crime with the defendant,] [or] [if a witness provides evidence against the defendant for (pay) (leniency) (immunity from punishment) (vindication) or any other personal advantage,] the testimony of that witness is subject to suspicion and should be considered by you with caution. It should be carefully examined in light of the other evidence in the case.

[This instruction does not apply to the testimony of an expert witness or law enforcement officer.]

Committee Note

The Committee decided that accomplice testimony represents an area of evidence that requires judicial comment. See *People v. Wilson*, 66 Ill.2d 346, 362 N.E.2d 291, 5 Ill.Dec. 820 (1977). The term "accomplice" was eliminated from the instruction.

In *People v. Rivera*, 166 Ill.2d 279, 292, 652 N.E.2d 307, 313, 209 Ill.Dec. 767, 773 (1995), the Supreme Court held that an accomplice's testimony should be cautiously scrutinized regardless of which side he testifies for. As a result, the Committee now recommends that this instruction be given any time an accomplice testifies.

The appellate court has held that trial counsel renders ineffective assistance of counsel when counsel fails to tender Instruction 3.17 under certain circumstances. *People v. Campbell*, 275 Ill.App.3d 993, 999, 657 N.E.2d 87, 92, 212 Ill.Dec. 392, 397 (5th Dist. 1995). The defendant is entitled to have Instruction

3.17 given to the jury (1) if the witness, rather than the defendant, could have been the person responsible for the crime or (2) if the witness admits being present at the scene of the crime and could have been indicted either as a principal or under a theory of accountability, but denies involvement. See *People v. Montgomery*, 254 Ill.App.3d 782, 790 626 N.E.2d 1254, 1260, 193 Ill.Dec. 703, 709 (1st Dist.1993); *People v. Lewis*, 240 Ill.App.3d 463, 467, 609 N.E.2d 673, 676, 182 Ill.Dec. 139, 142 (1st Dist.1992).

For an example of the use of this instruction, see Sample Set 27.02.

The Committee has decided that informer testimony requires judicial comment for the same reason as accomplice testimony. See *People v. Rees*, 268 Ill. 585, 109 N.E. 473 (1915). It is "fraught with serious weakness such as promise of leniency or immunity." See *People v. Lewis*, 240 Ill. App. 3d 463, 466, 609 N.E.2d 673, 676 (1st Dist.1992). If a witness provides testimony against the defendant for some personal advantage (e.g., plea bargain, immunity, bail consideration, reduction or modification of sentence, favorable recommendation to a judge, amelioration of conditions of incarceration, financial assistance or reward), the Committee recommends that the informer instruction be given. A law enforcement officer who, in the regular course of employment, testifies against the defendant is not an informer. Nor is an expert witness (e.g., a forensic scientist or physician) an informer if the sole benefit he or she receives is financial consideration for the expert services.

The second paragraph shall be given when the instruction is given for the testimony of a witness for pay, leniency, immunity, vindication, or advantage and an expert witness or police officer also testifies at trial.

Use applicable bracketed material.

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ATTACHMENT 4

**Alternative Sentencing for
Youthful Offenders:
A Statutory and Programmatic Analysis**

Submitted to:

Illinois Judicial Conference

Committee on Criminal Law & Probation Administration

Submitted by:

Judge Kurt Klein

Judge Vincent M. Gaughan

Legal Assistant Melinda Rowe

June, 2002

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A. Legislation from a National Perspective

A variety of states in the United States have passed legislation related to youthful offenders. As typically seen in many jurisdictions, the original Youthful Offender Act (YOA) in South Carolina provided a sentencing alternative for most young first time offenders with the theory that more rehabilitative treatment would result in a lower recidivism rate.¹ See Appendix A for a sample of statutes passed by a variety of states throughout the U.S.

B. Illinois Alternative Sentencing Programs

A variety of alternative sentencing programs are presently in place throughout the State of Illinois. The following are brief programmatic descriptions and, where available, relevant statistical information.

1. Shock Incarceration/Boot Camps

a. IDOC's Impact Incarceration Program Overview

The Illinois Impact Incarceration Program (IIP), operated by the Illinois Department of Corrections (IDOC), finds its statutory authority under Illinois law.² It is an intervention program "designed to promote lawful behavior in offenders, by providing a structured, specialized program that develops self-esteem, responsibility, and a positive self-concept, while

¹ Martha Rivers, S.C. Bar Online, The Leaner and Meaner Youthful Offender Act, at http://www.schar.org/SC_Lawyer/1997/1997_November-December/SCL_articles_November-December_1997_article_1.htm (last visited June 26, 2002).

² See 730 Ill. Comp. Stat. 5/5-8-1.1 (2002). See also 55 Ill. Comp. Stat. 5/3-15003.5 (2002) for statutory authority to create county impact incarceration programs in those counties with more than 3,000,000 inhabitants; such programs are under the direction of the Sheriff and must be approved by the County Board of Commissioners. See also 55 Ill. Comp. Stat. 5/3-6038 (2002) for statutory authority to create county impact incarceration programs in those counties with less than 3,000,000 inhabitants.

also addressing the underlying issues that often lead to criminal behavior and substance abuse.”³ According to IDOC, the program not only promotes public safety through risk management, but also reduces the demand for prison bedspace by shortening the time successful participants would serve in prison.⁴ Additional features of IIP include the specialized selection and training of program staff, the inclusion of an evaluation component, and a subsequent aftercare component incorporating both electronic detention and parole.⁵

The first boot camp in Illinois was opened at Dixon Springs (located in the Shawnee National Forest) in 1990, with the Greene County (located approximately one hour southwest of Springfield) and DuQuoin (located in Perry County) boot camps opened in 1993 and 1994, respectively, in part to relieve a backlog of offenders into the program.⁶ Additionally, IDOC runs a juvenile boot camp in Murphysboro.⁷

Eligibility Requirements

Originally, the boot camp alternative was available for nonviolent first offenders 17 to 29 years of age who had been sentenced up to five years in prison.⁸ In 1993 the Illinois Legislature, through the enactment of Public Act 88-0311, expanded eligibility criteria to include second-time offenders under 36 years of age who have received a sentence of up to eight years.⁹ Both

³ Ill. Dep't of Corr., 2000 Annual Report to the Governor and the Gen. Assembly: Impact Incarceration Program, at iii.

⁴ *Id.*

⁵ Robert J. Jones and Steven P. Carr, The Development and Implementation of Illinois' Impact Incarceration Program, at http://www.kci.org/publication/bootcamp/docs/nij/Correctional_Boot_Camps/chpt4/htm (last visited June 26, 2002).

⁶ *Id.*

⁷ Ill. Dep't of Corr., FAQ [Frequently Asked Questions], at <http://www.idoc.state.il.us/faq/default.html#10> (last visited June 26, 2002).

⁸ Ill. Dep't of Corr., *supra* note 3, at iii.

⁹ *Id.*

male and female offenders are eligible for participation in the program, with female participants being housed solely in the Dixon Springs facility.¹⁰

If the Court finds that an offender sentenced to a term of imprisonment for a felony may meet the eligibility requirements of IDOC, the court may recommend in its sentencing order that IDOC consider the offender for placement in IIP.¹¹ Offenders who are referred and meet the legislative guidelines are considered at one of the Reception and Classification Centers (R&C) upon admission to IDOC.¹² IDOC must then evaluate each inmate against the following criteria¹³:

1. *Must not be less than 17 years of age nor more than 35 years of age.*
2. *Has never served more than one sentence of imprisonment for a felony in an adult correctional facility.*
3. *Has not been convicted of a Class X felony, first- or second-degree murder, armed violence, aggravated kidnapping, criminal sexual assault, aggravated criminal sexual assault, or a subsequent conviction for criminal sexual abuse, forcible detention or arson.*
4. *Must be physically able to participate in strenuous physical activities or labor.*
5. *Must not have any mental disorder or disability that would prevent participation in the program.*
6. *Has consented in writing to participation.*
7. *IDOC may also consider, among other matters, whether the committed person has a history of escape or absconding, whether he has any outstanding detainers or warrants, or whether participation in IIP may pose a risk to the safety or security of any person.*

Screening by IDOC's R&C staff include ensuring that the inmate is eligible by law; intensive medical screening; arranging transportation; discussing IIP programmatic format and content

¹⁰ Kristine T. Hamilton, Ill. Criminal Justice Info. Auth., Boot Camp Becoming More Common Alternative for Female Offenders, The Compiler, at 1, at <http://www.icjia.state.il.us/public/index.cfm?metaSection=Publications&metaPage=CPLsum9805> (last visited June 26, 2002).

¹¹ Ill. Dep't of Corr., *supra* note 3, at 26.

¹² *Id.*

¹³ *Id.* at 26-27.

with inmates; and obtaining signed consents from inmates stating that they are volunteering for the program.¹⁴

The total number of judicial recommendations to the program since inception reached nearly 25,000 convicted offenders as of June 30, 2000, with IDOC having approved approximately 71%.¹⁵ The 29% of offenders having been denied were so denied for such reasons as refusal to sign the volunteer consent form (35%); failure to meet the legal criteria (19%); existence of outstanding warrants (16%); existence of discipline problems or quitting while awaiting transfer (13%); determination of being a moderate to high escape risk (9%); or existence of medical and psychological concerns making the inmates unfit for IIP programmatic demands (8%).¹⁶

Data indicate that recent declines in the eligible pool have been consistent with reduced judicial IIP recommendations from Cook County, potentially due to the opening of the Cook County Sheriff's Boot Camp in March 1997, a program similar to the IIP in both design and statutory eligibility criteria.¹⁷ The percentage of inmates recommended by the courts and later approved by the IDOC has remained near 80% since FY98.¹⁸

Since programmatic inception, offenders from all 102 Illinois counties have been recommended for IIP, with Cook County having sent over 69% of the IIP program candidates.¹⁹ The collar counties of DuPage, Kane, McHenry, Lake and Will have supplied an additional 8%, while 22% have been sentenced from the remaining downstate counties.²⁰

¹⁴ *Id.* at 27.

¹⁵ *Id.* at 7.

¹⁶ *Id.*

¹⁷ *Id.* at 4.

¹⁸ *Id.*

¹⁹ *Id.* at iii.

²⁰ *Id.*

Inmate Information

Boot camp programs generally target young, nonviolent, first-time offenders, with participants primarily being male.²¹ Because boot camps allow both genders the same opportunity to complete their incarceration after approximately 18 weeks, IDOC reports that the number of women seeking and gaining admission to these programs is on the rise.²²

According to IDOC, the typical IIP inmate is a 22-year-old black male, with an eleventh grade education and a history of substance abuse who has been convicted of a Class 1 or Class 2 property or drug offense and is serving a 4.2 year sentence.²³ The typical female IIP inmate, on the other hand, is black, 25 years old, similarly has an eleventh grade education and a history of substance abuse.²⁴ Furthermore, the majority of female inmates have been convicted of Class 1 or 2 drug offenses, and have sentences of 4.3 years in length.²⁵

Since February 12, 1991, 12,167 inmates have graduated from IIP after serving 120 active days in the program, with 4,733 program failures (including 3,058 of the failures - 65% - consisting of voluntary dropouts).²⁶ Other than graduating from IIP, a participant may exit the program due to a disciplinary infraction, a program review hearing, or by quitting voluntarily. Approximately 28% of the inmates have left the program before completion, with some 65% of these dropouts having been voluntary.²⁷

Post Release Data

Upon release from boot camp, offenders participate in an intensive community supervision program, with aftercare supervision designed to closely monitor the releasee's

²¹ Hamilton, *supra* note 10, at 1.

²² *Id.*

²³ Ill. Dep't of Corr., *supra* note 3, at 8.

²⁴ *Id.* at 15.

²⁵ *Id.*

²⁶ *Id.* at iii.

²⁷ *Id.* at 14.

activities so that controls can be tailored for diversion from previously conducted negative activity to law-abiding practices.²⁸ The IIP aftercare supervision strategy addresses a gradual reintroduction from the structured to the free environment, with the primary focus on providing education and assistance to releasees in security community-based services upon release from IIP.²⁹ According to IDOC, releasees must go through electronic monitoring and violation procedures, and, for some, a drug treatment program.³⁰ Released inmates who have demonstrated positive adjustment may be recommended to the Prisoner Review Board (PRB) for early discharge from supervision.³¹

IIP graduates continue to return to prison with fewer new crime offenses (25.7% within three years) than those in the comparison group (35.7%).³² However, IIP graduates were found to have returned to prison with a technical violation more often than inmates who served their sentence in the general inmate population.³³ Consequently, the number of technical violations for IIP graduates is driving the aggregate IIP recidivism rate to a rate comparable to that of traditional releasees.³⁴

Costs of incarcerating an inmate in IIP are reduced for two reasons: Inmates spend less time in prison, and this shorter stay allows a bed to be occupied three times per year for four-month periods.³⁵ Each IIP graduate released in FY00 saved an average of 443 days from the time he would have served given his full sentence.³⁶ According to IDOC, during FY00 the cost

²⁸ *Id.* at 32.

²⁹ *Id.* at 32-33.

³⁰ *Id.* at 33.

³¹ *Id.*

³² *Id.* at 19.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.* at 21.

³⁶ *Id.*

savings netted \$5,572,566, saving 701,269 days of incarceration for 1,583 graduates.³⁷

Furthermore, the total cost savings since the program's inception are an estimated \$40,512,890 per IDOC's 2000 Annual Report to the Governor and the General Assembly.³⁸

b. Cook County Sheriff's Department Boot Camp

Program Overview

The Cook County Sheriff's Boot Camp, which opened in March 1997³⁹, is designed to provide non-violent offenders a strict detention program based on military discipline, fundamental vocational skills, education and alcohol/substance abuse treatment.⁴⁰ Additionally, the boot camp features an eight-month long post-detention supervision program where participants must return on a daily basis to continue educational programming.⁴¹ According to the Cook County Sheriff's Department, the program is aimed at reaching and impacting young offenders at an early stage of criminality before they develop a pattern of recidivism leading to repeat incarceration and more serious crimes against society.⁴²

Eligibility Requirements

In order to be eligible, participants must be between the ages of 17 and 35, must have never committed a violent or sex-related crime, and must not have served more than one term in state prison.⁴³ All offenders chosen for the boot camp must plead guilty to their charges and

³⁷ *Id.* at iii.

³⁸ *Id.*

³⁹ *Id.* at 4.

⁴⁰ Cook County Boot Camp, What is Boot Camp?, at <http://www.cookcountysheriff.org/bootcamp/index.html> (last visited June 26, 2002).

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

agree to placement in the program, as well as undergo a health and psychological assessment prior to admission.⁴⁴

The one-year program, consisting of eighteen weeks of intensive military training and an eight-month supervised post-release program, is located on a 10.2 acre complex on South Rockwell Avenue in Chicago.⁴⁵ A total of ten buildings are on the compound, including an educational and vocational building, a gymnasium, intake dormitory and services, gatehouse and administration, cafeteria and four dormitories, which house 48 inmates per platoon.⁴⁶

Boot Camp Components

Components of the boot camp program include⁴⁷:

1. *Physical training, designed to improve the physical health of the participants and promote a sense of discipline; such training also improves stress management skills and productivity levels of the detainees.*
2. *Drill and ceremony, where platoons compete against each other in drills designed to display discipline and promote team unity.*
3. *Work detail, showing the detainees the value of hard work and stressing the importance of caring for the communities they live in.*
4. *Education, with a variety of tracks available dependent upon the inmate's skill level.*
5. *Vocational skills, teaching inmates basic working skills in the areas of building maintenance, carpentry, electricity, plumbing and wall boarding.*
6. *Substance abuse prevention, offering traditional drug and alcohol abuse counseling and skill-building opportunities that will help them remain drug-free after graduation from boot camp.*
7. *General counseling, addressing progress as both a group as individuals, as well as conducting presentations on parenting skills, stress management, and goal-setting.*
8. *Post boot camp supervision, which includes initially placing the inmate on electronic home monitoring, as well as monitoring them for substance abuse during the eight-month period and offering access to substance abuse recovery counseling.*

Statistical Summary

⁴⁴ *Id.*

⁴⁵ Cook County Boot Camp, *Facts & Figures*, at <http://www.cookcountysheriff.org/bootcamp/facts.html> (last visited June 26, 2002).

⁴⁶ *Id.*

⁴⁷ Cook County Boot Camp, *Boot Camp Components*, at <http://www.cookcountysheriff.org/bootcamp/components.html> (last visited June 26, 2002).

Nearly 3,000 individuals have been received into the Boot Camp since inception, with 272 individuals having been removed previous to the completion of the eighteen-week incarceration phase.⁴⁸ Almost 2,500 individuals have completed the incarceration phase, with 57 of the 67 platoons having completed the entire one-year program.⁴⁹

The following figures are based upon those ten platoons that have completed the eighteen-week incarceration phase, but not the entire one-year program⁵⁰:

Total	419
Failure to Comply with the Rules of Post Release or AWOL	28 (7%)
Pending judicial disposition for failure to abide by all rules of post release	14 (4%)
Sentenced for a new crime while on post release	11 (3%)
Employed	366/108 (30%)

The following numbers are based upon those 57 platoons that have completed the entire one-year program⁵¹:

Total	2,118
Failure to Comply with the Rules of Post Release or AWOL	262 (13%)
Sentenced for a new crime while on post release	303 (14%)
Employed	1,553/776 (50%)
Successfully completed one year	1,553 (73%)

According to the Cook County Sheriff's Department, a total of 1,059 individuals who successfully completed one year are now two years removed from the program, with 974 individuals remaining incarceration-free during the second year for a 93% success rate.⁵² Additionally, the Boot Camp reports an 87% success rate for those individuals remaining incarceration-free during the third year.⁵³

⁴⁸ Letter from Matt Jaeky, Records Coordinator, Cook County Boot Camp. See Appendix B.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

With respect to the post release phase of programming, ten platoons or approximately 400 individuals participate in the post-release phase on a daily basis.⁵⁴ During post release, individuals spend 30-45 days on electronic monitoring, participate in job preparation classes, are assisted in securing employment, are aided in obtaining birth certificates and state identification and social security cards, receive additional academic instruction and substance abuse counseling if needed and submit to random drug tests.⁵⁵

2. Electronic Home Monitoring (EM)

Program Overview

According to the Cook County Sheriff's Department, their Electronic Monitoring (EM) program is the world's largest pre-trial monitoring program, and was designed to ease overcrowding in the Cook County Department of Corrections.⁵⁶ Since its inception in 1989, almost 87,000 persons have been placed on EM.⁵⁷

The electronic monitoring program is typically used as a community-based alternative incarceration option that allows non-violent, pre-trial and short-time sentenced inmates to remain in the community instead of being incarcerated.⁵⁸ A variety of judicial circuits throughout the state use such monitoring as a form of alternative sentencing, with some variations seen by the various probation offices in both effectiveness and utilization by the courts.⁵⁹ In Cook County

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ Cook County Dep't of Cmty. Supervision and Intervention, Electronic Monitoring, at <http://www.cookcountysheriff.com/dcsi/em.html> (last visited June 26, 2002).

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ Nearly all circuits reported use of electronic monitoring, including probation departments contacted in Cook County, 1st, 2nd, 3rd, 4th, 5th, 9th, 10th, 13th, 14th, 15th, 16th, 17th, and 20th judicial circuits. Based on conversations with various probation professionals, it appears as if the use of electronic monitoring across the circuits ranges from very low utilization, such as that reported for Knox County (9th Circuit), to high utilization such as that reported for Christian County (4th Circuit).

alone, the average daily population of this particular program is approximately 1,200, some 85% of which are pre-trial.⁶⁰ Highlighting the Kane County EM Program, fees to be paid by the offender for the monitoring are determined by the sentencing judge, with assessments ranging anywhere from \$6 – \$12.50 per day.⁶¹

Eligibility Requirements

With respect to Sangamon County's EM Program, which is not widely utilized by the court, the sentencing judge may order an offender to a term of home confinement with electronic monitoring in lieu of jail time, but this must be a part of a sentence to probation, which is often done in cases when the offender has an extreme medical condition or is gainfully employed.⁶² In Cook County, the Sheriff's Office will exclude inmates from the EM program for the following offenses or previous history⁶³:

- *All Class X crimes*
- *"D" Bond > \$300,000*
- *Most Class 1 Felonies*
- *"C" Bond > \$10,000*
- *Psychiatric unit inmates*
- *Uneven bond amounts*
- *Violent criminal background*
- *Sex offenses*
- *Domestic violence*

While on the program, detainees can work, attend school, and participate in job skill programs.⁶⁴ Also, by obtaining permission, detainees can leave their homes to get food stamps,

⁶⁰ Cook County Dep't of Cmty. Supervision and Intervention, *supra* note 56.

⁶¹ Kane County Court Serv., Court Services, at <http://www.co.kane.il.us/CRTSERV.HTM> (last visited June 26, 2002).

⁶² E-mail received from Kathryn I. Rubinkowski, Deputy Director of the Sangamon County Adult Probation & Court Services on June 10, 2002.

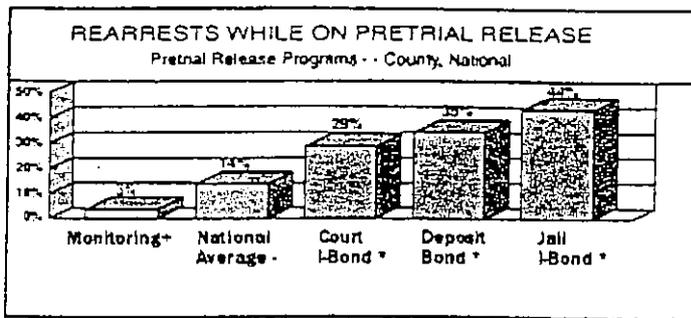
⁶³ Cook County Dep't of Cmty. Supervision and Intervention, *supra* note 55.

⁶⁴ *Id.*

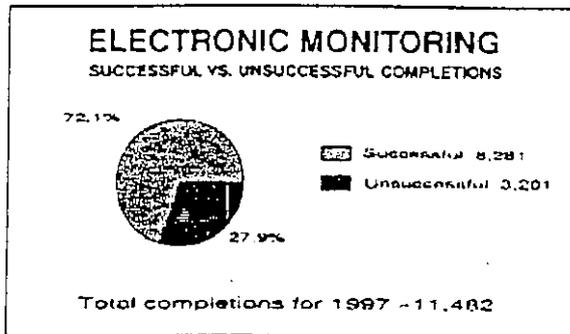
go to public aid, cash aid checks, go on job interviews, and meet with their lawyers or probation officers.⁶⁵

Statistical Information

The following statistical information was available on the Cook County Sheriff's Department website⁶⁶:



- + E.M.U. Statistics 1997
- U.S. Department of Justice Study
- * Illinois Criminal Justice Information Authority study of Cook County 1992



⁶⁵ *Id.*

⁶⁶ Cook County Dep't of Cmty. Supervision and Intervention, D.C.S.I. Statistics, at <http://www.cookcountysheriff.com/dcsi/stats.html> (last visited June 26, 2002).

3. Intensive Probation Supervision (IPS)

Program Overview

Under the original Intensive Probation Supervision (IPS) program in place prior to April 2001, more serious offenders were sometimes placed on this highly structured surveillance-oriented program that rendered the most restrictive supervision in the first part of a probationer's sentence, as opposed to the offender being placed on standard supervised probation.⁶⁷ Most offenders continued to serve an additional period of supervision after completing the specialized supervision program.⁶⁸ There were seventeen departments, including Kane, Lake, and McHenry Counties, that administered specialized probation programs in 1998, having reported a combined IPS caseload of 1,347.⁶⁹ IPS required face-to-face contact with a probation officer as often as five times a week, with a cost of approximately \$3,600 per client per year.⁷⁰

According to Lake County Adult Probation Services, Intensive Probation provides a program of high accountability and structure which emphasizes maintenance of regular employment, fiscal responsibility, abstinence from illicit drug use, public service work and the development of a permanent crime-free lifestyle.⁷¹ In Lake County, for example, IPS lasts for a minimum of twelve months and is divided into phases of three, six, and three months long, with probationers being seen by a team of Intensive Probation Officers numerous times per week and

⁶⁷ Tracy Hahn, III, Criminal Justice Info. Auth., Probation Trends in Illinois, Trends & Issues, Vol.1, No.6, Sept. 1999, at 3, available at <http://www.icjia.state.il.us/public/pdf/T&I/probation.pdf> (last visited June 26, 2002).

⁶⁸ *Id.*

⁶⁹ *Id.* The Administrative Office of the Illinois Courts (AOIC) reports that the following counties have an IPS program: Champaign (6th Circuit), Cook (Cook County Circuit), Franklin/Jefferson/Hamilton (a combined program covering these counties located in the 2nd Circuit), Kane (16th Circuit), Kankakee (21st Circuit), Lake (19th Circuit), Madison (3rd Circuit), Marion (4th Circuit), McLean (11th Circuit), McHenry (19th Circuit), Peoria (10th Circuit), St. Clair (20th Circuit), Tazewell (10th Circuit), Vermilion (5th Circuit), Will (12th Circuit) and one program covering all nine counties within the 1st judicial circuit (Alexander, Jackson, Johnson, Massac, Pope, Pulaski, Saline, Union and Williamson counties).

⁷⁰ Beverly Scobell, Adult Probation: Alternatives to Prison Exist Already, But the System in Illinois Operated Under the Courts is Overburdened, Illinois Issues, June 1993, available at <http://www.lib.niu.edu/ipo/i930629.html> (last visited June 26, 2002)..

a strict curfew being enforced.⁷² Probationers that successfully complete IPS are subsequently assigned to a Probation Officer who will provide supervision for the remainder of their sentence to probation.⁷³

The IPS program was started in 1984 and has recently undergone some statewide changes, according to the Administrative Office of the Illinois Courts (AOIC). As of April 2001, the program has begun to integrate the “What Works” philosophy into probationer training.⁷⁴ Such philosophy uses educational strategies to change an offender’s criminal behavior, and probation officers are being trained to analyze offenders’ motivation for criminal behavior and to develop problem-specific treatment and supervision programs.⁷⁵ According to the Illinois Criminal Justice Information Authority (ICJIA), training under the “What Works” philosophy is administered in four principal areas: risk assessment, criminogenic needs assessment⁷⁶, “responsivity”⁷⁷ and intensive behavioral intervention.⁷⁸

Statistical Information

According to ICJIA, the “What Works” philosophy has fueled the creation of more educational opportunities in probation with the hopes that they will help decrease recidivism.⁷⁹ According to AOIC, approximately 54-57% of the statewide IPS cases were successfully completed under the old IPS program, with some departments reporting a high of 63%

⁷¹ 19th Judicial Cir. Ct., Lake County Adult Probation Services: Nineteenth Judicial Circuit, at <http://www.19thcircuitcourt.state.il.us/bkshell/adt/serv/adt/serv.htm> (last visited June 26, 2002).

⁷² *Id.*

⁷³ *Id.*

⁷⁴ As reported by Greg Anderson of AOIC’s Probation Division.

⁷⁵ Cristin Monti, Ill. Criminal Justice Info. Auth., Statewide Probation Training Focuses on a “What Works” Philosophy, The Compiler, Spring 1999, at 6, available at <http://www.icjia.state.il.us/public/pdf/compspring99.pdf> (last visited June 26, 2002).

⁷⁶ Such techniques enable probation officers to identify offender needs, such as gang association and drug abuse, that are linked to criminal behavior. *Id.*

⁷⁷ Responsivity is the analysis of an offender’s unique characteristics and circumstances, and the use of that analysis to match the offender with effective programming. *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

completion rate to a low of 42%.⁸⁰ Such rates are similar to those seen with the new IPS program, although it is important to keep in mind that (1) the new program has been in place only since April 2001, and (2) it is estimated to take 4-5 years to get the entire state integrated with this new probation philosophy.⁸¹

4. Work Alternative Programs

Program Overview

A variety of jurisdictions throughout the Illinois include some form of public/community service or work alternative programs as part of their alternative sentencing options.⁸² In Cook County, for example, the Sheriff's Work Alternative Program (SWAP) program puts drunk drivers and other low-level offenders to work on the streets of Cook County, doing everything from assisting the Medical Examiner in handling the bodies of victims during the 1994 heat crisis to sandbagging during the 1991 Chicago Flood and the cleaning up after 1996 suburban floods, to removing graffiti and beautifying the County's public property.⁸³ All vehicles and equipment for the Cook County SWAP program are financed through fees paid by the offenders themselves, with only personnel costs being absorbed by the county.⁸⁴ As reported in an evaluation performed by the University of Illinois at Springfield, driving-related offenses made up the largest category of SWAP participants in Madison County, with the second-largest

⁸⁰ Based on conversation with Greg Anderson of AOIC's Probation Division on June 24, 2002.

⁸¹ *Id.*

⁸² A sample of counties reportedly using a work alternative/community service program include Adams (8th Circuit), Cook County (Cook County judicial circuit), Kane (16th Circuit), Madison (3rd Circuit), McHenry (19th Circuit), Sangamon (7th Circuit), St. Clair (20th Circuit), and Winnebago (17th Circuit).

⁸³ Cook County Dep't of Cmty. Supervision and Intervention, Sheriff's Work Alternative Program, at <http://www.cookcountysheriff.org/dcsi/swap.html> (last visited June 26, 2002).

⁸⁴ *Id.*

category being that for offenders sentenced for crimes that were procedural in nature, such as contempt of court, failure to pay court-ordered fines, and violation of probation.⁸⁵

Impact of SWAP

Between April 1995 and September 1996, approximately 305 offenders in Madison County were removed from the county jail and ordered to participate in SWAP (an average of 16.9 offenders per month).⁸⁶ While SWAP has removed offenders from the Madison County Jail, it has not resulted in a dramatic decrease in the jail population.⁸⁷ In Adams County, SWAP removed a significant portion of the jail population during the day, allowing jail staff to monitor fewer inmates more closely.⁸⁸ In both Madison and Adams counties, those participants with shorter sentences were more likely to successfully complete SWAP than were participants with longer sentences.⁸⁹ Similarly, those with fewer pre-SWAP arrests were more likely to satisfactorily complete SWAP than their counterparts with more extensive prior criminal histories.⁹⁰ In addition, those who failed to complete SWAP exhibited greater criminal involvement after participation in SWAP than did those who satisfactorily completed the program.⁹¹ Older offenders also appeared more likely to complete the program than their younger counterparts.⁹²

⁸⁵ Ill. Criminal Justice Info. Auth., Evaluation of the Sheriff's Work Alternative Programs in Madison and Adams Counties, On Good Authority, at 1, at <http://www.icjia.state.il.us/public/index.cfm?metaSection=Publications&metaPage=OGA0104> (last visited June 26, 2002).

⁸⁶ *Id.* at 2-3.

⁸⁷ *Id.* at 3.

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

5. Day Reporting Centers

Program Overview

According to ICJIA, Day Reporting Centers (DRCs) as alternatives to traditional incarceration made their U.S. debut in Connecticut and Massachusetts.⁹³ Correctional populations served by these centers range from pretrial detainees to probationers to released and paroled prisoners.⁹⁴ A limited number of DRCs are currently in operation throughout Illinois, including Cook County which has been in operation since 1993 and has inducted more than 11,000 people into their program.⁹⁵

Cook County DRC participants are selected from among pretrial defendants in the EM program instead of the general population to ensure that only defendants who pose no threat to the community are allowed to participate.⁹⁶ Such DRC participants are unsupervised during both evenings and weekends, even though they are technically in the custody of the Cook County Department of Corrections.⁹⁷ Participants must complete an eight-day orientation upon entry into the program, after which they will be evaluated and placed in a program track which addresses their specific needs.⁹⁸ Program tracks vary in intensity from nine hours to three hours daily. According to the Cook County Sheriff's Department, "the goal of the track system is to move participants successfully through the continuum of services to the point where they either

⁹³ Christine Martin, Ill. Criminal Justice Info. Auth., Cook County Day Reporting Center Serves As An Alternative to Incarceration, On Good Authority, Vol. 5, No. 2, July 2001, at 1, [at http://www.icjia.state.il.us/public/pdf/oga/final%20revised%20CookDRC.OGA.pdf](http://www.icjia.state.il.us/public/pdf/oga/final%20revised%20CookDRC.OGA.pdf) (last visited June 26, 2002).

⁹⁴ *Id.*

⁹⁵ Cook County Dep't of Cmty. Supervision and Intervention, Day Reporting Center, at <http://www.cookcountysheriff.org/dcsi/day.html> (last visited June 26, 2002). According to AOIC, the following counties have adult and/or juvenile day/evening reporting centers: Champaign (6th Circuit), Christian (4th Circuit), Cook (Cook County judicial circuit), Franklin/Jefferson (2nd Circuit), Kankakee (21st Circuit), Lee (15th Circuit), Macon (6th Circuit), Marion (4th Circuit), McLean (11th Circuit), Ogle (15th Circuit), St. Clair (20th Circuit), Vermillion (5th Circuit), Will (12th Circuit), and Winnebago (17th Circuit).

⁹⁶ Martin, *supra* note 93, at 1.

⁹⁷ *Id.*

⁹⁸ Cook County Dep't of Cmty. Supervision and Intervention, *supra* note 95.

become drug-free, gainfully employed, and/or are attending school or a vocational training program.”⁹⁹ Except for vocational training and employment, all program services are provided at the DRC during the ten-hour program day.¹⁰⁰

Evaluative Results

Short-term evaluations of the Cook County DRC have shown that participants do well while in the program, but they also are at high risk to recidivate once they are released.¹⁰¹ Despite the short stays and high risk of recidivism, previous evaluations have consistently shown that participants have dramatic decreases in illegal drug use, low rearrest rates, and high court appearance rates while participating in the program.¹⁰² On a post-program evaluation level, recidivism rates for participants in the “treatment group” (i.e., those in for at least 70 days and receiving a substantial amount of program services) were considerably lower than the rates for the “control group” (i.e., those in the program fewer than 10 days and receiving little or no rehabilitative services).¹⁰³ Recidivism rates varied depending on age and criminal history: Older participants were less likely than younger ones to recidivate, and the more prior arrests a participant had, the more likely he was to recidivate.¹⁰⁴

6. Pre-Trial Programs

Several Illinois probation departments provide some form of pre-trial program, with services ranging from criminal background checks up to residential drug treatment programs for

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ Martin, *supra* note 93, at 2.

¹⁰² *Id.*

¹⁰³ *Id.* at 3.

¹⁰⁴ *Id.*

pre-trial inmates.¹⁰⁵ Pretrial services and drug intervention programs were used in both Macon and Peoria counties to address growing jail populations, while Cook County aimed to break the cycle of drug addiction and criminality through the development of its Pre-Release Center.¹⁰⁶

According to ICJIA, the Macon County pretrial services program has three goals¹⁰⁷:

- *Based on a least-restrictive philosophy, increase the use of release on recognizance and other alternatives to pretrial detention;*
- *Decrease the pretrial jail population to open space for a more appropriate jail population; and*
- *Provide pretrial supervision and monitor release conditions.*

The Cook County Pre-Release Center's goal is to motivate substance abusers toward a drug-free and responsible lifestyle through seminars, workshops, group and individual counseling, and outside support services¹⁰⁸.

Limited Statistical Information

The following limited statistics are available on both the Cook and Macon County programs:

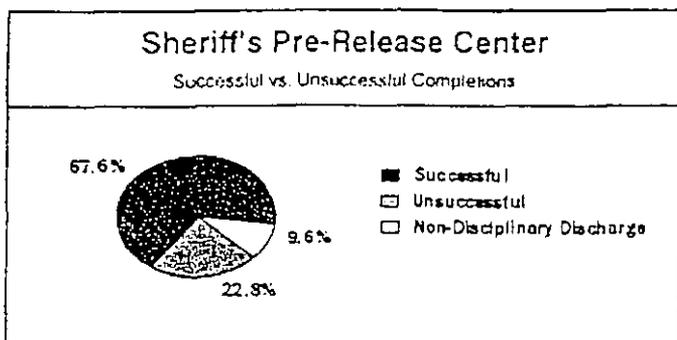
¹⁰⁵ According to AOIC, the following counties have pretrial services programs: Cook (Cook County Circuit), Kane (16th Circuit), Kankakee (21st Circuit), Lake (19th Circuit), Macon (6th Circuit), Madison (3rd Circuit), Marion (4th Circuit), McHenry (19th Circuit), Peoria (10th Circuit), Rock Island (14th Circuit), St. Clair (20th Circuit), Tazewell (10th Circuit), Whiteside (14th Circuit), and Winnebago (17th Circuit).

¹⁰⁶ Cook County Dep't of Supervision and Intervention, Pre-Release Center, at <http://www.cookcountysheriff.org/dcsi/pre.html> (last visited June 26, 2002).

¹⁰⁷ Karen Levy McCanna, Ill. Criminal Justice Info. Auth., Pretrial and Drug Intervention Programs in Macon, Peoria Counties, On Good Authority, Vol.2, No. 1, Oct. 1998, at 1, available at <http://www.icjia.state.il.us/public/pdf/ogapretrial.pdf> (last visited June 26, 2002).

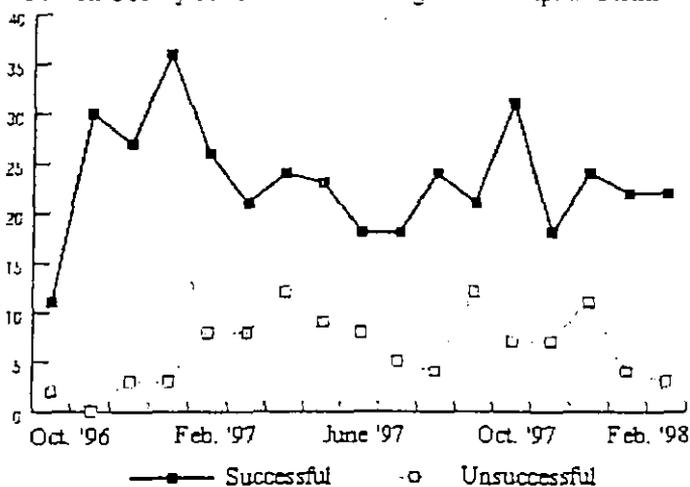
¹⁰⁸ Cook County Dep't of Supervision and Intervention, *supra* note 106.

Cook County Pre-Release Center Statistics¹⁰⁹



• Statistics based on Pre-Release Center data for calendar 1996

Macon County Pretrial Services Program Participant Terminations Oct. '96 through Feb. '98¹¹⁰



7. Miscellaneous

A limited number of reporting jurisdictions indicated alternative sentencing programs not falling with the auspices of those already addressed. Such programs included graduated

¹⁰⁹ Cook County Dep't of Supervision and Intervention, *supra* note 66.

¹¹⁰ McCanna, *supra* note 107, at 2.

sentencing in Winnebago County¹¹¹; administrative sanctions in McHenry County, which delegates authority from the circuit court over to Probation and Court Services in order for Probation to apply structured intermediate sanctions for probation violations¹¹²; Moral Recognition Therapy (MRT) in Macon and Marion Counties¹¹³; and victim impact panels or reconciliation/mentoring programs in Clark, Christian and McLean counties.¹¹⁴ Additionally, Macon County is reportedly considering a voice identification system as a means of contacting probationers.¹¹⁵

C. Balanced and Restorative Justice Model Approach to Criminal Justice

Based on conversations with several probation department representatives, the approach to criminal justice with respect to adult offenders is reportedly moving towards what is referred to as the Balanced and Restorative Justice Model. Such theory of restorative justice emphasizes the need to provide opportunities for those most directly affected by crime (victims, communities, and offenders) to be directly involved in responding to the impact of crime and

¹¹¹ According to Andrea Tack of the Winnebago County Probation Department, the program was implemented on May 28, 2002. Those sentenced to the program are allowed to be moved through the system by being involved in a variety of alternative sentencing options, including both Periodic Imprisonment and Day Reporting Center options. Such concept of a graduated sentencing program was reportedly established in Hamden County, Massachusetts.

¹¹² As indicated by documentation provided by James Woolford of the McHenry County Adult Probation Department.

¹¹³ Briefly, such therapy focuses on the offender's thought process and value system, helping the individual to understand how to make appropriate choices in their lives and curb antisocial behavior.

¹¹⁴ McLean County indicated that both victim and offender are engaged by a trained mediator, who works with both parties to come up with some kind of resolution such as restitution, apologies, etc. Christian County, on the other hand, indicated that their non-interactive quarterly presentations were typically geared towards DUI and alcohol offenders.

¹¹⁵ Briefly, Tim Blakeman with Macon County Probation reports that such a software program would randomly dial an offender's phone number several times during specific times in order to check on whether the person was present. Such software is capable of recognizing the offender's voice, and is a less costly approach to electronic monitoring as it is not as equipment-intensive (i.e., no ankle bracelets, only a required software program).

restoring the losses incurred by victims.¹¹⁶ According to Umbreit, victim-offender mediation, a process which allows victims to meet face-to-face with the offender to talk about the impact of the crime and to develop a restitution plan, is the oldest and most empirically grounded restorative justice intervention.¹¹⁷ A variety of resources on the subject are available, including those from the U.S. Department of Justice.¹¹⁸

¹¹⁶ Mark S. Umbreit, Restorative Justice Through Victim-Offender Mediation: A Multi-Site Assessment, W. Criminology Rev., 1998, at <http://wcr.sonoma.edu/v1n1/umbreit.htm> (last visited June 26, 2002).

¹¹⁷ *Id.*

¹¹⁸ See, e.g., U.S. Dep't of Just., Incorporating Restorative and Community Justice Into American Sentencing and Corrections, Sentencing & Corrections: Issues for the 21st Century, Sept. 1999, available at <http://www.ncjrs.org/pdffiles1/nij/175723.pdf> (last visited June 26, 2002).

APPENDIX A: Sample Youthful Offender Act Legislative Enactments**Alabama: Code of Ala. @ 15-19-1 (2000)****@ 15-19-1. Generally**

- (a) A person charged with a crime which was committed in his minority but was not disposed of in juvenile court and which involves moral turpitude or is subject to a sentence of commitment for one year or more shall, and, if charged with a lesser crime may be investigated and examined by the court to determine whether he should be tried as a youthful offender, provided he consents to such examination and to trial without a jury where trial by jury would otherwise be available to him. If the defendant consents and the court so decides, no further action shall be taken on the indictment or information unless otherwise ordered by the court as provided in subsection (b) of this section.
- (b) After such investigation and examination, the court, in its discretion, may direct that the defendant be arraigned as a youthful offender, and no further action shall be taken on the indictment or information; or the court may decide that the defendant shall not be arraigned as a youthful offender, whereupon the indictment or information shall be deemed filed.

Arkansas: Ark. Stat. Ann. @ 12-28-501 (1999)**@ 12-28-501. Establishment – Purposes**

- (a) There exists a need within the Department of Correction for a greater diversity in classification for purposes of custody and treatment of convicted felons.
- (b) In order that the department may fulfill these and other legislative mandates, there is established an institution with the Department of Correction for the custody, care, and treatment of youthful male offenders whose age, lack of recurrent criminal behavior, and length of sentence make them most amenable to successive rehabilitative programs under minimum security conditions.

Florida: Fla. Stat. @ 958.04 (1999)

@ 958.04 Judicial disposition of youthful offenders.

- (1) The court may sentence as a youthful offender any person:
 - (a) Who is at least 18 years or who has been transferred for prosecution to the criminal division of the circuit court pursuant to chapter 985;
 - (b) Who is found guilty of or who has tendered, and the court has accepted, a plea of *nolo contendere* or guilty to a crime which is, under the laws of this state, a felony if such crime was committed before the defendant's 21st birthday; and
 - (c) Who has not previously been classified as a youthful offender under the provisions of this act; however, no person who has been found guilty of a capital or life felony may be sentenced as a youthful offender under this act.
- (2) In lieu of other criminal penalties authorized by law and notwithstanding any imposition of consecutive sentences, the court shall dispose of the criminal case as follows:
 - (a) The court may place a youthful offender under supervision on probation or in a community control program, with or without an adjudication of guilt, under such conditions as the court may lawfully impose for a period of not more than 6 years. Such period of supervision shall not exceed the maximum sentence for which the youthful offender was found guilty.
 - (b) The court may impose a period of incarceration as a condition of probation or community control, which period of incarceration shall be served in either a county facility, a department probation and restitution center, or a community residential facility which is owned and operated by any public or private entity providing such services. No youthful offender may be required to serve a period of incarceration in a community correction center as defined in s. 944.026. Admission to a department facility or center shall be contingent upon the availability of bed space and shall take into account the purpose and function of such facility or center. Placement in such a facility or center shall not exceed 364 days.
 - (c) The court may impose a split sentence whereby the youthful offender is to be placed on probation or community control upon completion of any specified period of

incarceration; however, if the incarceration period is to be served in a department facility other than a probation and restitution center or community residential facility, such period shall be for not less than 1 year or more than 4 years. The period of probation or community control shall commence immediately upon the release of the youthful offender from incarceration. The period of incarceration imposed or served and the period of probation or community control, when added together, shall not exceed 6 years.

- (d) The court may commit the youthful offender to the custody of the department for a period of not more than 6 years, provided that any such commitment shall not exceed the maximum sentence for the offense for which the youthful offender has been convicted. Successful participation in the youthful offender program by an offender who is sentenced as a youthful offender by the court pursuant to this section, or is classified as such by the department, may result in a recommendation to the court, by the department, for a modification or early termination of probation, community control, or the sentence at any time prior to the scheduled expiration of such term. When a modification of the sentence results in the reduction of a term of incarceration, the court may impose a term of probation or community control, which when added to the term of incarceration, shall not exceed the original sentence imposed.
- (3) The provisions of this section shall not be used to impose a greater sentence than the permissible sentence range as established by the Criminal Punishment Code pursuant to chapter 921 unless reasons are explained in writing by the trial court judge which reasonably justify departure. A sentence imposed outside of the code is subject to appeal pursuant to s. 924.06 or s. 924.07.
- (4) Due to severe prison overcrowding, the Legislature declares the construction of a basic training program facility is necessary to aid in alleviating an emergency situation.
- (5) The department shall provide a special training program for staff selected for the basic training program.

958.021 Legislative Intent

The purpose of this chapter is to improve the chances of correction and successful return to the community of youthful offenders sentenced to imprisonment by providing them with enhanced vocational, educational, counseling, or public service opportunities and by preventing their association with older and more experienced criminals during the terms of their confinement. It is the further purpose of this chapter to encourage citizen volunteers from the community to contribute time, skills, and maturity toward helping youthful offenders successfully reintegrate into the community and to require youthful offenders to participate in substance abuse and other types of counseling and programs at each youthful offender institution. It is the further intent of the Legislature to provide an additional sentencing alternative to be used in the discretion of the court when dealing with offenders who have demonstrated that they can no longer be handled safely as juveniles and who require more substantial limitations upon their liberty to ensure the protection of society.

Massachusetts: Mass. Ann. Laws ch. 119@ 54 (2000)**@ 54. Proceedings.**

If complaint is made to any court that a child between seven and seventeen years of age is a delinquent child, said court shall examine, on oath, the complainant and the witnesses, if any, produced by him, and shall reduce the complaint to writing, and cause it to be subscribed by the complainant.

If said child is under twelve years of age, said court shall first issue a summons requiring him to appear before it at the time and place named therein, and such summons shall be issued in all other cases, instead of a warrant, unless the court has reason to believe that he will not appear upon summons, in which case, or if such a child has been summoned and did not appear, said court may issue a warrant reciting the substance of the complaint, and requiring the officer to whom it is directed forthwith to take such child and bring him before said court, to be dealt with according to law, and to summon the witnesses named therein to appear and give evidence at the examination.

The commonwealth may proceed by complaint in juvenile court or in a juvenile session of a district court, as the case may be, or by indictment as provided by chapter two hundred and

seventy-seven, if a person is alleged to have committed an offense which, if he were an adult, would be punishable by imprisonment in the state prison, and the person has previously been committed to the department of youth services, or the offense involves the infliction or threat of serious bodily harm in violation of law or the person has committed a violation of paragraph (a), (c) or (d) of section ten or section ten E of chapter two hundred and sixty-nine. The court shall proceed on the complaint or the indictment, as the case may be, in accordance with section fifty-five to seventy-two, inclusive. Complaints and indictments brought against persons for such offenses, and for other criminal offenses properly joined under Massachusetts Rules of Criminal Procedure 9(a)(1), shall be brought in accordance with the usual course and manner of criminal proceedings.

@ 52. Definitions

The following words used the following sections shall, except as otherwise specifically provided, have the following meanings:

“Court”, a division of the juvenile court department.

“Delinquent child”, a child between seven and seventeen who violates any city ordinance or town by-law or who commits any offense against a law of the commonwealth.

“Probation officer”, a probation officer or assistant probation officer of the Court having jurisdiction of the pending case.

“Punishment as is provided by the law”, any sentence which may be imposed upon an adult by a justice of the district court or superior court.

“Youthful offender”, a person who is subject to an adult or juvenile sentence for having committed, while between the ages of fourteen and seventeen, an offense against a law of the commonwealth which, if he were an adult, would be punishable by imprisonment in the state prison, and (a) has previously been committed to the department of youth services, or (b) has committed an offense which involves the infliction or threat of serious bodily harm in violation of law, or (c) has committed a violation of paragraph (a), (c) or (d) of section ten or section ten E of chapter two hundred and sixty-nine; provided that, nothing in this clause shall allow for less than the imposition of the mandatory commitment periods in section fifty-eight of chapter one hundred and nineteen.

Michigan: MSA @ 28.1274(101)

@ 28.1274(101). Application for order setting aside conviction; setting aside of certain convictions prohibited; time and contents of application; submitting application and fingerprints to department of state police; report; application fee; contest of application by attorney general or prosecuting attorney; notice to victim; affidavits and proofs; court order; definitions. See Statutes Annotated.

New York: NY CLS CPL @720.10 (1999)

@ 720.10. Youthful offender procedure; definitions of terms

As used in this article, the following terms have the following meanings:

1. "Youth" means a person charged with a crime alleged to have been committed when he was at least sixteen years old and less than nineteen years old or a person charged with being a juvenile offender as defined in subdivision forty-two of section 1.20 of this chapter.
2. "Eligible youth" means a youth who is eligible to be found a youthful offender. Every youth is so eligible unless:
 - (a) the conviction to be replaced by a youthful offender finding is for (i) a class A-I or class A-II felony, or (ii) an armed felony as defined in subdivision forty-one of section 1.20, except as provided in subdivision three, or (iii) rape in the first degree, sodomy in the first degree, or aggravated sexual abuse, except as provided in subdivision three, or
 - (b) such youth has previously been convicted and sentenced for a felony, or
 - (c) such youth has previously been adjudicated a youthful offender following conviction of a felony or has been adjudicated on or after September first, nineteen hundred seventy-eight a juvenile delinquent who committed a designated felony act as defined in the family court act.
3. Notwithstanding the provisions of subdivision two, a youth who has been convicted of an armed felony offense or of rape in the first degree, sodomy in the first degree, or

aggravated sexual abuse is an eligible youth if the court determines that one or more of the following factors exist: (i) mitigating circumstances that bear directly upon the manner in which the crime was committed; or (ii) where the defendant was not the sole participant in the crime, the defendant's participation was relatively minor although not so minor as to constitute a defense to the prosecution. Where the court determines that the eligible youth is a youthful offender, the court shall make a statement on the record of the reasons for its determination, a transcript of which shall be forwarded to the state division of criminal justice services, to be kept in accordance with the provisions of subdivision three of section eight hundred thirty-seven-a of the executive law.

4. "Youthful offender finding" means a finding, substituted for the conviction of an eligible youth, pursuant to a determination that the eligible youth is a youthful offender.
5. "Youthful offender sentence" means the sentence imposed upon a youthful offender finding.
6. "Youthful offender adjudication". A youthful offender adjudication is comprised of a youthful offender finding and the youthful offender sentence imposed thereon and is completed by imposition and entry of the youthful offender sentence.

New York: NY CLS CPL @ 720.20 (1999)

@ 720.20. Youthful offender determination; when and how made; procedure thereupon

1. Upon conviction of an eligible youth, the court must order a pre-sentence investigation of the defendant. After receipt of a written report of the investigation and at the time of pronouncing sentence the court must determine whether or not the eligible youth is a youthful offender. Such determination shall be in accordance with the following criteria:

- (a) If in the opinion of the court the interest of justice would be served by relieving the eligible youth from the onus of a criminal record and by not imposing an indeterminate term of imprisonment of more than four years, the court may, in its discretion, find the eligible youth is a youthful offender; and
 - (b) Where the conviction is had in a local criminal court and the eligible youth had not prior to commencement of trial or entry of a plea of guilty been convicted of a crime or found a youthful offender, the court must find he is a youthful offender.
2. Where an eligible youth is convicted of two or more crimes set forth in separate counts of an accusatory instrument or set forth in two or more accusatory instruments consolidated for trial purposes, the court must not find him a youthful offender with respect to any such conviction pursuant to subdivision one of this section unless it finds him a youthful offender with respect to all such convictions.
 3. Upon determining that an eligible youth is a youthful offender, the court must direct that the conviction be deemed vacated and replaced by a youthful offender finding; and the court must sentence the defendant pursuant to section 60.02 of the penal law.
 4. Upon determining that an eligible youth is not a youthful offender, the court must order the accusatory instrument unsealed and continue the action to judgment pursuant to the ordinary rules governing criminal prosecutions.

Oklahoma: 10 Okl. St. @ 7306-2.2

@ 7306-2.2. Definitions – Purpose

A. For the purposes of the Youthful Offender Act:

1. "Youthful offender" means a person:
 - a. thirteen (13), fourteen (14), fifteen (15), sixteen (16), or seventeen (17) years of age who is charged with murder in the first degree and certified as a youthful offender as provided by Section 7306-2.5 of this article.
 - b. fifteen (15), sixteen (16), or seventeen (17) years of age and charged with a crime listed in subsection A of Section 7306-2.6 of this title, and
 - c. sixteen (16) or seventeen (17) years of age and charge with a crime listed in subsection B of Section 7306-2.6 of this title,

if the offense was committed on or after January 1, 1998; and
2. "Sentenced as a youthful offender" means the imposition of a court order making disposition of a youthful offender as provided by Section 7306-2.9 of this title.

B. It is the purpose of the Youthful Offender Act to better ensure the public safety by holding youths accountable for the commission of serious crimes, while affording courts methods of rehabilitation for those youths the courts determine, at their discretion, may be amenable to such methods. It is the further purpose of the Youthful Offender Act to allow those youthful offenders whom the court find to be amenable to rehabilitation by the methods prescribed in the Youthful Offender Act to be placed in the custody or under the supervision of the Office of Juvenile Affairs for the purpose of assessing the rehabilitation programs provided by that Office and thereby, upon good conduct and successful completion of such programs, avoid conviction for a crime.

@ 7306-2.6. Certain acts mandating youthful offender status – Filing of delinquency petition or youthful offender information – Warrant, certification process – Guidelines. See attachments.

@ 7306-2.4. Treatment of a child certified as an adult or youthful offender in criminal proceedings. See attachments.

South Carolina: S.C. Code Ann. @ 24-19-10 (1999)

@ 24-19-10. Definitions.

As used herein:

- (a) "Department" means the Department of Corrections.
- (b) "Division" means the Youthful Offender Division.
- (c) "Director" means the Director of the Department of Corrections.
- (d) "Youthful offender" means an offender who is:
 - (i) under seventeen years of age and has been bound over for proper criminal proceedings to the court of general sessions pursuant to Section 20-7-7605 for allegedly committing an offense that is not a violent crime, as defined in Section 16-1-60, and that is a misdemeanor, a Class E or F felony, as defined in Section 16-1-20, or a felony which provides for a maximum term of imprisonment of less than fifteen years, or
 - (ii) who is seventeen but less than twenty-five years of age at the time of conviction for an offense that is not a violent crime, as defined in Section 16-1-60, and that is a misdemeanor, a Class E or F felony, or a felony which provides for a maximum term of imprisonment of fifteen years or less.
- (e) "Treatment" means corrective and preventive guidance and training designed to protect the public by correcting the antisocial tendencies of youthful offenders, this may also include vocational and other training deemed fit and necessary by the Division.
- (f) "Conviction" means a judgment in a verdict or finding of guilty, plea of guilty or plea of *nolo contendere* to a criminal charge where the imprisonment may be at least one year, but excluding all offenses in which the maximum punishment provided by law is death or life imprisonment.

Georgia: O.C.G.A. @ 42-7-1 (1999)

@ 42-7-1. Short title

This chapter shall be known and may be cited as the "Georgia Youthful Offender Act of 1972."

@ 42-7-2. Definitions

As used in this chapter, the term:

- (1) "Board" means the Board of Corrections.
- (2) "Commissioner" means the commissioner of corrections.
- (3) "Conviction" means a judgment on a verdict or finding of guilty, a plea of guilty, or a plea of *nolo contendere* in a felony case but excludes all judgments upon criminal offenses for which the maximum punishment provided by law is death or life imprisonment.
- (4) "Court" means any court of competent jurisdiction other than a juvenile court.
- (5) "Department" means the Department of Corrections.
- (6) "Treatment" means corrective and preventative incarceration, guidance, and training designed to protect the public by correcting the antisocial tendencies of youthful offenders, which may include but is not limited to vocational, educational, and other training deemed fit and necessary by the department.
- (7) "Youthful offender" means any male offender who is at least 17 but less than 25 years of age at the time of conviction and who in the opinion of the department has the potential and desire for rehabilitation.

APPENDIX B: Cook County Boot Camp Statistics Dated June 17, 2002



COOK COUNTY BOOT CAMP

2801 South Rockwell Avenue ■ Chicago, Illinois 60608 ■ Phone (773) 869-7955

MICHAEL F. SHEAHAN
SHERIFF

June 17, 2002

Since the opening of the Boot Camp, two thousand nine hundred and ninety-three (2,993) individuals have been received. Two hundred and seventy-two (272) individuals have been removed previous to the completion of the eighteen-week incarceration phase.

Sixty-seven (67) platoons or two thousand and four hundred eighty-eight (2,488) individuals have completed the eighteen-week incarceration phase. Of these sixty-seven platoons, fifty-seven (57) have completed the entire one-year program.

The following numbers are based upon those ten (10) platoons that have completed the eighteen-week incarceration phase, but not the entire one-year program.

Total	419
Failure to Comply with the Rules of Post Release or AWOL	28 (7%)
Pending judicial disposition for failure to abide by all rules of post release	14 (4%)
Sentenced for a new crime while on post release	11 (3%)
Employed	366/108 (30%)

The following numbers are based upon those fifty-seven (57) platoons that have completed the entire one (1) year Boot Camp program.

Total	2,118
Failure to comply with the rules of post release or AWOL	262 (13%)
Sentenced for a new crime while on post release	303 (14%)
Employed	1,553/776 (50%)
Successfully completed one year	1,553 (73%)

Second Year Recidivism Rates

A total of one thousand fifty-nine (1,059) individuals who successfully completed one year are now two years removed from the program. Nine hundred and seventy-four (974) individuals remained incarceration free during the second year for a 93% success rate.

Five hundred thirteen (513) of five hundred eighty-eight (588) individuals remained incarceration free during the third year for an 87% success rate.

The aggregate three-year recidivism rate is 22%.

Post Release Phase

Ten (10) platoons or approximately four hundred (400) individuals participate in the post release phase on a daily basis. During post release, individuals spend thirty (30) to forty-five (45) days on electronic monitoring, participate in job preparation classes, are assisted in securing employment, are aided in obtaining birth certificates and state identification and social security cards, receive additional academic instruction and substance abuse counseling if needed and submit to random drug tests.

Education

*Reading and math levels have risen 2.0 and 1.5 grades respectively for each platoon.

*The GED will be offered on site twelve (12) times this fiscal year. Approximately two hundred and forty (240) individuals will take the test.

*Four hundred and seven (407) participants have received their GED's.

*Computer training and basic industrial math courses available.

Counseling

Substance abuse counseling offered throughout the entire eighteen (18) week incarceration phase and eight (8) month post release phase.

Over five hundred and forty (540) participants have been referred to and have completed offsite substance abuse programs during the post release phase.

All participants receive formalized training in Skills for Managing Anger.

DUI/DWI therapeutic and educational program available.

Relocations

Thirty-six (36) individuals who completed the incarceration phase petitioned the court to relocate out of state. Relocations granted based upon pending employment and separation from previous undesirable environment.

Employment

Over eight hundred fifty (850) individuals have found meaningful employment following the incarceration phase.

The Mayor's Office of Workforce Development and the Chicago Federation of Labor have partnered with the Boot Camp in on-site job preparation training and the placement of eligible graduates into labor union related jobs.

Ten (10) individuals have been accepted into Job Corps.

Five (5) individuals have been accepted into the United States Marine Corps, three (3) in the United States Navy, two (2) in the United States Army, and one (1) in the United States Air Force.

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ATTACHMENT 5

State of Illinois
92nd General Assembly
Legislation

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92_HB5012

LRB9211210RCcdA

1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 5-8-4 as follows:

6 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)
7 Sec. 5-8-4. Concurrent and Consecutive Terms of
8 Imprisonment.

9 (a) When multiple sentences of imprisonment are imposed
10 on a defendant at the same time, or when a term of
11 imprisonment is imposed on a defendant who is already subject
12 to sentence in this State or in another state, or for a
13 sentence imposed by any district court of the United States,
14 the sentences shall run concurrently or consecutively as
15 determined by the court. When a term of imprisonment is
16 imposed on a defendant by an Illinois circuit court and the
17 defendant is subsequently sentenced to a term of imprisonment
18 by another state or by a district court of the United States,
19 the Illinois circuit court which imposed the sentence may
20 order that the Illinois sentence be made concurrent with the
21 sentence imposed by the other state or district court of the
22 United States. In such instance, the defendant must apply to
23 the circuit court within 30 days after the defendant's
24 sentence imposed by the other state or district of the United
25 States is finalized.

26 (b) The court shall order multiple sentences that are
27 imposed on a defendant at the same time to run consecutively,
28 if the court shall not impose consecutive sentences for
29 offenses which were committed as part of a single course of
30 conduct during which there was no substantial change in the
31 nature of the criminal objective, unless:

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1 (i) one of the offenses for which defendant was
2 convicted was first degree murder or a Class X or Class 1
3 felony and the defendant inflicted severe bodily injury,
4 or
5 (ii) the defendant was convicted of a violation of
6 Section 12-13, 12-14, or 12-14.1 of the Criminal Code of
7 1961, or
8 (iii) the defendant was convicted of armed violence
9 based upon the predicate offense of solicitation of
10 murder, solicitation of murder for hire, heinous battery,
11 aggravated battery of a senior citizen, criminal sexual
12 assault, a violation of subsection (g) of Section 5 of
13 the Cannabis Control Act, cannabis trafficking, a
14 violation of subsection (a) of Section 401 of the

15 Illinois Controlled Substances Act, controlled substance
 16 trafficking involving a Class X felony amount of
 17 controlled substance under Section 401 of the Illinois
 18 Controlled Substances Act, calculated criminal drug
 19 conspiracy, or streetgang criminal drug conspiracy,
 20 in which event the court shall enter sentences to run
 21 consecutively. Sentences shall run concurrently unless
 22 otherwise specified by the court.

23 (b-1) Except as provided in subsection (b), the court
 24 shall not impose consecutive sentences for offenses which
 25 were committed as part of a single course of conduct during
 26 which there was no substantial change in the nature of the
 27 criminal objective.

28 (b-2) Except as provided in subsection (b), the court
 29 shall not impose a consecutive sentences for offenses which
 30 were not committed as part of a single course of conduct
 31 sentence except as provided for in subsection (a) unless,
 32 having regard to the nature and circumstances of the offense
 33 and the history and character of the defendant, it is of the
 34 opinion that such a term is required to protect the public

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1 from further criminal conduct by the defendant, the basis for
 2 which the court shall set forth in the record, except that no
 3 such finding or opinion is required when multiple sentences
 4 of imprisonment are imposed on a defendant for offenses that
 5 were not committed as part of a single course of conduct
 6 during which there was no substantial change in the nature of
 7 the criminal objective, and one of the offenses for which the
 8 defendant was convicted was first degree murder or a Class X
 9 or Class 1 felony and the defendant inflicted severe bodily
 10 injury, or when the defendant was convicted of a violation of
 11 Section 12-13, 12-14, or 12-14.1 of the Criminal Code of
 12 1961, or where the defendant was convicted of armed violence
 13 based upon the predicate offense of solicitation of murder,
 14 solicitation of murder for hire, heinous battery, aggravated
 15 battery of a senior citizen, criminal sexual assault, a
 16 violation of subsection (g) of Section 5 of the Cannabis
 17 Control Act, cannabis trafficking, a violation of subsection
 18 (a) of Section 401 of the Illinois Controlled Substances Act,
 19 controlled substance trafficking involving a Class X felony
 20 amount of controlled substance under Section 401 of the
 21 Illinois Controlled Substances Act, calculated criminal drug
 22 conspiracy, or streetgang criminal drug conspiracy, in which
 23 event the Court shall enter sentences to run consecutively.

24 (b-3) Sentences shall run concurrently unless otherwise
 25 specified by the court.

26 (c) (1) For sentences imposed under law in effect prior
 27 to February 1, 1978 the aggregate maximum of consecutive
 28 sentences shall not exceed the maximum term authorized
 29 under Section 5-8-1 for the 2 most serious felonies
 30 involved. The aggregate minimum period of consecutive
 31 sentences shall not exceed the highest minimum term
 32 authorized under Section 5-8-1 for the 2 most serious
 33 felonies involved. When sentenced only for misdemeanors,
 34 a defendant shall not be consecutively sentenced to more

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1 than the maximum for one Class A misdemeanor.
 2 (2) For sentences imposed under the law in effect
 3 on or after February 1, 1978, the aggregate of
 4 consecutive sentences for offenses that were committed as
 5 part of a single course of conduct during which there was
 6 no substantial change in the nature of the criminal
 7 objective shall not exceed the sum of the maximum terms
 8 authorized under Section 5-8-2 for the 2 most serious
 9 felonies involved, but no such limitation shall apply for
 10 offenses that were not committed as part of a single

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11 course of conduct during which there was no substantial
 12 change in the nature of the criminal objective. When
 13 sentenced only for misdemeanors, a defendant shall not be
 14 consecutively sentenced to more than the maximum for one
 15 Class A misdemeanor.

16 (d) An offender serving a sentence for a misdemeanor who
 17 is convicted of a felony and sentenced to imprisonment shall
 18 be transferred to the Department of Corrections, and the
 19 misdemeanor sentence shall be merged in and run concurrently
 20 with the felony sentence.

21 (e) In determining the manner in which consecutive
 22 sentences of imprisonment, one or more of which is for a
 23 felony, will be served, the Department of Corrections shall
 24 treat the offender as though he had been committed for a
 25 single term with the following incidents:

26 (1) the maximum period of a term of imprisonment
 27 shall consist of the aggregate of the maximums of the
 28 imposed indeterminate terms, if any, plus the aggregate
 29 of the imposed determinate sentences for felonies plus
 30 the aggregate of the imposed determinate sentences for
 31 misdemeanors subject to paragraph (c) of this Section;

32 (2) the parole or mandatory supervised release term
 33 shall be as provided in paragraph (e) of Section 5-8-1 of
 34 this Code for the most serious of the offenses involved;

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1 (3) the minimum period of imprisonment shall be the
 2 aggregate of the minimum and determinate periods of
 3 imprisonment imposed by the court, subject to paragraph
 4 (c) of this Section; and

5 (4) the offender shall be awarded credit against
 6 the aggregate maximum term and the aggregate minimum term
 7 of imprisonment for all time served in an institution
 8 since the commission of the offense or offenses and as a
 9 consequence thereof at the rate specified in Section
 10 3-6-3 of this Code.

11 (f) A sentence of an offender committed to the
 12 Department of Corrections at the time of the commission of
 13 the offense shall be served consecutive to the sentence under
 14 which he is held by the Department of Corrections. However,
 15 in case such offender shall be sentenced to punishment by
 16 death, the sentence shall be executed at such time as the
 17 court may fix without regard to the sentence under which such
 18 offender may be held by the Department.

19 (g) A sentence under Section 3-6-4 for escape or
 20 attempted escape shall be served consecutive to the terms
 21 under which the offender is held by the Department of
 22 Corrections.

23 (h) If a person charged with a felony commits a separate
 24 felony while on pre-trial release or in pretrial detention in
 25 a county jail facility or county detention facility, the
 26 sentences imposed upon conviction of these felonies shall be
 27 served consecutively regardless of the order in which the
 28 judgments of conviction are entered.

29 (i) If a person admitted to bail following conviction of
 30 a felony commits a separate felony while free on bond or if a
 31 person detained in a county jail facility or county detention
 32 facility following conviction of a felony commits a separate
 33 felony while in detention, any sentence following conviction
 34 of the separate felony shall be consecutive to that of the

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1 original sentence for which the defendant was on bond or
 2 detained.

3 (Source: P.A. 91-144, eff. 1-1-00; 91-404, eff. 1-1-00;
 4 92-16, eff. 6-28-01.)

5 Section 99. Effective date. This Act takes effect upon

6 becoming law.

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2002 REPORT

**ANNUAL REPORT OF THE
COMMITTEE ON DISCOVERY PROCEDURES
TO THE ILLINOIS JUDICIAL CONFERENCE**

Honorable Joseph N. Casciato, Chairperson

Honorable Ann Callis
Honorable Deborah Mary Dooling
Honorable James R. Glenn
Honorable Frederick J. Kapala
Honorable Tom M. Lytton
Honorable Mary Anne Mason

Honorable John T. McCullough
Honorable James J. Mesich
David B. Mueller
Donald J. Parker
Eugene I. Pavalon
Paul E. Root

October 2002

I. STATEMENT ON COMMITTEE CONTINUATION

The goals of the Committee on Discovery Procedures (“Committee”) include streamlining discovery procedures, increasing compliance with existing rules, and eliminating loopholes and potential delay tactics. To accomplish these goals, the Committee continues to research significant discovery issues and respond to discovery-related inquiries. Because the Committee continues to provide valuable expertise in the area of civil discovery, the Committee respectfully requests that it be continued.

II. SUMMARY OF COMMITTEE ACTIVITIES

During the Conference year, the Committee considered amendments to the disclosure requirements under Supreme Court Rule 213. The Committee also began to study various other discovery-related proposals.

A. Supreme Court Rule 213

The Committee devoted substantial time to discussing the problems and possible solutions surrounding the disclosure requirements contained in Rule 213. The Committee reviewed the Supreme Court Rules Committee’s proposal to amend Rule 213, as submitted to the Supreme Court. After careful study, the Committee recommended that Rule 213 not be amended as proposed. Rather, the Committee submitted to the Supreme Court for its consideration the Committee’s own proposal to amend Rule 213. The Supreme Court included both the Committee’s proposed amendment along with the Supreme Court Rules Committee’s proposal to amend Rule 213 on the agenda for the January 2002 public hearing.

B. Other Proposals Before the Committee

The Committee also reviewed several other discovery-related proposals. These proposals are described below.

1. Committee’s Proposal To Amend Supreme Court Rule 206(c)

This proposal would amend Rule 206(c), which concerns the method of taking depositions on oral examination, by eliminating objections, except as to privilege, in discovery depositions, and by requiring that objections in evidence depositions be concise and state the exact legal basis for the objection. This proposal arose out of Committee discussions that attorneys’ conduct during depositions is becoming more difficult and confrontational. After considering the consequences of eliminating objections, the Committee decided not to adopt the proposed changes to Rule 206(c).

2. Supreme Court Rules Committee's Proposal to Amend Supreme Court Rule 201(l)

This proposal would amend Rule 201(l) to give flexibility to the parties and to the court in deciding whether other discovery should be conducted while a personal jurisdiction motion is pending. The proposal also would include a guideline that there must be a showing that specific discovery is needed on other issues in order to prevent injustice. The Supreme Court Rules Committee forwarded this proposal to the Committee for further review and recommendation in light of comments made at the January 2001 annual public hearing.

After careful study, the Committee recommended that Rule 201(l) not be amended as proposed. Instead, the Committee adopted its own proposal regarding amending Rule 201(l). The Committee's proposal allows, under certain circumstances, discovery to proceed on issues other than personal jurisdiction before the court rules on an objection to personal jurisdiction. In addition, the proposal recognizes that participation in discovery by the objecting party does not constitute a waiver of the objecting party's challenge to personal jurisdiction. The Committee forwarded its proposal to the Supreme Court Rules Committee for review.

3. Supreme Court Rules Committee's Proposal to Amend Supreme Court Rule 218(c)

This proposal would amend Rule 218(c), which addresses pretrial procedure, to include rebuttal witnesses within the language of the rule referring to dates set for the disclosure of witnesses and the completion of discovery. The Supreme Court Rules Committee forwarded this proposal to the Committee for its review and recommendation.

The Committee rejected the proposal because it found the proposal to create additional problems. According to the Committee, it is unrealistic to close all discovery within 60 days of trial. The Committee also contended that it is inconsistent to object to disclosing opinion witnesses and yet allow rebuttal witnesses before trial. In addition, the Committee was concerned that any proposed changes to Rule 213 would have an effect on amending Rule 218(c).

4. Supreme Court Rules Committee's Proposal to Amend Supreme Court Rule 237

This proposal would amend Rule 237 by adding a paragraph requiring the appearance of certain individuals and the production of certain documents at expedited hearings. The Supreme Court Rules Committee forwarded this proposal to the Committee for its review and recommendation. The Committee raised questions about the intended focus of the proposal and its application. The Committee therefore forwarded its inquiry to the Supreme Rules Committee for further clarification on the proposed changes.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During the 2003 Conference year, the Committee plans to discuss the Supreme Court Rules Committee's proposal to amend Rule 218(c), which was considered at the July 2002 public hearing, and if helpful or necessary to the Rules Committee and/or the Supreme Court will make a recommendation. The Committee also plans to discuss and assess the Rules Committee's proposal to amend Rule 237, and if helpful or necessary to the Rules Committee and/or the Supreme Court will make a recommendation. Finally, the Committee will review any proposals submitted by the Rules Committee.

IV. RECOMMENDATIONS

The Committee is making no recommendations to the Conference at this time.

**ANNUAL REPORT OF THE
STUDY COMMITTEE ON JUVENILE JUSTICE
TO THE ILLINOIS JUDICIAL CONFERENCE**

Honorable John R. DeLaMar, Chairperson

Honorable C. Stanley Austin
Honorable Patricia Martin Bishop
Honorable David M. Correll
Honorable Lloyd A. Cueto
Professor Diane C. Geraghty
Honorable Sophia H. Hall
Honorable Lynne Kawamoto
Honorable Diane M. Lagoski

Honorable John R. McClean, Jr.
Honorable William G. Schwartz
Honorable David W. Slater
Honorable Edna Turkington
Honorable Chet W. Vahle
Honorable Milton S. Wharton
Honorable Kendall O. Wenzelman

October 2002

I. STATEMENT OF COMMITTEE CONTINUATION

The charge of the Study Committee on Juvenile Justice (Committee) is to study and make recommendations on aspects of the juvenile justice system, propose education and training programs for judges and prepare and update the juvenile law benchbook. The major work of the Committee has been the completion of the two-volume set of the *Illinois Juvenile Law Benchbook*. During the Conference year, the Committee continued to monitor and apprise Illinois judges on the upcoming federal review of the juvenile court. The Committee offered a set of explanations to facilitate the use of uniform orders previously tendered by the Committee to the Conference of Chief Judges for use in juvenile court proceedings. Additionally, the Committee continued its commitment to educating Illinois judges on juvenile law issues by participating in various educational programs and workshops.

Annual updates of both volumes of the benchbook are necessary due to the rapid and continuing changes in juvenile law. In light of the continued legislation and changes in case law in this area, the Committee believes that continued instruction of judges concerning all aspects of juvenile law is necessary. Further, the Committee believes that continued monitoring of the upcoming federal review and compliance with the federal requirements is warranted. Therefore, the Committee requests that it be permitted to continue implementing its assigned charge.

II. SUMMARY OF COMMITTEE ACTIVITIES

A. Juvenile Law Benchbook

During this Conference year, the Committee published Volume II of the *Illinois Juvenile Law Benchbook* which completed the two-volume set. Because of significant expansion of statutory and case law governing Illinois juvenile court proceedings in recent years, the benchbook was divided into two volumes. 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. The books suggest to trial judges relevant statutory provisions, identify areas and issues which present challenges unique to these proceedings and, where possible, suggest the controlling case law.

Volume I, published in 2000, covers juvenile court proceedings involving allegations of delinquency, minors requiring authoritative intervention (MRAI) and addicted minors. Approximately 200 judges have received copies of Volume I. Volume II addresses exclusively proceedings brought in the juvenile court which involve allegations of abuse, neglect and dependency. Volume II is now available for distribution.

The Committee hopes these volumes will serve two functions. First, the books will afford judges, particularly judges who are new to the Juvenile Court, an idea of the issues and problems which should be anticipated in presiding in Juvenile Court proceedings. Second, the books will provide all judges quick access to controlling statutory and case law needed on the bench, and

during the hearing, when time, circumstances and case load do not afford the opportunity for a recess and research.

The discussion in each book is organized transactionally, i.e., issues are identified and discussed in the order in which they arise during the course of a case. In general, the discussions begin with an examination of how a case arrives in Juvenile Court and end with post-dispositional matters such as termination of parental rights proceedings, termination of wardship and appeal. The Appendix in each book contains procedural checklists and sample forms that can be used or adapted to meet the needs of each judge and the requirements of the county and circuit in which he or she sits. Additionally, uniform court orders for abuse, neglect and dependency cases and their accompanying instructions can be found in the Appendix of Volume II. The Committee anticipates updating each volume annually.

B. Uniform Juvenile Court Orders

During the Conference year, the Committee continued its work on drafting uniform juvenile court orders of cases for use by judges involved in abuse, neglect or dependency proceedings in the Juvenile Court. The Committee designed the uniform orders to fulfill a number of critical functions. First, the orders incorporate the findings required by federal law (45 C.F.R. § 1356.21 (2000)) when a child is removed from the custody of a biological parent or parents. The absence of these findings when the 2003 federal review of the Illinois Juvenile Court is conducted will jeopardize federal funding which supports foster care services in Illinois. Second, the proposed orders incorporate the findings required by the Illinois Juvenile Court Act. Third, the orders are designed to provide a clear judicial statement to the parties which identifies the parental problems which the court will require be addressed before custody will be returned to the parent or parents. Fourth, the orders provide a convenient summary of the previous findings made and steps taken by the court which hopefully will ease any change in caseworkers, attorneys or judges.

To facilitate the use of the orders, the Committee drafted instructions to accompany the orders. In addition, the Committee highlighted those findings on the orders which the Committee believes are mandated by federal or state law or both. A copy of the instructions and uniform orders was provided to the Conference of Chief Judges for distribution in their respective circuits. The instructions and uniform orders are included in the Appendix section of Volume II of the *Illinois Juvenile Law Benchbook*. A copy of the instructions and uniform orders is appended to this report as Attachment 1.

C. Juvenile Court Federal Review

The Committee continued to discuss at great length the anticipated 2003 federal review of the Illinois Juvenile Court which will study compliance with federal funding mandates concerning necessary findings in juvenile cases. The review is intended to ensure conformance with the "State Plan" requirements in Titles IV-B and IV-E of the Social Security Act (42 U.S.C. §§ 620-628b, 670-679b (2000)). Specifically, Title IV-B concerns the requirements for State plans regarding child welfare services. Title IV-E concerns the requirements for State plans regarding foster care and

adoption assistance. A failure to comply with these requirements will result in the loss of many millions of dollars in federal funding for foster care placement in Illinois. The loss of such funds will seriously compromise the safety, permanency and well-being of the 26,000 children currently in foster care in our state.

Juvenile court orders will be reviewed to determine their compliance with Title IV-E mandates. Under Title IV-E, which authorizes federal foster care funding, court orders removing children from the custody of biological parents must include a judicial finding that reasonable efforts to prevent removal of the child have been made and that remaining in the home would be contrary to the welfare of the child. These determinations must be made in abuse/neglect/dependency and delinquency cases. Section 1356.21 (45 C.F.R. §1356.21 (2000)), the corresponding federal regulation for Title IV-E, sets forth the foster care maintenance payments program requirements which must be met by the State. Pursuant to sections 1356.21(b)(1) and 1356.21(c) (45 C.F.R. §§1356.21(b)(1), (c) (2000)), judicial determinations regarding reasonable efforts and the welfare of the child must be made in accordance with specified criteria and time frames set forth in those sections, or the child is not eligible to receive Title IV-E foster care maintenance payments for the duration of that stay in foster care. The regulation further requires judicial determinations to be explicitly documented, to be made on a case-by-case basis, and to be stated in the court order. (45 C.F.R. §1356.21(d) (2000)). The purpose of this requirement is to assure that the individual circumstances of each child are properly considered in making judicial determinations.

D. Education

The Committee continued its commitment to educating Illinois judges on juvenile law issues during the 2002 Conference year. In December of 2001, various Committee members assisted in the presentation of a program on juvenile law at the 2001 New Judge Seminar. The presentation introduced new judges to the issues and problems they might experience presiding in juvenile court. Committee members contributed to and served on the faculty of the 2002 Education Conference held in February and March 2002. These presentations focused on the areas of custodial statements by juveniles in criminal cases, alternatives to detention, and programs implementing restorative justice practices.

In conjunction with the American Judicature Society and the Administrative Office of the Illinois Courts, Committee members also presented to and participated in the *2002 Illinois Juvenile Law Workshop* which was held in May 2002 in Chicago. The workshop was funded by the State Court Improvement Project and addressed the issues of permanency and the termination of parental rights.

Committee members contributed to and served on the faculty of six one-day training sessions held at various locations around the state. Funded by the State Court Improvement Project, these training sessions were designed to assist juvenile court judges, attorneys, guardians *ad litem*, and clerks in complying with the federal foster care placement requirements. These training sessions were held on July 31 and August 1, 2, 5, 6 and 7, 2002.

Comments from the participants at these sessions indicate that the seminars were well received. The Committee will continue to offer recommendations for judicial education programs in this rapidly changing area of the law.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During the 2003 Conference year, the Committee will commence updates for Volume I and Volume II of the *Illinois Juvenile Law Benchbook*. The Committee also intends to recommend and participate in the presentation of juvenile law education programs. The Committee will continue to monitor other proposed and enacted legislation, executive initiatives and developing common law that may affect the juvenile justice system. Finally, the Committee will continue to monitor the progress and results of the federal review.

IV. RECOMMENDATIONS

The Committee is making no recommendations to the Conference at this time.

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ATTACHMENT 1

FORM ORDERS EXPLANATION

The enclosed orders have been designed to fulfill a number of critical functions. First, the orders incorporate the findings required by federal law (45 C.F.R. § 1356.21 (2000)) when a child is removed from the custody of a biological parent or parents. The absence of these findings when the 2003 federal review of the Illinois Juvenile Court is conducted will jeopardize federal funding which supports foster care services in Illinois. Second, the proposed orders incorporate the findings required by the Illinois Juvenile Court Act. Third, the orders are designed to provide a clear judicial statement to the parties which identifies the parental problems which the court will require be addressed before custody will be returned to the parent or parents. Fourth, the orders provide a convenient summary of the previous findings made and steps taken by the court which hopefully will facilitate any change in caseworkers, attorneys or judges.

The following explanation is respectfully intended to facilitate use of the orders. It should be noted that these orders are simply suggestions. They have not been approved by any federal regulatory agency or by the Illinois Supreme Court. Those findings which the committee believes are mandated by federal or state law or both are highlighted in gray.

TEMPORARY CUSTODY ORDER

Paragraphs a, b and c

These paragraphs, if completed, will provide a convenient method to determine whether a party has been served or has appeared or whether service of summons upon that party must be effectuated in the future. (705 ILCS 405/2-15 (1) and (7)(West 2000)). They will also alert the court as to whether an order of temporary custody must be renewed within 10 days because a parent was neither notified nor present. (705 ILCS 2-10 (3) (West 2000)).

Paragraph d

Paragraph d need be completed only if no parent can be found. (705 ILCS 405/2-13(2)(d) (West 2000)).

Paragraph e

If the first box is checked, *i.e.* the court finds that probable cause does not exist, the petition must be dismissed. Thus, the judge should go directly to number 1 under the "ordering" portion of the order. (705 ILCS 405/210 (1)) (West 2000). If probable cause is found, the court is required by the Illinois Juvenile Court Act to state in writing the factual basis supporting the finding. (705 ILCS 405/2-10 (2) (West 2000)).

Paragraph f

A finding of immediate and urgent necessity is a statutory prerequisite to placement of a child outside the home of the biological parents. (705 ILCS 405/2-10 (2) (West 2000)). If the judge finds no immediate and urgent necessity for removal, the judge must return custody to a parent. Therefore, number 2 of the ordering portion of the order must be used and the judge need not address paragraph g.

Paragraph g

If the court orders a child removed from the custody of the biological parents and placed outside the home of such parents, both the Illinois Juvenile Court Act (705 ILCS 405/2-10 (2) (West 2000)) and federal law (45 C.F.R. §1356.21 (2000)) absolutely require the court make one of the findings provided for in paragraph g. While neither statute requires that the factual basis for the finding be set forth, it may be preferable to do so.

Ordering Portion

Paragraph 1

This paragraph must be used if the court finds that there is no probable cause to support the allegations of neglect, abuse or dependency. (See explanation for paragraph a above.)

Paragraph 2

This paragraph must be used if the court finds no immediate and urgent necessity for removal in paragraph f above.

Paragraph 3

The first alternative is to be used if the court places the minor with a relative under 705 ILCS 405/2-10 (2) (West 2000). The second alternative is for use when DCFS is made the

temporary custodian. The third alternative is used if an agency other than DCFS is appointed temporary custodian. The name or position of the appropriate agency executive must also be inserted (705 ILCS 405/210 (2) (West 2000)).

Paragraph 4

- a. This paragraph is authorized under 705 ILCS 405/2-11 (West 2000).
- b & c. The court is authorized to order DCFS to provide specific services necessary to address the reasons that foster care placement has been ordered. In re Lawrence M., 172 Ill. 2d 523 (1996). If more detail or space is needed, the judge may wish to consider use of the "Supplemental Order" attached at the end of these draft orders.
- d. While neither the federal nor state statutes require the court to address visitation, experience suggests that the question of supervision of and transportation to visitation should be specifically resolved to avoid later confusion.

The remainder of the order is self-explanatory.

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY

Case No. _____

In The Interest Of _____

a minor.

Date of hearing: _____

Parties present for hearing:

Assistant State's Attorney: _____

Minor: _____ Attorney for minor: _____

Mother: _____ Attorney for mother: _____

Father: _____ Attorney for father: _____

Relative, Guardian, Custodian: _____

TEMPORARY CUSTODY ORDER

[705 ILCS 405/2-10]

THIS MATTER comes before the Court for hearing on the date noted above with the parties indicated being present. The parties have been advised of the nature of the proceedings and of their rights. _____ is appointed as Guardian *ad Litem* and attorney for the minor.

The Court FINDS that:

- a. The minor has
 - been served with summons
 - not been served with summons but is present
 - not been served with summons but has entered an appearance and is under the age of 8 years.

- b. The mother of the minor

<input type="checkbox"/> has received notice and is present	<input type="checkbox"/> has received notice and is <u>not</u> present
<input type="checkbox"/> has <u>not</u> received notice and is present	<input type="checkbox"/> has <u>not</u> received notice and is <u>not</u> present

- c. The father of the minor

<input type="checkbox"/> has received notice and is present	<input type="checkbox"/> cannot be found after a diligent search has been made to locate him
<input type="checkbox"/> has <u>not</u> received notice and is present	<input type="checkbox"/> is unknown
<input type="checkbox"/> has received notice and is <u>not</u> present	
<input type="checkbox"/> has <u>not</u> received notice and is <u>not</u> present	

d. The responsible relative/guardian/custodian of the minor

- has received notice and is present has received notice and is not present
- has not received notice and is present has not received notice and is not present

(c.4)

- ~~Probable cause~~ for the filing of the petition does not exist
- ~~Probable cause~~ for the filing of the petition does exist based on the following facts:

(c.5)

- There is no immediate and urgent necessity to remove the minor from the home and leaving the minor in the home is not contrary to the health, welfare and safety of the minor
- There is immediate and urgent necessity to remove the minor from the home and leaving the minor in the home is contrary to the health, welfare and safety of the minor based on the following facts:

(c.6)

- ~~Reasonable efforts~~ have not been made to keep the minor in the home
- ~~Reasonable efforts~~ have been made to keep the minor in the home and they have eliminated the immediate and urgent necessity to remove the minor
- ~~Reasonable efforts~~ have been made to keep the minor in the home but they have not eliminated the necessity for removal of the minor from the home and leaving the minor in the home is contrary to the health, welfare and safety of the minor
- ~~Reasonable efforts~~, at this time, cannot prevent or eliminate the necessity for removal of the minor from the home and leaving the minor in the home is contrary to the health, welfare and safety of the minor
- ~~The following facts form the basis for this finding:~~ _____

THEREFORE, it is the ORDER of this Court that:

1. The Petition is

- DISMISSED.

2. The request for temporary custody is denied.

3. Temporary custody of the minor is given to:

- _____ who is the _____ of the minor
(Name of person) (Relationship of person)
- The Guardianship Administrator of the Illinois Department of Children and Family Services who is authorized to place the minor
- _____
(Other agency)

4. Based on the findings, the following order are necessary and proper:

a. The temporary custodian is:

- not authorized to consent to major medical care for the minor
- authorized to consent to major medical care including surgical needs, psychological services, optical care and dental services for the minor
- authorized to consent to major medical care including surgical needs, psychological services, optical care and dental services for the minor after consultation with _____ and in the event the named person cannot be located without such consent
- _____

b. The Illinois Department of Children and Family Services shall investigate the need for services and provide the needed services in the following areas: _____

The parties are advised that the acceptance of services will not be considered an admission of neglect, abuse or dependency.

c. The following services are necessary to ameliorate the causes contributing to the finding of probable cause and immediate and urgent necessity and they **are ordered** to be provided

d. Visitation

- There is to be no visitation with the minor until further Order of the Court
- Supervised visitation with the supervision to be monitored by
 - the Illinois Department of Children and Family Services or its designee
 - _____
- Unsupervised visitation
- There is **no requirement** that the agency provide transportation for the purpose of visitation.
- The agency is to provide transportation for the purpose of visitation.

Visitation is to be arranged in such a manner so as not to disrupt the foster placement or place unreasonable demands on personnel of the agency providing or monitoring the visitation.

e. The Illinois Department of Children and Family Services or other appropriate agency shall prepare and file a 45-day Case Plan pursuant to 705ILCS 405/2-10.1 on or before _____

f. A Social Investigation is to be prepared and filed by the Illinois Department of Children and Family Services or other appropriate agency on or before _____

g. The temporary custodian is to make arrangements for a medical examination of the minor pursuant to 705 ILCS 405/2-19.

h. The next hearing is set for _____ at _____ for

- Renewal of the temporary custody order (if entered *ex parte*)
- Adjudicatory Hearing
- Status Hearing

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- Hearing on diligent efforts to notify
- Progress report
- Court family conference

Notice of the hearing date is to be provided by _____

- i. If the minor is placed outside of the home, the first Permanency Hearing date shall be set not later than 12 months from the date temporary custody was taken.
- j. The parents are admonished that they must cooperate with the Illinois Department of Children and Family Services. The parents must comply with the terms of the service plan and correct the conditions that require the minor to be in care or they risk termination of their parental rights.

Entered _____

Time _____

Judge

ADJUDICATORY ORDER**Paragraph b**

705 ILCS 405/2-21(1) (West 2000) specifically requires that the court "state for the record" the manner in which each party has been served.

Paragraph c

This paragraph is also mandated by 705 ILCS 405/2-21(1) (West 2000).

Paragraphs a and g

705 ILCS 405/2-21(1) (West 2000) expressly requires that the court state, in writing, the factual basis for its finding that the minor or minors are or are not abused, neglected or dependent.

Paragraph f

This alternative is to be used only if the court is going to enter an order of continuance under supervision rather than find that the minors are abused, neglected or dependent.

Paragraph g

See the explanation for paragraphs a and g above.

Paragraph h

A finding as provided for in this paragraph is required by 705 ILCS 405/2-23 (a) and (b) before a proper custodial order may be entered.

Paragraph i

See the explanatory comments for paragraph a and g above.

Paragraph j

This finding must be made if the child remains outside the home.

ORDERING PORTION**Paragraph 1**

This paragraph must be used if paragraph a above has been checked.

Paragraph 2

The judge may wish to make the finding by clear and convincing evidence if the evidence adduced warrants such a finding in the event that a parental fitness issue later arises under 750 ILCS 50/1 D(t) (West 2000).

Paragraph 3

The dispositional hearing must be held within 30 days under 705 ILCS 405/2-21(2) unless all parties waive the requirement and the court makes the finding set forth in paragraph 4 below.

Paragraph 4

To grant a continuance, the court must make the finding set forth in this paragraph. 705 ILCS 405/221 (3) (West 2000). Apparently, only one continuance is permissible. 705 ILCS 405/2-21(2) (West 2000)..

Paragraph 5

This paragraph may be used when the court exercises the power to order an investigation and report conferred by 705 ILCS 405/2-21(2) (West 2000).

Paragraph 6

This paragraph is designed to assure that the parties cooperate with the investigation process ordered in paragraph 5.

Paragraph 7

This provision is suggested to afford the parties an opportunity to review and consider the report and to prepare to confront any portion a party believes is inaccurate. Hopefully this will obviate the necessity of a continuance.

Paragraph 8

Hopefully, this is self-explanatory.

Paragraph 9

This admonition is mandated by 705 ILCS 405/2 -21(1) (West 2000).

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY

Case No. _____

In The Interest Of

a minor.

Date of hearing: _____

Parties present for hearing:

Assistant State's Attorney: _____

Minor:	_____	Attorney for minor:	_____
Mother:	_____	Attorney for mother:	_____
Father:	_____	Attorney for father:	_____
Relative, Guardian, Custodian:	_____		

ADJUDICATORY ORDER
[705 ILCS 405/2-21]

THIS MATTER comes before the Court for hearing on the date noted above with the parties indicated being present. The parties have been advised of the nature of the proceedings as well as their rights and the dispositional alternatives available to the Court. The case is called for hearing on the Petition for Adjudication of Wardship. The Court makes the following FINDINGS:

- a. The Court has jurisdiction of the subject matter
- b. The Court has jurisdiction of the parties in that the Court file shows that:
 - i. The minor has
 - been served with summons
 - not been served with summons but is present
 - not been served with summons but has entered an appearance and is under the age of 8 years
 - ii. The mother of the minor has
 - been served with summons
 - not been served with summons but is present
 - been notified by publication
 - not been served with summons but service is not required because:

 - iii. The father of the minor has
 - been served with summons
 - not been served with summons but is present
 - been notified by publication

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not been served with summons but service is not required because:

iv. The responsible relative/guardian/custodian of the minor has

- been served with summons
- not been served with summons but is present
- been notified by publication
- not been served with summons but service is not required because:

v. A diligent search has been conducted but _____ cannot be found.

c. Those respondents who have been served with summons or by publication and have not entered an appearance are in default.

d. The guardian *ad litem* has had personal contact with the minor and with the foster parents or care caregivers of the minor or such contact has been excused [705 ILCS 405/2-17(8)].

The minor is not abused, neglected, or dependent based on the following facts:

f. Findings of abuse, neglect or dependency are reserved pursuant to 705 ILCS 405/2-20.

- The minor is abused or neglected as defined by 705 ILCS 405/2-3 in that the minor:
 - suffers from a lack of support, education, remedial care as defined by 705 ILCS 405/2-3(1)(a)
 - is in an environment that is *injurious* to the welfare of the minor as defined by 705 ILCS 405/2-3 (1) (b)
 - as a newborn was exposed to illicit drugs as defined by 705 ILCS 405/2-3 (1) (c)
 - is under 14 years of age and unsupervised for an unreasonable period of time as defined by 705 ILCS 405/2-3 (1) (d)
 - is physically abused as defined by 705 ILCS 405/2-3 (2) (i)
 - is in substantial risk of physically abuse as defined by 705 ILCS 405/2-3 (2) (ii)
 - is sexually abused as defined by 705 ILCS 405/2-3 (2) (iii)
 - has been tortured as defined by 705 ILCS 405/2-3 (2) (iv)
 - has been the subject of excessive corporal punishment as defined by 705 ILCS 405/2-3 (2) (v)

This finding is based on the following facts: _____

h. The abuse or neglect

- was not inflicted by a parent, guardian or legal custodian
- was inflicted by:
 - a parent or parents, specifically _____
 - a guardian specifically _____
 - a legal custodian specifically _____
 - _____ who is _____

- The minor is dependent as defined by 705 ILCS 405/2-4 in that the minor:
 - is without a parent, guardian or legal custodian as defined by 705 ILCS 405/2-4 (1) (a)

- is without proper care because of the physical or mental disability of a parent, guardian or legal custodian as defined by 705 ILCS 405/2-4 (1) (b)
- is without necessary and proper medical or remedial care through no fault, neglect or lack of concern of a parent, guardian or legal custodian as defined by 705 ILCS 405/2-4 (1) (c)
- has a parent, guardian or legal custodian who with good cause wishes to be relieved of all residual parental rights and responsibilities as defined by 705 ILCS 405/2-4 (1) (d)

This finding is based on the following facts: _____

j. If the minor remains placed outside the home, it is because it is contrary to the health, welfare and safety of the minor to remain in the home, and reasonable efforts have been offered or engaged in by the responsible agency.

THEREFORE, it is the ORDER of this Court that:

1. The Petition is
 - DISMISSED.
2. The allegations of the petition with respect to the minor have been proved by
 - a preponderance of the evidence
 - clear and convincing evidence
3. The dispositional hearing will be held:
 - instanter*
 - on the _____ at _____
_____ is to send notice.
4. The 30 day requirement of 705 ILCS 405/2-21 (2) is waived by the parties and the waiver is consistent with the health, safety and best interests of the minor.
5. An investigation shall be made and a report prepared by
 - the Illinois Department of Children and Family Services
 - _____
(other agency)
 detailing the physical and mental history of the minor, the family situation and such other relevant information deemed appropriate.
6. The parents and the minor are directed to immediately contact the office of the agency preparing the investigation to make an appointment concerning the report. They are to provide the information requested and execute releases allowing the agency to collect information for the report.
7. The report is to be submitted to the Court and the parties not less than seventy-two (72) hours prior to the dispositional hearing.
8. Terms and conditions concerning the temporary custody of the minor remain as previously set forth in the Temporary Custody Order. (If custody is removed at the adjudicatory hearing, a written temporary custody order must be used.)
9. The parents are admonished that they must cooperate with the Illinois Department of Children and Family Services. The parents must comply with the terms of the service plan

and correct the conditions that require the minor to be in care or they risk termination of their parental rights.

Dated _____

Judge

DISPOSITIONAL ORDER

Paragraph a

This paragraph is intended to assure compliance with 705 ILCS 405/2-22(2) (West 2000) requiring notice to all parties respondent of the dispositional hearing under Supreme Court Rule 11.

Paragraph b

A finding with respect to the health, welfare and safety of the minor and the minors best interest must be made in conjunction with the decision whether or not to make the minor a ward of the court. 705 ILCS 405/2-22(i) (West 2000). If b(i) is used *i.e.* a finding that it is not consistent with the health welfare, and safety of the minor nor in the best interest of the minor to make the minor a ward of the court, the petition must be dismissed and the judge should go directly to paragraph 1 of the ordering portion of the order and paragraph 3 of the same portion of the order. If b(ii) is used, the judge eventually will wish to use the first box of paragraph 3 and page 3 of the order.

Paragraph c

The finding of fitness set forth in i must be made prior to returning custody of minor to a parent whose acts or omissions formed the basis of a finding of neglect, abuse or dependency. 705 ILCS 405/2-23(a) and (b) generally alternative (i) will be utilized with one or both of the first two alternatives under paragraph 4 on page 3 of the order.

Alternative (ii) contains the finding of unfitness, inability or unwillingness contemplated by 705 ILCS 405/2-27(i) (West 2000) and require to precede a placement of custody and guardianship with a person other than a parent or with an agency such as DCFS under 705 ILCS 405/2-27(1)(a), (a-5), (b), (c) or (d). Alternative (ii) also contains the health, safety and best interests determination which must precede removal of custody from a parent under 705 ILCS 404/2-27 (1.5) and under the federal law previously discussed. If alternative (ii) is utilized, the second alternative under paragraph 1 on page 3, the appropriate alternative in paragraph 2, the first alternative in paragraph 3, the third and fourth or third and fifth alternatives in paragraph 4, the third or fourth alternatives in paragraph 5 and paragraphs 6 through 13 on pages 3 and 4 respectively will be utilized.

Paragraph d

See suggestions for the use of paragraph c above.

Paragraph e

See suggestions for the use of paragraph c above.

Paragraph f

The appropriate finding in paragraph f and a specification of the factual basis therefore is required by 705 ILCS 405/2-27 (1.5) (West 2000) if custody is removed from the parents or if custody remains removed from the parents.

Paragraphs g, h, i and j

Consideration of the service plan and permanency goal is required by 705 ILCS 2-22 (i) and 2-23(3) (West 2000).

ORDERING PORTION**Paragraph 1**

If alternative (i) in paragraph b on page 1 is used, the first alternative in this paragraph must be marked and the petition dismissed. If alternative (ii) in paragraph b on page 1 is used, the second alternative here should be used. Additionally, the appropriate alternative or alternatives in paragraph 2 and the first alternative in paragraph 3 must be utilized. The appropriate alternatives in paragraphs 4 and 5 should be marked and paragraphs 10, 11, 12 and 13 utilized.

Paragraph 2

The appropriate box or boxes must be marked if the minor is to be made a ward of the court.

Paragraph 3

Without utilization of the first alternative, the court loses jurisdiction to enter further orders other than dismissing the petition.

Paragraphs 4 and 5

Hopefully these are self-explanatory.

Paragraph 6

This paragraph should be stricken if custody is given or remains with the parents.

Paragraph 7

The paragraph should be utilized in conjunction with the second alternative findings under paragraph c on page 1 and/or paragraph d on page 2 and the fourth or fifth alternatives under paragraph 4 on page 3.

Paragraph 8

This admonition is mandated by 705 ILCS 405/2-23(1)(a)(c) and 2-22(6) (West 2000).

Paragraph 9

The initial permanency hearing must be held within 12 months from the date temporary custody was taken.

NOTE:

The judge may wish to specify in more detail the tasks and services which the court is requiring that the parent completes. If so, the judge may find helpful the supplemental order which follows the permanency order herein.

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY

Case No. _____

In The Interest Of _____

a minor.

Date of hearing: _____

Parties present for hearing:

Assistant State's Attorney: _____

Minor: _____ Attorney for minor: _____

Mother: _____ Attorney for mother: _____

Father: _____ Attorney for father: _____

Relative, Guardian, Custodian: _____

DISPOSITIONAL ORDER

[705 ILCS 405/2-23 - 2/27]

THIS MATTER comes before the Court for hearing on the date noted above with the parties indicated being present. The parties have been advised of the nature of the proceedings as well as their rights and the dispositional alternatives available to the Court. The case is called for dispositional hearing. The Court, having considered the evidence and the report, makes the following FINDINGS:

a. Notice of the hearing has been given to the parties

b7D

- i. It is neither consistent with the health, welfare and safety of the minor nor in the best interest of the minor to make the minor a ward of the Court
- ii. It is consistent with the health, welfare and safety of the minor and in the best interest of the minor to make the minor a ward of the Court

b7D

The mother is:

- i. fit, able and willing to care for, protect, train, educate, supervise or discipline the minor and she will not endanger the health, safety or well-being of the minor.
- ii. for reasons other than financial circumstances alone,

- unfit
- unable
- unwilling

to care for, protect, train, educate, supervise or discipline the minor and placement with her is contrary to the health, safety, and best interests of the minor, because

iii. deceased

6.31

The father is:

- i. ~~fit, able and willing~~ to care for, protect, train, educate, supervise or discipline the minor and he will not endanger the health, safety or well-being of the minor.
- ii. ~~for reasons other than financial circumstances alone,~~
 - ~~unfit~~
 - ~~unable~~
 - ~~unwilling~~~~to care for, protect, train, educate, supervise or discipline the minor and placement with him is contrary to the health, safety and best interests of the minor, because~~

- iii. deceased

6.32

The responsible relative/guardian/custodian of the minor is:

- i. ~~fit, able and willing~~ to care for, protect, train, educate, supervise or discipline the minor and he/she will not endanger the health, safety or well-being of the minor.
- ii. ~~for reasons other than financial circumstances alone,~~
 - ~~unfit~~
 - ~~unable~~
 - ~~unwilling~~~~to care for, protect, train, educate, supervise or discipline the minor and placement with him/her is contrary to the health, safety and best interests of the minor, because~~

- iii. deceased

6.33

Reasonable efforts and appropriate services aimed at family reunification

- have been made to keep the minor in the home and the health, welfare and safety of the minor is not compromised by leaving the minor in the home
- have been made to keep the minor in the home but they have not eliminated the necessity for removal of the minor from the home and leaving the minor in the home is contrary to the health, welfare and safety of the minor
- cannot prevent or eliminate the necessity for removal of the minor from the home at this time and leaving the minor in the home is contrary to the health, welfare and safety of the minor
- have not been made to prevent or eliminate the need for removal of the minor from the home

This finding is based on the consideration of the Court of the necessity, success, failure and general effect of appropriate services aimed at family preservation or reunification in the best interest of the minor. The following facts form the basis for this finding:

7.31

The service plan

- is appropriate
 - is not appropriate for the following reasons: _____
-
-

7.32

The services which have been delivered and are to be delivered

- are appropriate

are not appropriate for the following reasons: _____

The permanency goal

is appropriate
 is not appropriate for the following reasons: _____

j. The Illinois Department of Children and Family Services _____ is to:
(other agency)

- i. develop a permanency goal in conformity with this Order
- ii. develop and implement a new service plan in conformity with this Order
- iii. make changes to the service plan in conformity with this order

THEREFORE, it is in the best interest of the minor that the Court ORDERS that:

1. The Petition is
 DISMISSED
 GRANTED

2. The minor is adjudicated:
 neglected
 abused
 dependent

3. The minor is
 made a ward of the Court
 not made a ward of the Court

4. Custody of the minor is placed with:
 Mother
 Father
 The parents are ordered to cooperate with the Illinois Department of Children and Family Services. Specifically, they are to comply with the terms of the after care plan or risk loss of custody and possible termination of their parental rights
 The Guardianship Administrator of the Illinois Department of Children and Family Services with the right to place the minor

{Other}

5. Guardianship of the minor:
 Remains with the respondent mother
 Remains with the respondent father
 is placed with the Guardianship Administrator of the Illinois Department of Children and Family Services

{Other}

6. Custody of the minor is not to be returned to the parents without an Order of this Court after further hearing

7. Visitation

- There is to be no visitation with the minor until further Order of the Court
- Supervised visitation with the supervision to be monitored by
 - the Illinois Department of Children and Family Services or its designee
 - _____
- Unsupervised visitation
- The guardian is authorized to approve unsupervised visitation not to exceed _____ in the guardian's discretion.
- There is no requirement that the agency provide transportation for the purpose of visitation.
- The agency is to provide transportation for the purpose of visitation.

Visitation is to be arranged in such a manner so as not to disrupt the foster placement or place unreasonable demands on personnel of the agency providing or monitoring the visitation.

8. The parents are admonished that they must cooperate with the Illinois Department of Children and Family Services. The parents must comply with the terms of the service plan and correct the conditions that require the minor to be in care or they risk termination of their parental rights.

9. The permanency hearing is set for _____ at _____ is to send notice. The Department of Children and Family Services shall provide a copy of the most recent service plan at least 14 days prior to the hearing and shall provide a report to the Court, CASA, all parties and counsel containing the information specified in 720 ILCS 405/2-28 (2) (i & ii) at least 72 hours before the permanency hearing.

10. The Department of Children and Family Services is the only agency accountable to the Court for the full and complete implementation of this Order and is the only agency with full knowledge of the services available. The Guardianship Administrator is ordered to personally appear, or by assigned caseworker, at the permanency hearing with the minor unless the presence of the minor is specifically excused by the Court prior to said hearing. This requirement may not be delegated to another agency.

11. Appeal rights are given.

Entered _____

Judge

PERMANENCY ORDER**Paragraph a**

This finding is required by 705 ILCS 405/2-28(2) (West 2000). The same statutory provision requires that the court indicate in writing the reasons the goal was selected.

Paragraphs b and c

A finding as to the reasonableness of the progress and efforts of the parents is required by 705 ILCS 405/2-28(2)(iii) and (3) as is the reduction of the finding to writing together with the reasons for the finding. 705 ILCS 405/2-28(2)(B-1) (West 2000). In the event that the court finds that a parent has not made reasonable efforts and progress, the next hearing designated in paragraph 10 on page 4 must be a status hearing to be held not less than nine nor more than eleven months after the adjudication.

Paragraph d

A finding as provided for in this paragraph is required by 705 ILCS 405/2-28(2) and (3)(b)(ii) (West 2000). If the court utilizes the second alternative *i.e.* that the services contained in the plan are not appropriate and reasonably calculated to facilitate achievement of the permanency goal, the court must also utilize paragraph 2 on page 4 of this order.

Paragraph e

This finding is required by 705 ILCS 405/2-28(2)(ii) and (3)(b)(ii) (West 2000):

Paragraph f

This finding is required by 705 ILCS 405/2-28 (2) (iv) (West 2000).

Paragraph g

A finding as set forth in the first alternative must precede a return of custody to a parent. 705 ILCS 405/2-28(1) (West 2000). If custody is to continue removed from a parent, a finding as provided in the second, third or fourth alternative must be made under 705 ILCS 405/228(3)(b)(iii) (West 2000) and by the federal law discussed earlier.

Paragraph h

A finding as to the reasonableness of DCFS efforts is mandated by 705 ILCS 405/2-28(2)(iii) and (3)(b)(ii)(A) and (B) (West 2000) and by the federal law discussed earlier.

Paragraph i

This paragraph allows for situations in which the court wishes to enter orders such as those contained in the Supplemental Order provided herewith or other order not provided for in this form order.

Paragraph j

Before custody may be returned to a parent, this finding must be made and must be supported by the evidence adduced. 705 ILCS 405/2-28(1) and (4)(b) (West 2000). It should be noted that if the court is returning custody to a parent, the first alternative under paragraph g should have been selected and the first alternative in paragraph 5 on page 4 will be utilized.

Paragraph k

The finding is provided for in 705 ILCS 405/2-28(2) (West 2000). If this finding is made, no further permanency hearing need be set. Obviously, this finding may be made only if the permanency goal of "private guardianship" is chosen in paragraphs a (page 1) and the second alternative in paragraphs 5 and 6 (page 4) is utilized.

Page 4**Paragraph 2**

Paragraph 2 must be utilized if the court, in paragraph d on page 2, finds that the services contained in the service plan are not appropriate and reasonably calculated to facilitate the achievement of the permanency goal. 705 ILCS 405/2-28(2) (West 2000).

Paragraph 4

This should be utilized if the "Supplemental Order" attached hereto or other additional orders are entered beyond those contained in this form order.

Paragraph 5

If the first alternative is chosen, the first alternative in paragraph g on page 3 and paragraph j on page 3 must be utilized with respect to the parent or parents in whom custody is being placed.

Paragraph 6

See paragraph 5 above.

Paragraph 7

It may be necessary to strike or modify paragraph 7 if custody or guardianship is being changed.

Paragraph 8

This expresses the mandate contained in 705 ILCS 405/2-28(2) (West 2000).

Paragraph 9

This admonition is required by 705 ILCS 405/2-28(4) (West 2000).

Paragraph 10

If the court has made either of the findings set forth as the third or fourth alternatives in paragraphs b and c on page 2, the court must set a status hearing not less than nine (9) months nor more than eleven (11) months from the adjudication to review the progress of the parent who was the subject of the unfavorable finding.

Paragraph 11

If the court selected a permanency goal of return home set forth in any of the first three alternatives in paragraph a on page 1, the next hearing will be a permanency hearing and *must be held within the next six months.*

If the fourth permanency goal contained in paragraph a on page 1 is selected, the next hearing will be a termination hearing or a case management conference in preparation for the termination hearing.

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY

Case No. _____

In The Interest Of

a minor.

Date of hearing: _____

Parties present for hearing:

Assistant State's Attorney: _____

Minor: _____ Attorney for minor: _____

Mother: _____ Attorney for mother: _____

Father: _____ Attorney for father: _____

Relative, Guardian, Custodian: _____

PERMANENCY ORDER

[705 ILCS 405/2-28]

THIS MATTER comes before the Court for hearing on the date noted above with the parties indicated being present. The case is called for permanency hearing and the Court has considered:

- ~~the service plan;~~ stipulation of the parties;
- the report; testimony of witnesses;

as well as all admitted evidence; statutory factors; the appropriateness of the permanency goal; whether the recommended services have been provided; whether reasonable efforts have been made by all parties to achieve the goal; whether the plan has been successful; and whether the goal has been achieved.

The Court FINDS:

The appropriate permanency goal is:

- Return home within five (5) months, which is to be achieved by _____
- Return home within twelve (12) months, where the progress of the parent is substantial, giving particular consideration to the age and individual needs of the minor.
- Return home pending status hearing.
- Substitute care pending determination of termination of parental rights
- Adoption
- Private guardianship

- Substitute care pending independence
- Substitute care due to developmental disabilities or mental illness, or because the minor is a danger to self or others

~~The above goal was selected and the other goals were ruled out because:~~

b. As to the mother:

- The mother has made reasonable and substantial progress toward returning the minor home.
- The mother has made reasonable efforts toward returning the minor home.
- The mother has not made reasonable and substantial progress toward returning the minor home.
- The mother has not made reasonable efforts toward returning the minor home.

If the mother has not made substantial progress toward returning the minor home. The mother and the Department of Children and Family Services must take the following actions to justify a finding of reasonable efforts and progress:

A status hearing is set for _____ at _____ to review the progress of the mother, said hearing being between 9 and 11 months from the date of adjudication.

c. As to the father:

- The father has made reasonable and substantial progress toward returning the minor home.
- The father has made reasonable efforts toward returning the minor home.
- The father has not made reasonable and substantial progress toward returning the minor home.
- The father has not made reasonable efforts toward returning the minor home.

If the father has not made substantial progress toward returning the minor home. The father and the Department of Children and Family Services must take the following actions to justify a finding of reasonable efforts and progress:

A status hearing is set for _____ at _____ to review the progress of the father, said hearing being between 9 and 11 months from the date of adjudication.

d. The services contained in the service plan are:

- appropriate and reasonably calculated
- not appropriate and reasonably calculated

to facilitate the achievement of the permanency goal because: _____

e. The services required by the Court and by the service plan:

- have been provided

have **not** been provided because: _____

f. The goal selected:

has been achieved
 has **not** been achieved because: _____

g. Placement of the minor outside the home

- is **not necessary and appropriate** to the plan and the goal recognizing the right of the minor to the least restrictive setting available consistent with the health, welfare and safety of the minor as well as the best interest and special needs of the minor.
- is **necessary and appropriate** to the plan and the goal recognizing the right of the minor to the least restrictive setting available consistent with the health, welfare and safety of the minor as well as the best interest and special needs of the minor. The parents remain unfit, unable or unwilling to care for, protect, train and discipline the minor for reasons other than financial reasons alone and placement in the home is contrary to the health, welfare and safety of the child.
- is necessary because **reasonable efforts** toward a permanency plan have been offered or engaged in but it is contrary to the **health, welfare and safety of the minor** to be placed in the home.
- is necessary because it is contrary to the **health, welfare and safety of the minor** to remain in the home even though **reasonable efforts** toward a permanency plan have **not** been offered or engaged in.

h. The Department of Children and Family Services

- has made **reasonable efforts**
- has **not** made reasonable efforts

in providing services to facilitate achievement of the permanency goal

i. Additional Orders

- are necessary
- are **not** necessary

j. It is in the best interest of the minor to **restore custody** to the parent(s)/guardian/legal custodian because the minor can be cared for at home without endangering the **health, welfare and safety of the minor** and the parent(s)/guardian/legal custodian is now **fit, able and willing** to care for, protect, train and discipline the minor

k. The minor has been placed in the guardianship of a suitable person and this is a stable, permanent placement. Further monitoring by the Court will not further the health, safety or best interest of the minor

THEREFORE, it is the **ORDER** of this Court that:

1. The permanency goal is established to be the goal set forth in the findings of this Order

2. The Department of Children and Family Services _____
(other agency)

SUPPLEMENTAL ORDER

The supplemental order may be utilized in conjunction with any hearing at which the judge wishes to provide detailed guidance as to the services which the judge expects D.C.F.S. to provide and the steps which the judge will require the parents to accomplish. Hopefully, affording this detail will:

1. Avoid misunderstanding as to the court's expectation and requirements.
2. Avoid wasted time with disputes between the parents and caseworkers as to what the judge is requiring of the parents.
3. Provide a convenient record for successor caseworkers, attorneys and judges who may join the case at a later time.
4. Provide a clear and convenient guide against which to measure later parental efforts and progress.

2002 REPORT

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY

Case No. _____

In The Interest Of

a minor.

Date of hearing: _____

Parties present for hearing:

Assistant State's Attorney: _____

Minor: _____ Attorney for minor: _____

Mother: _____ Attorney for mother: _____

Father: _____ Attorney for father: _____

Relative, Guardian, Custodian: _____

SUPPLEMENTAL ORDER

THIS ORDER is entered to supplement the Temporary Custody Order Adjudicatory Order
 Dispositional Order _____ previously entered in this matter.

IT IS THE ORDER of this Court that:

VISITATION

1. The parents establish and maintain a regular course of visitation with the minor(s), attending each visit scheduled with the minor(s) unless such attendance is impossible.

a. All contact by the:

mother(s) _____

father(s) _____

is to be directly and immediately supervised by:

the Department of Children and Family Services

a responsible agency designated by the Department of Children and Family Services

by a responsible individual designated by the Department of Children and Family Services

The parents are not to have nor attempt to have contact of any kind with the minor(s) that is not so supervised.

- b. Visitation may be unsupervised up to _____ hours in every _____ day period. However, the parents are not to attempt to have any contact with the minor(s) which is not authorized by the Department of Children and Family Services or its designee
 - c. Visitation may be supervised or unsupervised as determined by the Department of Children and Family Services.
 - d. During visitation with the minor(s), the mother(s) father(s) is(are) to allow no contact of any kind by _____ with the minor(s).
2. Immediately notify the Department of Children and Family Services _____ of any transportation or scheduling problems which interfere with the ability of the parent to attend visits, services or employment.

EVALUATIONS

3. Within the next 60 days,
- mother(s) _____
 - father(s) _____
 - minor(s) _____
- is (are) to cooperate fully and truthfully with and complete:
- psychological evaluation
 - psychiatric evaluation
 - alcohol/drug usage evaluation
- to be conducted by an agency or individual designated by the Department of Children and Family Services _____ and is(are) to immediately undertake, engage in, and successfully complete any course of counseling, education or treatment recommended as a result of such evaluation(s). Written proof of such completion is to be provided to the Department of Children and Family Services _____.

COUNSELING AND COUNTERMEASURES

4. The mother(s) _____
- The father(s) _____
- The minor(s) _____
- Other(s) _____
- is(are) to successfully complete any course of counseling including marital, couples', individual and family counseling and any course of education including one addressing domestic violence and sexual abuse recommended by the Department of Children and Family Services or an individual or agency designated by the Department of Children and Family Services. Written proof of such completion is to be provided to the Department of Children and Family Services _____.

- 5. The mother(s) _____
- The father(s) _____
- The minor(s) _____
- Other(s) _____

is(are) to cooperate completely with any course of therapy, counseling, and treatment recommended by a physician, dentist, optometrist, ophthalmologist, psychologist, caseworker or counselor designated by the Department of Children and Family Services _____ for the minor(s).

- 6. The mother(s) _____
- The father(s) _____
- The minor(s) _____
- Other(s) _____

is(are) to refrain completely from the use of all mood or mind altering substances including alcohol, cannabis, and controlled substances with the exception of medication prescribed by a licensed physician and then only in such dosages as prescribed. Said persons) is(are) to submit to testing of blood, breath, and urine upon request by the Department of Children and Family Services _____ and unless financially unable, is(are) to pay the costs of such testing.

- 7. The mother(s) _____
- The father(s) _____
- The minor(s) _____
- Other(s) _____

is(are) to sign all authorizations for release of information requested by the Department of Children and Family Services _____ C.A.S.A. to monitor and evaluate her/his/their compliance with this Order, her/his/their progress, and his/her/their future needs and those of the minor(s).

- 8. The mother(s) _____
- The father(s) _____
- The minor(s) _____
- Other(s) _____

is(are) to cooperate fully with any placement to which he/she/they is(are) directed by the Department of Children and Family Services. He/She/They is(are) to remain at such placement and is(are) not to leave such placement for any time period without proper permission. He/She/They is(are) to obey all the rule and regulations of such placement.

PARENTING SKILLS

- 9. The mother(s) _____
- The father(s) _____
- Other(s) _____

is(are) to successfully complete any course of parenting education and instruction recommended by the Department of Children and Family Services _____.

including individual parenting instruction and provide written proof of completion to the Department of Children and Family Services _____.

- 10. The mother(s) _____
- The father(s) _____
- Other(s) _____

is(are) to demonstrate appropriate parenting skills including supervision, limit setting, discipline and interaction with the minor(s) at all times

- 11. The mother(s) _____
- The father(s) _____
- Others(s) _____

is(are) to refrain completely from the use of corporal punishment.

- 12. The mother(s) _____
- The father(s) _____
- Others(s) _____

is(are) to arrange immediately appropriate child-care and babysitting services according to a written plan with a qualified person or persons approved by the Department of Children and Family Services _____.

- 13. The guardian custodian is to notify the
- the mother(s) _____
- the father(s) _____

of every medical and dental appointment, school conference and staffing for the minor(s) and said parents(s) is(are) to attend each said appointment, conference and staffing unless such attendance is actually impossible.

- 14. The mother(s) _____
- The father(s) _____
- The minor(s) _____
- Other(s) _____

is(are) to allow representatives of the Department of Children and Family Services _____ C.A.S.A. access to his/her/their home(s) for inspection of the same upon request.

- 15. The mother(s) _____
- The father(s) _____
- The minor(s) _____
- Other(s) _____

is(are) to refrain completely from making critical or derogatory comments concerning other parents, step-parents, foster parents, the caseworker, counselors, or other service providers in the presence of the minor(s).

- 16. The mother(s) _____
- The father(s) _____
- The minor(s) _____
- Other(s) _____

is(are) to refrain from threatening, verbally abusing, directing obscene, racial, ethnic, or threatening language at any employee, representative or individual acting at the direction or request of the Department of Children and Family Services _____.

- 17. The mother(s) _____
- The father(s) _____
- The minor(s) _____
- Other(s) _____

is to arrange the necessary referrals, evaluations, drug/alcohol testing and all other services necessary to enable the parent(s) to fulfill the requirements of this Order and to correct the conditions which caused the removal of the minor(s) from the custody of the parent(s).

HEALTH AND HYGIENE

- 18. The mother(s) _____
- The father(s) _____

is(are) to plan a regular program of medical and, if appropriate, dental and optical examination and treatment for the respondent minor(s) including health maintenance, as well as, diagnosis and treatment of illness and injury. Said parent(s) is(are) to supply the plan in writing to the Department of Children and Family Services _____ within 30 days of the entry of this Order and prove compliance and update of the same every 90 days thereafter.

HOME ENVIRONMENT

- 19. The mother(s) _____
- The father(s) _____
- Other(s) _____

is(are) to establish and maintain an appropriate, clean, healthy, and stable residences.

- 20. The mother(s) _____
- The father(s) _____

is(are) to refrain from changing their place of residence without giving at least 14 days prior notice to the Department of Children and Family Services _____.

- 21. The mother(s) _____
- The father(s) _____

is(are) to immediately inform the Department of Children and Family Services _____
 _____ of any change in the number or identity of any of the persons residing
 or staying at their residence for more than 24 hours.

- 22. The mother(s) _____
- The father(s) _____

shall not permit any more than _____ persons in the home while the minor(s) is(are) present.
 shall not have any overnight guests while the minor(s) is(are) present.

- 23. The mother(s) _____
- The father(s) _____

are to cooperate with any budgeting counseling and assistance recommended by the Department of Children
 and Family Services _____.

GENERAL REQUIREMENTS

- 24. The mother(s) _____
- The father(s) _____
- Other(s) _____
- The minor(s) _____

is(are) to attend each appointment or meeting scheduled by the Department of Children and Family Services
 _____, with a caseworker, family aid specialists, agent,
 employee, or other person designated by the Department of Children and Family Services
 _____ unless such attendance is actually impossible.

- 25. The mother(s) _____
- The father(s) _____
- Other(s) _____

is(are) to make all reasonable efforts to obtain and maintain full-time or other appropriate employment and
 is(are) to notify the Department of Children and Family Services _____
 immediately of any change of employment.

- 26. The mother(s) _____
- The father(s) _____
- The minor(s) _____
- Other(s) _____

is(are) to make all reasonable efforts to obtain a high school diploma, G.E.D., or other high school diploma
 equivalent.

- 27. The mother(s) _____
- The father(s) _____
- The minor(s) _____
- Other(s) _____

is(are) to pursue and successfully complete any course of vocational or employment related education, counseling, and training recommended by the Department of Children and Family Services
 _____.

- 28. The mother(s) _____
- The father(s) _____
- The minor(s) _____
- Other(s) _____

is(are) to attend the school or educational program in which he/she/they is(are) enrolled each and every day that such school or program is in session and is(are) to attend each class to which he/she/they is(are) assigned. He/She/They is(are) not to be absent or tardy without being properly excused. He/She/They is(are) to obey all rules and regulations of the school or educational program in which he/she/they is(are) enrolled.

- 29. The mother(s) _____
- The father(s) _____
- The minor(s) _____
- Other(s) _____

are to refrain from all criminal activity.

- 30. The mother(s) _____
- The father(s) _____
- The minor(s) _____
- Other(s) _____

is(are) to comply with and successfully complete probation parole supervised release.

- 31. The mother(s) _____
- The father(s) _____
- The minor(s) _____
- Other(s) _____

is(are) to obtain release from incarceration at the earliest date legally possible.

Dated _____

Judge

2002 REPORT

**ANNUAL REPORT OF THE
STUDY COMMITTEE ON COMPLEX LITIGATION
TO THE ILLINOIS JUDICIAL CONFERENCE**

Honorable Clyde L. Kuehn, Chairperson

Honorable Robert L. Carter

Honorable Mary Ellen Coghlan

Honorable Edward C. Ferguson

Honorable Richard P. Goldenhersh

Honorable Herman S. Haase

Honorable Dorothy Kirie Kinnaird

Honorable Gerald R. Kinney

Honorable Stuart A. Nudelman

Honorable Dennis J. Porter

William R. Quinlan, Advisor

Honorable Ellis E. Reid

Honorable Stephen A. Schiller

Mr. Mark C. Weber, Professor-Reporter

October 2002

I. STATEMENT ON COMMITTEE CONTINUATION

The mission of the Study Committee on Complex Litigation is to study, make recommendations on, and disseminate information regarding successful practices for managing complex litigation in the Illinois courts. The major work of the Committee has been the completion of the *Illinois Manual for Complex Civil Litigation* and the *Illinois Manual for Complex Criminal Litigation* and the production of annual updates and subject-matter specific-supplements for the manuals.

The annual updates are necessary because of the rapid change in the law and practice regarding civil and criminal complex litigation. The subject-matter supplements are needed because of the ever-expanding range of subjects that judges are encountering in complex cases. The supplements to the civil manual include the topics of civil conspiracy; complex insurance coverage litigation; environmental cases; complex employment, consumer, and antitrust litigation; joint and several liability and contribution; and damages and attorneys' fees. The criminal manual has been supplemented with a new chapter on complex post-conviction review proceedings. The Committee continues to believe that the work of updating and supplementing the manuals contributes to the mission of the Conference. Therefore, the Committee requests that it be continued as a full-standing committee of the Illinois Judicial Conference.

II. SUMMARY OF COMMITTEE ACTIVITIES

1. Civil Manual. During the past Conference year, the Committee updated the *Illinois Manual for Complex Civil Litigation* with a twelve-page cumulative list of manual pages affected by recent developments. The Committee also drafted new chapters on joint and several liability and contribution, and on damages and attorneys' fees.

The civil manual first appeared in 1991; the Committee produced comprehensively revised editions in 1994 and 1997. Over 200 judges have received copies of the manual, and it has been used as the basic text for a judicial seminar on complex litigation. The book covers the many issues that can arise in a complicated civil case, from initial case management through discovery, settlement, trial, and appeal. Chapters address special and recurring problems of complex cases, including class action proceedings, parallel actions in federal court and the courts of other states, and mass tort litigation. The manual seeks to provide practical advice for handling cases that risk becoming protracted and consuming disproportionate amounts of judicial resources.

The 2002 cumulative update discusses such important cases as the Supreme Court's

decisions in *Donaldson v. Central Ill. Pub. Serv. Co.*, 199 Ill. 2d 63 (2002), regarding expert testimony; *Bishop v. Burgard*, 198 Ill. 2d 495 (2002), regarding common-fund attorneys' fees; and *First Nat'l Bank v. Guerine*, 198 Ill. 2d 511 (2002), regarding forum non conveniens doctrine. It alerts judges to continuing development of the law at the appellate level on such topics as jurisdiction in class action cases and large-scale nuisance liability.

The new chapter on joint and several liability and contribution addresses questions of interpretation of the statutes relating to apportionment of fault among parties and potential third-party defendants. It discusses jury instructions and suggests that holding a preliminary instructions conference early in the trial proceedings may be beneficial in minimizing disputes over the interpretation of the apportionment law. It also takes up the topic of good faith settlements, discussing their impact on contribution rights and the resolution of factual disputes bearing on good faith settlement.

The new chapter on damages and attorneys' fees takes up issues regarding the rule of *Moorman Manufacturing v. National Tank Co.*, 91 Ill. 2d 69 (1982); the topic of lost profits damages; and attorneys' fees questions such as federal-law preemption, the operation of the Illinois Attorneys Lien Act, and liability for fees when a client changes attorneys in the course of protracted proceedings.

2. Criminal Manual. This year, the Committee updated the *Illinois Manual for Complex Criminal Litigation* with an eleven-page cumulative list of manual pages affected by recent developments. The Committee also drafted a new chapter on complex post-conviction review matters. The first edition of the criminal manual appeared in 1997. Its thirteen original chapters cover topics such as identifying complex criminal litigation, handling complex grand jury proceedings, and managing the pretrial, trial, and sentencing phases of complex criminal cases.

The 2002 update to the manual discusses, among other developments, *People v. Miller*, No. 91241 (Ill. May 23, 2002), regarding per se conflict of interest; *People v. Strain*, 194 Ill. 467 (2001), regarding the scope of voir dire; the interpretation of the proportionate-penalties clause in *People v. Walden*, No. 90976 (Ill. Apr. 18, 2002) and *People v. Hill*, No. 91329 (Ill. May 23, 2002); and the resolution of issues related to *Apprendi v. New Jersey*, 530 U.S. 466 (2000), in *People v. Hopkins*, No. 91938 (Ill. June 6, 2002), *People v. Jackson*, No. 91359 (Ill. Apr. 18, 2002), and *Hill v. Cowan*, No. 90229 (Ill. Apr. 18, 2002).

The criminal manual's new chapter on complex post-conviction review matters discusses management of the flow of post-conviction review petitions; issues specific to the Post-Conviction

Hearing Act, such as waiver, res judicata, and evidentiary hearings; and issues relating to 735 ILCS 5/2-1401, the Habeas Corpus Act, and other avenues of post-conviction review. The chapter also discusses discovery in post-conviction proceedings and the duties of attorneys in the proceedings.

Hon. Clyde L. Kuehn has served as chair of the Committee since January 14, 2002.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During the next Conference year, the Committee plans to monitor and evaluate caselaw, rule changes, and legislation, and to draft updates and supplements to keep the *Illinois Manual for Complex Civil Litigation* and the *Illinois Manual for Complex Criminal Litigation* current. The Committee has under discussion the possibility of a general revision of the criminal manual in light of case law and practice developments that have occurred since 1997.

The Committee anticipates that the manuals and updates will be available on CD-ROM in Fall 2002.

IV. RECOMMENDATIONS

The Committee is making no recommendations to the Conference at this time.

**ANNUAL REPORT OF THE
AUTOMATION AND TECHNOLOGY COMMITTEE
TO THE ILLINOIS JUDICIAL CONFERENCE**

Honorable Grant S. Wegner, Chairperson

Honorable Robert E. Byrne
Honorable James K. Donovan
Honorable Charles H. Frank
Honorable R. Peter Grometer

Honorable Robert J. Hillebrand
Honorable Thomas H. Sutton
Honorable Edna Turkington
Honorable David A. Youck

October 2002

I. STATEMENT ON COMMITTEE CONTINUATION

The Automation and Technology Committee (“Committee”) of the Illinois Judicial Conference is charged with evaluating, monitoring, coordinating and making recommendations concerning automated systems for the Illinois judiciary. This is a formidable undertaking, given the variety of technological applications available to the courts. Technology affects, or has the potential to affect, nearly every operational and administrative judicial function. New and improved applications and devices are introduced regularly, each promising to bestow greater efficiency upon the judicial system and lower operating costs. Technology choices, moreover, must be made carefully, guided by thorough evaluation before resources are committed. The Committee occupies a unique position in this regard.

Since its inception the Committee has reviewed automation-related work being done by other judicial branch committees and justice agencies; surveyed Illinois judges’ use of computers and other automated systems; evaluated a number of software applications; assisted in the development of a computer education program for judges; developed a web page concept for the Illinois judiciary, which was approved by the Judicial Conference and Supreme Court for implementation; distributed a computer security brief at the Education Conference 2002; and pursued a variety of other activities in fulfillment of its charge. Much remains to be accomplished. Accordingly, the Committee respectfully requests that it be continued.

II. SUMMARY OF COMMITTEE ACTIVITIES

During the 2002 Conference year, this Committee continued its efforts to provide computer security information to the Illinois judiciary. Toward that effort, the Committee developed and disseminated a computer security brief at the two sessions of the Education Conference 2002 which was held in February and March 2002. The brief was kept to a one page document containing eight bullets on computer security that was printed on stiff colored paper. The eight items were part of the draft model policy developed by the Committee during the 2001 Conference year. A stiff paper was selected to provide longevity and durability in hopes that the brief would be displayed at or near the judges’ computer workstation. The brief also included a “plug” for the Supreme Court of Illinois’ web page URL that debuted in April 2001 and contains numerous judicial links that can be of assistance to the Illinois judiciary. A copy of the brief is attached to this report as Appendix 1.

The Subcommittee on Computer Security continued to work on a model policy or list of components to be included in a policy on computer security guidelines and computer usage for judges. Their effort was expanded to include Internet access and email. Copies of existing circuit rules, policies, and on Internet access and email were requested from the chief circuit judges. The 16th, 18th, and 19th circuits provided a copy of their rules and policies for the subcommittee to review. A copy of the rules and policies are provided in Appendix 2.

The New Technologies Committee exchanged documents regarding new technologies between its members and the full committee. These documents covered such topics as: legal research, electronic filing, laptops and personal digital assistants (PDA) devices usage, a concept for a cyber jury café, wireless technology concepts, e-learning and e-book usages, data warehousing, etc. In addition to the new technologies reviewed, the subcommittee reviewed a book entitled, "Effective Use of Courtroom Technology, *A Judge's Guide to Pretrial and Trial.*"

In particular, the subcommittee thought the book presented court technologies in a format that was easy to read and understand by a novice to technology. It explained in simple terms what considerations the court should give some of the new technologies parties are requesting to use in the courtrooms, such as electronic exhibits, video demonstrations, computer simulations, etc. It identified the need for the Court to assure equal use of technology by all parties. Some technologies are expensive and, therefore, not available to all parties, equally.

After review, consideration was given to a cost-effective method of providing it to all judges. That issue was quickly resolved when the subcommittee learned the book was available through the Administrative Office's (AOIC) Resource Lending Library. The subcommittee recommends the book to all judges and court administrators facing management issues on these technologies. The AOIC reference number for the book is 01-PB-064.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During the 2003 Conference year, the Committee will continue its work to develop model policy or list of components to be included in a policy on computer security guidelines and computer usage for judges, continue to evaluate existing and emerging technologies and legislation affecting court technology, work with the AOIC in the development of electronic filing and a statewide judicial information system or Intranet.

The members of the Committee look forward to the coming Conference year and appreciate the opportunity to be of service to the Supreme Court and the judicial branch.

IV. RECOMMENDATIONS

The Committee is making no recommendations to the Conference at this time.

2002 REPORT

2002 REPORT

APPENDIX 1

A COMPUTER SECURITY BRIEF

Computer security continues to be a top issue for today's judiciary, as well as other branches of government. The Automation and Technology Committee of the Illinois Judicial Conference offers the following brief guidelines for judges to consider.

- **Reason For Using The Computer:** The judge's computer should only be used for functions relating to performance within their judicial capacity.
- **Internet Policy (including e-mail):** An Internet Access Policy should be created within each county/circuit and the policy should be approved and signed by each judge.
- **Anti Virus:** Virus protection software should be installed and updated on a regular maintenance schedule. All computer files should be scanned weekly for viruses. Any files or information downloaded from the Internet or uploaded from CD's, discs or other media should be scanned prior to opening.
- **Passwords:** Password protection of information is a critical security measure. Passwords must be kept secret, should consist of at least six alphanumeric characters, and be changed every 30 days. Personal associations and words found in dictionaries should be avoided. Passwords should not be written down and posted near the work area.
- **Backup:** Backup files should be created for data files to protect against power failures, hardware failures, and diskette problems.
- **Copyright Infringement:** Awareness of the potential for copyright infringement is essential. Routine transmission of words, pictures, music, or computer software over computer networks can be a violation of the copyright infringement laws.
- **E-mail:** Before transmitting sensitive material, Email addresses should be verified. Email messages travel from server to server and sophisticated computer hackers can intercept, read, and alter messages. There is no right to privacy regarding e-mail. All correspondence should be considered to be "public."
- **Firewall:** There should be an awareness that accesses to the Internet may be limited by the use of a filter or firewall. The limits established by the firewall are generally determined by the governmental entity providing the computer equipment.

The Automation and Technology Committee highly recommends that all judges review the Supreme Court's Web Page. It is an excellent Internet site for the Illinois Judiciary, containing Supreme and Appellate Court Opinions, many options for automatically receiving information via Email, and extensive "links" to other judicial and legal research sites. The address is WWW.STATE.IL.US/COURT.

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APPENDIX 2

16th Circuit, Kane County**INTERNET/INTRANET USAGE POLICY**

WHEREAS, the Internet/intranet offers the County new methods of communication and new sources of information that can enhance the County's operating efficiency and effectiveness; and

WHEREAS, the County adopted Resolution 93-293 governing E-Mail usage and that resolution can be applied to Internet E-Mail usage; and

WHEREAS, the County adopted Resolution 97-184 governing Internet usage and that resolution can be applied to intranet usage;

WHEREAS, it is in the best interests of the County to offer its elected officials, department heads, and staffs, guidelines and rules for Internet/intranet usage.

The following Internet/intranet Usage Policy is hereby established and becomes part of the Kane County Personnel Handbook and will be distributed to all elected officials and department heads; further, a signed copy of it becomes a permanent part of an employee's personnel file.

Internet/intranet Usage Policy

1. The County provides Internet/intranet access to employees for their use on County business and usage is limited to this function.
2. The County will not monitor individual Internet/intranet usage as a routine matter. There may be a requirement, however, for an elected official, department head, or supervisor to occasionally review individual Internet/intranet usage in their area of responsibility.
3. Staff that access the Internet/intranet must be aware that the hardware and software employed for the Internet/intranet access has the ability to log all County activity, including linked sites.
4. Nothing in this policy shall prohibit law enforcement officials from examining any Internet/intranet usage in the course of an on-going investigation of criminal activity. The County reserves the right to disclose any Internet/intranet activity to law enforcement officials.
5. Any conduct that violates this policy may result in disciplinary action up to and including dismissal.
6. No one shall receive authorized access to the Internet/intranet until he or she has received, reviewed, and agreed to comply with this policy. Such documentation shall be retained in the respective departments.

 PRINT NAME

 DATE

 SIGNATURE

*18th Judicial Circuit****POLICIES CONCERNING INTERNAL AND EXTERNAL E-MAIL
AND USE OF THE INTERNET***

The Circuit Judges of the 18th Judicial Circuit have decided to obtain and make available to judges and certain non-judicial personnel of the Circuit certain equipment and technology (computer hardware and software) which will enable users to send and receive internal and external E-Mail and also to access the Internet. The Circuit Judges have decided that certain policies and guidelines should be observed in the use of said technology. A glossary of terms is attached hereto and incorporated herein as a guide to various technical terms.

The equipment and technology provided for both E-Mail and Internet access is provided for business and incidental personal use similar to the purposes presently allowed for telephone and facsimile machines. The primary purposes of this equipment is for the exchange of information in a manner more efficient than available by phone or written memorandum and the gathering of information and research for the court all the while reducing the use of paper to handle information.

Users of this technology are reminded that the same good sense required in our daily lives is necessary for the use of E-Mail and the Internet. It would be a violation of this policy for any user to engage in messages that would be offensive or contain remarks which were insensitive because of their content on a racial, gender, age, disability or other basis. While it is not intended that internal or external E-Mail messages will be monitored, any user should be aware that if an offensive communication somehow becomes public that the sender and perhaps the receiver could be held accountable for the contents of said message. Users of the Internet should be cautioned that it is contrary to the policy of the 18th Judicial Circuit for anyone to access or disseminate any material which is illegal or offensive via chat rooms, web sites or bulletin boards.

Internet users should be cautioned that although passwords may be used that there is no presumption of privacy and that one should presume that communication created, sent, received or stored on the Court's communication system could be read by someone other than the intended recipient.

Each user will maintain two separate E-Mail addresses. One will be public and will be published in various correspondence and directories of the 18th Judicial Circuit. Messages sent to judges at their published addresses will be received by the judge's secretary or other designated non-judicial employee prior to being forwarded to the judge. This will prevent unauthorized communications such as *ex parte* messages from reaching the judge. If the attempted communication is a permissible message, the secretary will forward same to the judge either electronically or by printing a hard copy. If the attempted message is an improper communication, the non-judicial employee will inform the sender that the judge will not accept the message. During periods of a judge's absence the E-Mail sent to the published address will be monitored and handled in the same fashion as paper correspondence.

The private E-Mail address will be known only to the user and may be divulged to other persons at the user's discretion. It is intended that mail sent to the private address will go directly to the user and will be seen by no one else. This, however, does not relieve the sender or receiver of responsibility for an improper or prohibited message that through error or technical malfunction becomes published.

Users of E-Mail are cautioned that any E-Mail correspondence should be given the same consideration as paper correspondence as far as copying, dissemination or retention is concerned. Electronic correspondence may be stored on the user's hard drive. It is advisable for each user to examine their hard drive regularly to purge messages that are no longer necessary.

Users of the Internet are advised that there are many nuances to Internet use and that good judgment should be used at all times. There are certain guidelines that are presumed accepted by anyone who uses equipment or software of the 18th Judicial Circuit for Internet communication:

1. Viruses are always a problem on the Internet. Any user who downloads any material from the Internet must scan same with virus detection software before installing or using the material. Any user who becomes aware of any virus, tampering or any other system security breach should report same to the Court Administrator or his designee immediately.
2. It is never permitted to send, receive or download suggestive, offensive or illegal material on the Internet. Should a violation of this policy be detected the person responsible will be held accountable by the Chief Judge's Office.
3. Users should be mindful that the equipment and software provided is for the purpose of conducting the business of the Circuit and that any personal use of same should be of an incidental nature and be consistent with the public standards of the Circuit.
4. Anyone who uses the Internet to purchase merchandise or services of any type should be cautioned about divulging personal credit card information.

All judicial and non-judicial personnel should understand that the use of the Circuit's computers and software is at the discretion of the Chief Judge. Any violation of these guidelines, policies or procedures as stated above may result in revocation of the privilege of using said equipment or other sanctions as stated in the non-judicial employees policy manual.

The various policies and guidelines for the use of equipment and software of the 18th Judicial Circuit for E-Mail and Internet communication may be modified from time to time.

GLOSSARY

- A. *Electronic Mail (E-Mail):*** Electronic mail may include non-interactive communication of text, data, image or voice messages between a sender and designated recipient(s) by systems utilizing telecommunications links. It may also include correspondence transmitted and stored electronically using software facilities called “mail”, facsimile”, “messaging” systems or voice messages transmitted and stored for later retrieval from a computer system.
- B. *Encryption Software:*** Proprietary software that changes information from its native state to an unrecognizable coded state that can only be returned to its native state with special software.
- C. *Internet:*** A worldwide network of networks, connecting informational networks communicating through a common communications language, or “Protocol.”
- D. *Intranet:*** An in-house web site that serves the users of the 18th Judicial Circuit Court. Although intranet pages may link to the Internet, an intranet is not a site accessed by the general public.
- E. *Judicial Personnel:*** Circuit Judges and Associate Judges of the 18th Judicial Circuit Court.
- F. *List Servers:*** An E-Mail discussion group.
- G. *Worldwide Web:*** An Internet client-server distributed information and retrieval system based upon hypertext transfer protocol (http) that transfers hypertext documents that can contain text, graphics, audio, video and other multimedia file types across a varied array of computer systems.
- H. *Non-Judicial Staff:*** Non-judicial employee’s of the 18th Judicial Circuit Court.
- I. *User:*** Judicial personnel, non-judicial staff, volunteers, contractors and consultants.

NINETEENTH JUDICIAL CIRCUIT, LAKE COUNTY ELECTRONIC POLICY AND PROCEDURES

ELECTRONIC COMMUNICATIONS

1. **Introduction/Purpose:** This policy is intended to serve as a guide on the proper use of the Nineteenth Judicial Circuit Court, Lake County ("NJCC") electronic communication systems. This policy covers the use of all forms of electronic communications including but not limited to e-mail, voice mail, fax machines, external electronic bulletin boards, Intranet, and the Internet, and applies to all Users. Users are expected to read, understand and follow the provisions of this policy and will be held responsible for knowing its contents. Use of the NJCC electronic communication system constitutes acceptance of this policy and its requirements.

The NJCC provides electronic mail (e-mail) and/or Internet access to Judicial Personnel and Nonjudicial Staff who need it to perform the functions of their position. The purpose of this document is to communicate to all Judicial Personnel and Nonjudicial Staff their responsibility for acceptable use of the Internet and e-mail (whether sent over the Internet or over the NJCC's own network). Policies and procedures are also outlined for the disclosure and monitoring of the contents of e-mail messages stored in the system when required.

The NJCC's objectives for Judicial Personnel and Nonjudicial Staff to use e-mail and/or the Internet include: 1) exchanging information more efficiently than by telephone or written memorandum; 2) gathering information and performing research for the Court; and 3) reducing the handling of paper copy.

2. **Policy Definitions:** As used in this Policy, the terms listed below shall be defined as follows:

A. Electronic Mail (e-mail): Electronic mail may include non-interactive communication of text, data, image, or voice messages between a sender and designated recipient(s) by systems utilizing telecommunications links. It may also include correspondence transmitted and stored electronically using software facilities called "mail", "facsimile", "messaging" systems or voice messages transmitted and stored for later retrieval from a computer system.

B. Encryption Software: Proprietary software that changes information from its native state to an unrecognizable coded state that can only be returned to its native state with special software.

C. Internet: A worldwide network of networks, connecting informational networks communicating through a common communications language, or "Protocol."

D. Intranet: An in-house web site that serves the Users of the NJCC. Although intranet pages may link to the Internet, an intranet is not a site accessed by the general public.

E. Judicial Personnel: Associate Judges and Circuit Judges of the Nineteenth Judicial Circuit, Lake County.

F. List Servers: An e-mail discussion group.

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G. World Wide Web: An Internet client-server distributed information and retrieval system based upon hypertext transfer protocol (http) that transfers hypertext documents that can contain text, graphics, audio, video, and other multimedia file types across a varied array of computer systems.

H. Nonjudicial Staff: Nonjudicial employee's of the Nineteenth Judicial Circuit, Lake County.

I. User: Judicial Personnel, Nonjudicial Staff, volunteers, contractors, and consultants.

3. **Ownership.** The electronic communications system is the property of the NJCC. All computer equipment, computer hardware, and computer software provided by the NJCC are the property of the NJCC. All communications and information transmitted by, received from, or stored in these systems are the property of the NJCC.
4. **Use of Electronic Communications.** NJCC's electronic communication systems, including e-mail and the Internet, are intended for business use only. Incidental and occasional use of these systems for non-work purposes may be permitted at the discretion of the department head or Chief Judge.

Before using these systems for business or personal use, all Users must understand that any information that is created, sent, received, accessed or stored in these systems will be the property of the NJCC and will not be private. If a User is permitted to use electronic communication systems for non-work purposes, such use shall not violate any section of this policy or interfere with the User's work performance.

Users should use the same care and discretion when writing e-mail and other electronic communications as they would with any formal written communication. Any messages or information sent by Users to other individuals via electronic communication systems such as the Internet or e-mail are statements identifiable and attributable to the NJCC. Consequently, all electronic communications sent by Users, whether business or personal, must be professional and comply with this policy.

5. **Prohibited Communications.** Under no circumstances may any User operate the NJCC's electronic communication systems for creating, possessing, uploading, downloading, accessing, transmitting or distributing material that is illegal, sexually explicit, discriminatory, defamatory or interferes with the productivity of coworkers. Specifically prohibited communications include, but are not limited to, communications that promote or transact the following: illegal activities; outside business interests; malicious use; personal activities (including chat rooms); jokes; political causes; football pools or other sorts of gambling; recreational games; the creation or distribution of chain letters; list servers for non-work purposes; "spams" (mailing to a large number of people that contain unwanted solicitations or information); sexual or any other form of harassment; discrimination on the basis of race, creed, color, gender, religion, or disability; or for solicitations or advertisements for non-work purposes. Users may not engage in any use that violates copyright or trademark laws. Also prohibited is any activity that could negatively impact public trust and confidence in the NJCC or creates the appearance of impropriety.

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Users are also prohibited from posting information, opinions, or comments to Internet discussion groups (for example: news groups, chat, list servers or electronic bulletin boards) without prior authorization from department head or the Chief Judge. Under no circumstances may any User represent their own views as those of the NJCC.

Users may not use e-mail to disclose confidential or sensitive information. Personal information such as the home addresses, phone numbers and social security numbers of Judicial Personnel or Nonjudicial Staff should never be disclosed on the Internet.

6. **No Presumption of Privacy.** Although Users may use passwords to access some electronic communication systems, these communications should not be considered private. Users should always assume that any communications, whether business-related or personal, created, sent, received or stored on the NJCC's electronic communication systems may be read or heard by someone other than the intended recipient.

Users should also recognize that e-mail messages deleted from the system may still be retrieved from the computer's back-up system when requested by authorized personnel. Consequently, messages that were previously deleted may be recreated, printed out, or forwarded to someone else without the User's knowledge.

7. **The NJCC's Right to Monitor Use.** Under authorization of the Chief Judge, the NJCC may monitor, intercept, access, and disclose all information created, sent, received, or stored on its electronic communication systems at any time, with or without notice to the User. The contents of computers, voice mail, e-mail and other electronic communications will be inspected when there are allegations that there have been breaches of confidentiality, security, or violations of this Electronic Communications Policy. These inspections will also be conducted when it is necessary to locate substantive information that is not readily available by less intrusive means.

The contents of the of computers, voice mail, e-mail and other electronic communications may be turned over to the appropriate authority when there are allegations that there have been violations of law.

Before providing access to stored electronic communications such as e-mail messages, written authorization will be required from the Chief Judge. In addition, the NJCC will regularly monitor and maintain a log of the User's Internet access including the type of sites accessed, the name of the server and the time of day that access occurs. The Chief Judge or the Executive Director will have access to this log upon request. The Chief Judge may use information obtained through monitoring as a basis for Nonjudicial Staff discipline.

The Chief Judge may authorize individuals, for investigative purposes, to engage in activities otherwise prohibited by this policy.

8. **Prohibited Activities.** Users may not, without the authorization of the Chief Judge or the Executive Director, upload, download, or otherwise transmit copyrighted, trademarked, or patented material; trade secrets; or confidential, private or proprietary information or materials. Users may not upload, download, or otherwise transmit any illegal information or materials. Users may not use the NJCC's electronic communication systems to gain unauthorized access to remote computers or other systems or to damage, alter, or disrupt such

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computers or systems in any way, nor may Users, without authorization from their department head, use someone else's code or password or disclose anyone's code or password including their own. It is a violation of this policy for Users to intentionally intercept, eavesdrop, record, or alter another person's Internet and e-mail messages. Users may not allow unauthorized individuals to have access to or use the NJCC's electronic communication systems, or otherwise permit any use that would jeopardize the security of the NJCC's electronic communication systems. Also, Users may not post an unauthorized home page or similar web site.

Users may not make unauthorized commitments or promises that might be perceived as binding the NJCC. Users must use their real names when sending e-mail messages or other electronic communications and may not misrepresent, obscure or in any way attempt to subvert the information necessary to identify the actual person responsible for the electronic communication. Sending an e-mail message under a fictitious or false name is a violation of this policy. Likewise, using another Users account or login ID constitutes a violation of this policy.

9. **Passwords.** Each User will maintain a unique password. Users must keep their passwords confidential and must never leave their computers unattended when logged onto the system. Passwords shall be changed whenever a password may have been compromised or revealed or when the computer security system requests a new password.

Directories of User e-mail addresses may not be made available for public access. No visitors, contractors or temporary employees may use NJCC e-mail without prior written authorization from the Chief Judge or the Executive Director.

10. **Internet Usage.** Access to the Internet from any PC connected to the NJCC network is only allowed in accordance with this policy. Alternate methods of Internet access, such as using a modem to access America On-Line, may compromise the NJCC's network security exposing it to potential harm from computer hackers. Requests for exceptions to this rule must be reviewed and approved by the Chief Judge or Executive Director in consultation with the Judicial Information Systems Manager.

Sessions on the Internet are logged automatically in exactly the same way that phone numbers are logged in the phone systems. Do not use the Internet for tasks that you would not want logged.

Web browsers leave "footprints" providing a trail of all site visits. Do not visit any site where you would be reluctant to leave your name and work location. Use appropriate judgment before filling out a form included in a Web page. The form will pass through many interconnecting computers and networks before reaching its destination. Other individuals will be able to eavesdrop on it. Personal or valuable information on the form may not remain confidential. Under no circumstances should you ever put a Social Security number on the Internet.

An Internet message sent from the Court's address constitutes a Court communication. Therefore, it should be composed and structured correctly. Whenever possible, spell-check messages prior to transmission, especially when sending to a non-Court address.

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Sending e-mail from the Court's address can be likened to sending a letter on Court letterhead. Messages may be forwarded to others by the recipient, printed in a location where others may view the message, and/or directed to the wrong recipient. Also, computer forensic experts can often retrieve e-mail previously deleted. An ill-considered remark can return to haunt the sender later.

Be courteous and follow generally accepted standards of etiquette. Protect others' privacy and confidentiality. Consider Court needs before sending, filing, or destroying e-mail messages. Remove personal messages, temporary records, and duplicate copies in a timely manner.

11. **Records Retained.** Certain significant types of e-mail messages or their attached files may be considered records and should be retained if required by the Court's record-retention policies. Examples of messages sent by e-mail that may constitute records include: 1) policies and directives; 2) correspondence or memoranda related to official business; 3) work schedules and assignments; 4) agendas and minutes of meetings; 5) drafts of documents that are circulated for comment or approval; 6) any document that initiates, authorizes, or completes a business transaction; and 7) final reports or recommendations.
12. **Records Disposal.** The content and maintenance of a User's electronic mailbox are the User's responsibility. The content and maintenance of a User's disk storage area are the User's responsibility. Each User should review his/her electronic records for deletion every thirty (30) days. Messages of transitory or little value that are not normally retained in record-keeping systems should be regularly deleted. Informational messages such as meeting notices, reminders, informal notes, and telephone messages should be deleted once the administrative purpose is served. If it is necessary to retain any e-mail message for an extended period, transfer it from the e-mail system to an appropriate electronic or other filing system. With the approval of the Chief Judge, the Judicial Information System Manager is permitted to remove any information retained in an e-mail system more than thirty (30) days old.
13. **Accessing User E-mail During Absence.** During a User's absence, the Chief Judge or Executive Director may authorize the Judicial Information Systems Manager to access the User's E-mail messages and electronic Internet records without the consent of the User when necessary to carry out normal business functions.

The Executive Director shall notify the User in writing when information under the User's control has been accessed. Such notification shall be made within 48 hours of the access or within 48 hours of the User's return to work.

14. **Licensing Fees.** Users may not install any software for which the NJCC has not paid the appropriate licensing fee. Additional licensing fees may be incurred every time software is installed for a new User. Consequently, before software is installed on their computer, Users have a duty to ensure that all appropriate licensing fees have been paid. Users should notify their Division Director or Judicial Information Systems if they discover unlicensed software on their computer.

Users may not copy software for distribution to any third party or for home use unless such copying is permitted by the software's license agreement. The installation of software for trial periods authorized by the vendor would not be a violation of this policy. Such software must be approved and installed by Judicial Information Systems.

NINETEENTH JUDICIAL CIRCUIT, LAKE COUNTY ELECTRONIC POLICY AND PROCEDURES

15. **Password Protection.** Users should not encryption software or otherwise password protect their files. Frequently, password protected files cannot be retrieved without the necessary password. The NJCC is not responsible for any lost, damaged, or inaccessible files that results from password protection.
16. **Viruses and Tampering.** Any files downloaded from the Internet must be scanned with virus detection software before installation and execution. The intentional introduction of viruses, attempts to breach system security, or other malicious tampering with any of the NJCC's electronic communication systems is expressly prohibited. Users must immediately report any viruses, tampering, or other system breaches to the Judicial Information Systems Manager.
17. **Disclaimer of Liability for Use of the Internet.** The NJCC is not responsible for material viewed or downloaded by users from the Internet. The Internet provides access to a significant amount of information, some of which contains offensive, sexually explicit and inappropriate material. It is difficult to avoid contact with this material, therefore users of the Internet do so at their own risk.
18. **Duty Not to Waste Electronic Communications Resources.** Users must not deliberately perform actions that waste electronic communication resources or unfairly monopolize resources to the exclusion of other Users. This includes, but is not limited to, subscribing to list servers, mailing lists or web sites not directly related to the User's job responsibilities; spending extensive nonproductive time on the Internet; and doing large non-work related file downloads, or mass mailings. Electronic communication resources are limited and Users have a duty to conserve these resources.
19. **Non-Work Related Global E-mail.** A non-work related global e-mail message is one sent to multiple users outside the NJCC's system that is unrelated to the Users work duties. Prior approval of either the Executive Director or the Judicial Information Systems Manager is required to send a non-work related global E-mail.
20. **E-mail Addresses.** The NJCC reserves the right to keep a User's e-mail address active for a reasonable period of time following the User's departure to ensure that important business communications reach the Court.
21. **Freedom of Information Act Requests.** The NJCC will not accept Freedom of Information Act (F.O.I.A.) requests from the public via the Internet. If a citizen e-mails a F.O.I.A. request to a User, the employee should notify the citizen that these requests must be made in writing and addressed to the attention of the Chief Judge or the Executive Director.
22. **Use of Credit Cards on the Internet.** Before making purchases on the Internet, Users who are authorized to use NJCC credit cards must ensure that they are using a secured site. The NJCC recommends that Users do not use their credit cards over the Internet and expressly disclaims responsibility for any loss or damage that results from credit card usage over the Internet.
23. **Violations – Nonjudicial Staff.** Violations of this policy may subject Nonjudicial Staff to disciplinary action ranging from the removal of electronic communication privileges to dismissal from employment. Nonjudicial Staff who observe violations of this policy are

NINETEENTH JUDICIAL CIRCUIT, LAKE COUNTY ELECTRONIC POLICY AND PROCEDURES

obligated to report the violations to the Chief Judge, Executive Director, or Judicial Information Systems Manager.

24. **Violations – Judicial Personnel.** Violations of this policy will be reviewed and acted upon solely by the Chief Judge.
25. **Policy Changes.** The NJCC reserves the right to change this policy at any time without notice. Nothing in this policy is intended or should be construed as an agreement and/or a contract, express or implied. Policy changes will be disseminated electronically or in written form within forty-eight (48) hours of taking effect.

**ANNUAL REPORT OF THE
COMMITTEE ON EDUCATION
TO THE ILLINOIS JUDICIAL CONFERENCE**

Honorable Susan F. Hutchinson, Chairperson

Honorable Preston L. Bowie, Jr.
Honorable Annette A. Eckert
Honorable Edward C. Ferguson
Honorable Alan J. Greiman
Honorable Lori R. Lefstein
Honorable Gordon E. Maag
Honorable P. J. O'Neill

Honorable Stuart E. Palmer
Honorable Stephen H. Peters
Honorable M. Carol Pope
Honorable Jane L. Stuart
Honorable Mary Jane Theis
Honorable Hollis L. Webster

October 2002

I. STATEMENT ON COMMITTEE CONTINUATION

The members of the Committee on Education ("Committee") believe that judicial education is an absolutely essential element of our judicial system.

"It is an obligation of office that each judge in Illinois work to attain, maintain and advance judicial competency. Canon 3 of the Code of Judicial Conduct (Illinois Supreme Court Rule 63) states that a judge should 'be faithful to the law and maintain professional competence in it' and 'maintain professional competence in judicial administration.' Judicial education is a primary means of advancing judicial competency." (*Comprehensive Judicial Education Plan for Illinois Judges*, Section I, page 1)

Given the rapid developments in substantive and procedural law, as well as the obligation to properly train new judges, the need for an effective and efficient approach to judicial education cannot be overstated. Therefore, the Committee recommends that it be continued.

II. SUMMARY OF COMMITTEE ACTIVITIES

Education Conference 2002

In February and March 2002 the Committee conducted the second Education Conference under the auspices of the Supreme Court's *Comprehensive Judicial Education Plan for Illinois Judges*. Over 900 judges attended the conference, held February 6-8 and March 20-22 at the Hilton Chicago and Towers, Chicago. The conference consisted of 22 topics taught by 59 judicial faculty and guest speakers.

The conference's first afternoon was devoted to judicial ethics and conduct. All participants took part in a session that addressed disclosure and recusal issues. Participants were then able to select between topics that addressed judicial campaign finance and speech or handling high profile cases. On Thursday and Friday judges were able to choose from among three half-day sessions or topics organized around five tracks – Evidence, Criminal Law and Procedure, Civil Law and Procedure, Family Law, and General Interest. Almost 150 judges attended an optional early morning session on "Electronic Recordation of Court Proceedings."

All conference sessions were evaluated by participants. "Legal Issues Raised by Cutting-Edge Science," presented by Professor Henry T. Greely of Stanford University, received the conference's highest evaluation rating. Professor Greely originally spoke on this subject, an examination of legal and public policy issues associated with our growing knowledge of the human genome and related sciences of human beings, at the 2001 Advanced Judicial Academy, where it was also the highest rated presentation. Listed below are overall evaluation

ratings for each conference topic. Topics were rated on a scale of one (“poor”) to five (“excellent”).

	Overall Rating (Out of 5.0)
Overall Quality of the Conference	4.6
Overall Selection of Topics	4.4
Overall Selection of Speakers	4.4
Disclose, Serve or Recuse? The Duty to Choose	3.9
The Dollars and Sense of Judicial Campaigns	4.5
The Judicial Tightrope: Dealing with the Parties, Press and Public in High Profile Cases	4.1
Managing a High Volume Courtroom (Half-Day Session)	4.5
Attorney Fees and Costs (Half-Day Session)	4.3
Legal Issues Raised by Cutting-Edge Science (Half-Day Session)	4.9
Evidence: Admission of Electronic Transmissions	4.2
Evidence: Admission of Other Crimes and Bad Acts	4.6
	Overall Rating (Out of 5.0)
Evidence: Judicial Notice	4.4
Criminal Law: Update	4.4
Criminal Law: Sentencing in Light of Appendi	4.6
Criminal Law: Mandatory Admonitions	4.4
Civil Law: Supreme Court Rule 213	4.5
Civil Law: Instructing a Civil Jury	4.8
Civil Law: Supplemental Proceedings	4.4
Family Law: Termination of Parental Rights and Adoption	4.4
Family Law: Maintenance and Child Support	4.5
Family Law: Visitation and Removal	4.0
General Interest: Juvenile Law – Delinquency	4.4
General Interest: Mandatory Arbitration – Post-Award Proceedings	4.5
General Interest: Pro Se Litigants	4.2
Early Bird Session: Electronic Recordation of Court Proceedings	4.6

Please refer to Appendix A for the complete conference program, including faculty, and an enrollment summary.

Seminar Series

In addition to the Education Conference, the Committee conducted a New Judge Seminar, four regional seminars, four mini-seminars, and a Faculty Development Workshop in the 2001-2002 Judicial Conference year. Regional seminars included the annual DUI program conducted with funding from the Illinois Department of Transportation. Faculty for all programs were assisted by staff of the Administrative Office of the Illinois Courts.

Following are the topics, dates, locations, number of attendees and overall evaluation ratings for the seminars conducted during 2001-2002:

Topic	Date	Location	Number of Participants	Overall Rating (Out of 5.0)
New Judge Seminar	December 5-9, 2000	Chicago	54	4.7
<u>Regional Seminars</u>				
Jury Trial From Start To Finish	November 15-16, 2001	Springfield	56	4.5
	May 16-17, 2002	Chicago	79	4.4
Sanctions	April 11-12, 2002	Springfield	48	4.5
The Persistent Drunk Driver: Sentencing Strategies	April 25-26, 2001	Bloomington	18	4.5
<u>Mini-Seminars</u>				
Bankruptcy Law in State Cases	June 12, 2002	Lisle	21	4.4
Civil Discovery	May 2, 2002	Lisle	53	4.7
Recent Decisions in Sentencing	April 24, 2002	Bloomington	28	4.5
Strategies for Evaluating and Managing Violent Offenders	November 8, 2001	Springfield	21	4.9

A complete list of subtopics and faculty for all programs conducted by the Committee during the 2001-2002 seminar year, exclusive of the New Judge Seminar, is included as Appendix B to this report.

2003 Advanced Judicial Academy

In early 2002 the Supreme Court approved the Committee's recommendation to conduct a second Advanced Judicial Academy. It will again be a one-week program, held June 2-6, 2003, at the University of Illinois College of Law, Champaign, with enrollment limited to 75 judges. The Academy Planning Committee, chaired by Judge Susan F. Hutchinson, held a meeting in April to begin discussing how best to approach presentation of the Academy theme, which is evidence and proof of facts. Preliminary discussions suggest the program will be

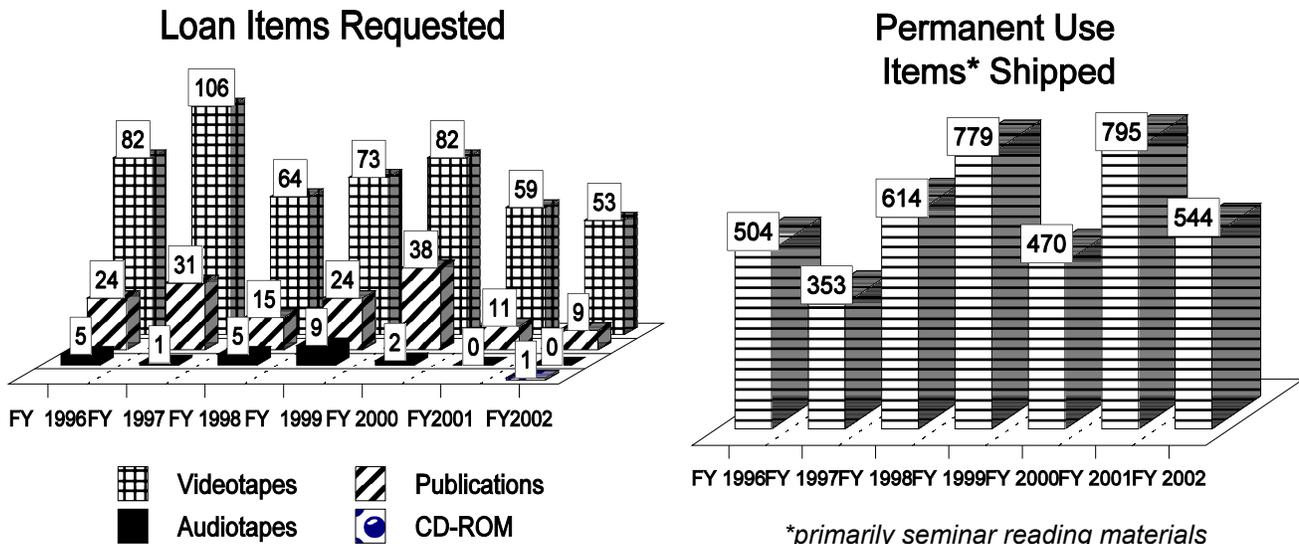
interdisciplinary, addressing the history and application of the rules of evidence, as well as examining social, psychological, and cultural issues that affect credibility. The planning committee will meet with University of Illinois faculty in September to continue developing the program agenda.

Mentor Training Videotape

During the 2001 Conference year, at the request of the Judicial Mentor Committee, the Committee on Education recommended and the Supreme Court approved appointment of a special committee to develop a new videotape to train judges to serve as mentors in the New Judge Mentoring Program. The Mentor Videotape Training Committee, chaired by Judge Hollis L. Webster, developed a script and began videotaping in June 2002. The tape will consist of general introductory material, followed by scenarios. Panels of experienced mentor judges will discuss each scenario, commenting on how the mentors portrayed in the tape handled the situations presented. The new videotape will be completed in fall 2002.

Resource Lending Library

The Resource Lending Library sponsored by the Committee and operated by the Administrative Office distributed 607 loan and permanent use items to judges in fiscal year 2002.



Loan material available through the library includes videotapes, audiotapes and publications. Permanent use items include seminar reading materials, bench books, manuals, and other materials.

Library Patrons. In fiscal year 2002, 240 of the state’s judges requested one or more items from the Resource Lending Library. Of that number, 45% (107) were from Cook County. Trial court judges comprised 95% of patrons.

Loan Items. Sixty-three items, primarily videotapes, were loaned to 36 judges in the past year. A third of those judges were first-time patrons.

Permanent Use Items. During 2002 the Resource Lending Library shipped 544 permanent use items, primarily seminar reading materials, to 204 judges. This number is down from the previous year because fewer seminars are conducted in years when there is an Education Conference and, therefore, there are fewer requests for reading materials.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

The programs listed below have been planned by the Committee and approved by the Supreme Court for the 2002-2003 Judicial Conference year. The schedule includes regional seminars, mini seminars, a Faculty Development Workshop, a New Judge Seminar, and the Advanced Judicial Academy. Please refer to Appendix C for a list that includes seminar faculty and subtopics.

Topic	Date	Location
New Judge Seminar	December 9-13, 2002	Chicago
Advanced Judicial Academy	June 2-6, 2003	Champaign
<u>Regional Seminars</u>		
Case Management of a Felony Trial	February 27-28, 2003	Bloomington
Commercial Litigation and Consumer Law	March 20-21, 2003	Lisle
Family Law	October 2-3, 2002 February 6-7, 2003	Collinsville Chicago
Juvenile Law: Delinquency	May 15-16, 2003	Springfield
Literature and the Law: War and Justice	May 8-9, 2003	Lisle
Managing Youthful and High-Risk Offenders in DUI Cases	April 24-25, 2003	Bloomington
Settlement Techniques	September 19-20, 2002 March 6-7, 2003	Springfield Chicago
Tort Law	November 13-14, 2002 March 13-14, 2003	Chicago Champaign
Topic	Date	Location
<u>Mini-Seminars</u>		
Adoption Law	September 25, 2002	Champaign

	April 2, 2003	Chicago
Eminent Domain	April 4, 2003	Champaign
Insurance Law	April 30, 2003	Lisle
Post-Conviction Petitions	November 21, 2002 March 27, 2003	Oak Brook Springfield

In addition to conducting the 2002-2003 education programs, the Committee will plan a full schedule of seminars for the 2003-2004 seminar year, commence planning the 2004 Education Conference, apply to the Illinois Department of Transportation for funding to conduct the annual seminar on issues related to driving under the influence, and issue a new fall 2002 Resource Lending Library Catalog, with a spring 2003 supplement.

IV. RECOMMENDATION

The Committee is making no recommendations to the Conference at this time.

2002 REPORT

APPENDIX A

EDUCATION CONFERENCE 2002

The conference opens with a plenary session for all conference participants. Following the plenary session, judges can choose between two concurrent sessions.

Disclose, Serve or Recuse? The Duty to Choose

**PLENARY
SESSION
Wednesday
Afternoon
1:45 - 3:15**

This session will provide examination and illustration of decision-making elements that enable the time-challenged judge to decide whether there is a duty to serve, to disclose information or to recuse.

*Faculty: Hon. Shelvin Louise Hall
Hon. Raymond J. McKoski*

The Dollars and Sense of Judicial Campaigns

**CONCURRENT
SESSION
Wednesday
Afternoon
3:30 - 5:00**

When does a judicial campaign or retention bid really begin? Can judicial candidates rely on constitutional protections when preparing judicial election materials and speech? Who is ultimately responsible for campaign management – the judicial candidate or the campaign committee? Should limits be placed on dollars received from sources within and outside the legal community? May a judicial candidate actively participate in fund raising and know who the contributors are as the funds are raised?

Got questions? We have some, too. Let's talk.

*Faculty: Hon. Susan F. Hutchinson
Hon. Mary Jane Theis*

The Judicial Tightrope: Dealing with the Parties, the Press and the Public in High Profile Cases

**CONCURRENT
SESSION
Wednesday
Afternoon
3:30 - 5:00**

Every community has cases that attract widespread attention – a teacher is accused of improper conduct with a student, an injunction is sought to prevent real estate development that could affect the local water supply, a county official is accused of DUI, a notorious gang member is tried for murder, etc., etc. How can you, the judge, instill confidence that the case is being conducted in a fair and impartial manner? This session will help you:

- (1) identify what constitutes a high profile case in your community;
- (2) develop a structure and ground rules for dealing with courtroom concerns such as security, public access, and conduct of parties and counsel;
- (3) deal effectively with the media and community groups;
- (4) insulate jurors from outside influences and maintain their comfort and security;
- (5) comport yourself to comply with the Canons of Judicial Conduct.

*Faculty: Hon. Judith M. Brawka
Hon. William A. Kelly
Hon. Dorothy Kirie Kinnaird
Hon. Stephen A. Schiller
Hon. Michael P. Toomin*

HALF-DAY TOPICS

Managing a High Volume Courtroom

**Thursday
Morning
9:00 - 12:00**

The only contact most members of the public have with the court system is in one or more of the high volume courtrooms – traffic, misdemeanor, small claims, domestic violence, housing, child support. Unfortunately, many JIB complaints arise from people's experiences in these courts. Learn new ways to minimize the stress a high volume courtroom places on court staff, litigants, attorneys and you. This session will help you:

- Set personal goals for managing your high volume courtroom;
- Develop and implement new techniques for managing court staff, litigants and attorneys;
- Deal with stressful situations under time pressure;
- Identify and defuse escalating situations before an incident of contempt occurs.

Faculty: *Hon. Rita M. Novak*
 Hon. Alexis Otis-Lewis
 Hon. Jane L. Stuart
 Hon. Perry R. Thompson

Attorney Fees and Costs

**Thursday
Afternoon
1:30 - 4:30**

This seminar will focus on the award of attorney fees and costs in family, civil and criminal venues. Faculty will discuss domestic relations proceedings, including interim fees and contribution petitions, and will address statutory and contractual bases for fee shifting as well as how to determine the reasonableness of fees. Finally, faculty will discuss what type of record is sufficient for the appellate court to review the propriety of a judge's fee determination.

Faculty: *Hon. James K. Borbely*
 Hon. Allan S. Goldberg
 Hon. James F. Henry
 Hon. Tom M. Lytton

☆ Legal Issues Raised by Cutting-Edge Science ☆

**Friday
Morning
9:00 - 12:00**

What is our property interest in our own genome? What is an individual's interest in his or her own body parts? What new legal and ethical issues arise as medical treatment becomes more technologically sophisticated? This expanded presentation from the *Advanced Judicial Academy* (Professor Greely was the Academy's highest rated speaker) will address legal and public policy issues associated with our growing knowledge of the human genome and related sciences of human beings.

Faculty: *Henry T. Greely*
 Professor of Law, Stanford University Law School
 Director, Stanford Program in Law, Science & Technology
 Ethics Chair, North American Committee, Human Genome
 Diversity Project

TOPIC TRACKS

Five topic tracks, with three topics per track, will run concurrently. Each one hour and fifteen minute topical presentation will be presented twice. The tracks are:

- Evidence
- Criminal Law/Procedure
- Civil Law/Procedure
- Family Law
- General Interest

Evidence:

Foundation for Admission of Electronic Transmissions

**Thursday
Morning
9:00 - 10:15**
and
**Thursday
Afternoon
3:15 - 4:30**

This session will describe what electronic evidence is and why it is important; illustrate how electronic evidence works; list sources of electronic evidence; explore the evidentiary obstacles to the admission of electronic evidence; and describe how these obstacles are confronted.

*Faculty: Hon. Lee Preston
Hon. Stephen C. Pemberton*
Assisted by: Prof. John E. Corkery

Evidence:

Admission of Other Crimes and Bad Acts

**Thursday
Morning
10:45 - 12:00**
and
**Friday
Morning
9:00 - 10:15**

Faculty will present an overview of the law relating to evidence of other crimes and bad acts, including a methodology for determining relevance and weighing probative value against the danger of unfair prejudice.

*Faculty: Hon. John G. Townsend
Hon. Warren D. Wolfson*
Assisted by: Prof. John E. Corkery

Evidence:

Judicial Notice

**Thursday
Afternoon
1:30 - 2:45**
and
**Friday
Morning
10:45-12:00**

The doctrine of Judicial Notice allows the court to deem certain facts as proven without presentation of evidence. This session will explore, through Illinois case scenarios, how and when this doctrine is permitted or required.

*Faculty: Hon. Joseph Gordon
Hon. Ronald D. Spears*
Assisted by: Prof. John E. Corkery

**Criminal Law:
Update**

**Thursday
Morning
9:00 - 10:15**
and
**Thursday
Afternoon
3:15 - 4:30**

Faculty will review the most significant developments in case law and statutory law during the past two years.

*Faculty: Hon. Paul P. Biebel, Jr.
Hon. Scott A. Shore*
Assisted by: Prof. James P. Carey

**Criminal Law:
Statutory Sentencing Provisions in Light of *Apprendi***

**Thursday
Morning
10:45 - 12:00**
and
**Friday
Morning
9:00 - 10:15**

This session will focus on how the state legislature, the Illinois Supreme Court, and appellate courts have addressed *Apprendi v. New Jersey*.

*Faculty: Hon. Patrick J. Quinn
Hon. Mark A. Schuering*
Assisted by: Prof. James P. Carey

**Criminal Law:
Mandatory Admonitions**

**Thursday
Afternoon
1:30 - 2:45**
and
**Friday
Morning
10:45-12:00**

This session will focus on guilty pleas, stipulated pleas, and Supreme Court Rules 401, 402, 604 and 605 as an effort in finality from chaos to confusion.

*Faculty: Hon. James R. Epstein
Hon. Terrence J. Hopkins*
Assisted by: Prof. James P. Carey

**Civil Law:
Supreme Court Rule 213**

**Thursday
Morning
9:00 - 10:15**
and
**Thursday
Afternoon
3:15 - 4:30**

Discussion in this session will include (1) the policy reasons for the adoption of Rule 213, (2) cases interpreting Rule 213, and (3) the proposals to amend Rule 213.

*Faculty: Hon. Michael J. Gallagher
Hon. Stephen L. Spomer*
Assisted by: Prof. Robert Jay Nye

Civil Law:
Instructing a Civil Jury

**Thursday
Morning
10:45 - 12:00**
and
**Friday
Morning
9:00 - 10:15**

This session will focus on both the procedural and substantive aspects of instructing civil juries. Covering the when, what, why and how of civil instructions, the material will highlight the new I.P.I. 2000 edition and new case law. Handling special interrogatories, verdict forms, non I.P.I. instructions and properly responding to jury questions during deliberations will also be discussed.

Faculty: Hon. Lynn M. Egan
Hon. Hollis L. Webster
Assisted by: Prof. Robert Jay Nye

Civil Law:
Supplemental Proceedings

**Thursday
Afternoon
1:30 - 2:45**
and
**Friday
Morning
10:45-12:00**

This session will cover the basic aspects of post judgment collection procedures in Illinois. Topics will include citations to discover assets, garnishments, levies, jurisdiction, and defenses. Faculty will discuss the judge's role in these proceedings, as well as review recent law and issues that judges may encounter. In addition, the session will cover special problems that arise with *pro se* parties.

Faculty: Hon. Samuel J. Betar III
Hon. Dale A. Cini
Assisted by: Prof. Robert Jay Nye

Family Law:
Maintenance and Child Support

**Thursday
Morning
9:00 - 10:15**
and
**Thursday
Afternoon
3:15 - 4:30**

This session will survey a variety of topics, including types of maintenance, review of maintenance, and modification of maintenance. Additionally, it will address getting to net in determining child support, departure from guidelines, enforcement, and medical child support orders.

Faculty: Hon. Barbara Crowder
Hon. Anthony L. Young
Assisted by: Prof. Jeff Atkinson

Family Law:
Update on Termination of Parental Rights and Adoption

**Thursday
Morning
10:45 - 12:00**
and
**Friday
Morning
9:00 - 10:15**

This session will review the statute and amendments, as well as case law decided in the last year, including several decisions from the Illinois Supreme Court. Faculty will discuss standards for termination, procedural rules, the judge's role in permanency planning, and recent adoption case law.

Faculty: Hon. James A. Knecht
Hon. Michael J. Murphy
Assisted by: Prof. Jeff Atkinson

Family Law:
Visitation and Removal

Thursday
Afternoon
1:30 - 2:45
and

Friday
Morning
10:45-12:00

Faculty will discuss presumption for visitation, restrictions on visitation, modification, enforcement, and third party visitation. Removal topics will include burden of proof, Eckert factors, and a comparison of decisions among appellate court districts.

Faculty: *Hon. William Stewart Boyd*
 Hon. Jerelyn D. Maher
Assisted by: *Prof. Jeff Atkinson*

General Interest:
Juvenile Law - Delinquency

Thursday
Morning
9:00 - 10:15
and

Thursday
Afternoon
3:15 - 4:30

This session will cover recent developments surrounding in-custody statements, necessary admonitions, search and seizure, and balanced and restorative justice. Discussion and input from participants will be encouraged.

Faculty: *Hon. John R. DeLaMar*
 Hon. Curtis Heaston

General Interest:
Mandatory Arbitration - Post-Award Proceedings

Thursday
Morning
10:45 - 12:00
and

Friday
Morning
9:00 - 10:15

Faculty will present an overview of the Mandatory Arbitration Program, including discussion of mediation and Supreme Court Rule 99.

Faculty: *Hon. John G. Laurie*
 Hon. Richard A. Lucas
Guest
Speaker: *Hon. Harris H. Agnew (ret.)*

General Interest:
Pro Se Litigants

Thursday
Afternoon
1:30 - 2:45
and

Friday
Morning
10:45-12:00

This session will cover what not to do in dealing with *pro se* litigants in both civil and criminal situations, including discussion of bench and jury trials. Faculty will demonstrate various techniques and communication skills geared to alleviate trouble spots that can be difficult for judges. Audience questions are encouraged!

Faculty: *Hon. Robert J. Anderson*
 Hon. Raymond Funderburk

Early Bird Session

The “Early Bird” session is an optional presentation that gives early risers an opportunity to have breakfast together and discuss a topic of common interest around the state.

Electronic Recordation of Court Proceedings

**Thursday
Morning
7:30 - 8:45**

Judges who have experience with electronic recordation will discuss differences among the types of systems in place and how they work.

Faculty: *Hon. Robert K. Kilander*
 Hon. Patrick E. McGann

ENROLLMENT SUMMARY

Actual Attendance

	<u>February</u>	<u>March</u>	<u>TOTAL</u>
Participants	403	423	826
Faculty	59	59	118
Total	<u>462</u>	<u>482</u>	<u>944</u>

Pre-Conference Session Enrollments

PLENARY SESSION TOPIC

Disclose, Serve, or Recuse? The Duty to Choose	431	424	855
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CONCURRENT ETHICS SESSION TOPICS

Each topic presented once at each conference.

The Dollars and Sense of Judicial Campaigns	119	149	268
The Judicial Tightrope	311	274	585

HALF-DAY TOPICS

Each topic presented once at each conference.

Managing a High Volume Courtroom	48	68	116
Attorney Fees and Costs	49	76	125
Legal Issues Raised by Cutting-Edge Science	112	134	246

TOPIC TRACKS

Each topic presented twice at each conference.

Evidence:

Admission of Electronic Transmissions	200	168	368
Admission of Other Crimes and Bad Acts	212	191	403
Judicial Notice	193	154	347

Criminal Law:

Update	227	213	440
Statutory Sentencing Provisions in Light of <i>Apprendi</i>	170	144	314
Mandatory Admonitions	207	191	398

	<u>February</u>	<u>March</u>	<u>TOTAL</u>
<u>Civil Law:</u>			
Supreme Court Rule 213	187	166	353
Instructing a Civil Jury	166	161	327
Supplemental Proceedings	111	91	202
<u>Family Law:</u>			
Termination of Parental Rights and Adoption	101	99	200
Maintenance and Child Support	89	98	187
Visitation and Removal	86	96	182
<u>General Interest:</u>			
Juvenile Law – Delinquency	55	55	110
Mandatory Arbitration - Post-Award Proceedings	50	46	96
Pro Se Litigants	97	92	189

EARLY BIRD SESSION

Presented once at each conference.

	<u>February</u>	<u>March</u>	<u>TOTAL</u>
Electronic Recordation of Court Proceedings	76	80	156

APPENDIX B

Committee on Education
2001-2002 SEMINAR SERIES

Regional Seminar
(Two Days; 15 Hours)

TOPIC AND CHARGE	JUDICIAL FACULTY	PROFESSOR REPORTERS	COMMITTEE LIAISON	NO. PRESENTATIONS & LOCATION(S)
<p>SANCTIONS</p> <p><u>Including:</u></p> <ul style="list-style-type: none"> - Civil and criminal contempt - S. Ct. Rule 137 - S. Ct. Rule 219 - Ethical problems 	<p><u>Cook County:</u> Robert P. Cahill, 1st District Jacqueline P. Cox Karen G. Shields</p> <p><u>Outside Cook County:</u> John P. Shonkwiler, 6th Circuit, Chair James K. Borbely, 5th Circuit Donald J. Fabian, 16th Circuit</p> <p><u>Alternates:</u> <u>Cook County:</u> Nancy J. Arnold Sharon Johnson Coleman</p> <p><u>Outside Cook County:</u> Rodney W. Equi, 18th Circuit Stephen G. Evans, 9th Circuit</p>	<p>Robert G. Johnston John Marshall</p>	<p>Annette A. Eckert</p> <p><u>AOIC Liaison</u> Donna Jones Ilsley</p>	<p>April 11-12, 2002 Crowne Plaza Springfield</p>

Committee on Education
2001-2002 SEMINAR SERIES

Regional Seminar
(Two Days; 15 Hours)

TOPIC AND CHARGE	JUDICIAL FACULTY	PROFESSOR REPORTERS	COMMITTEE LIAISON	NO. PRESENTATIONS & LOCATION(S)
<p>THE PERSISTENT DRUNK DRIVER: SENTENCING STRATEGIES</p> <p>This seminar is funded by a grant from the Illinois Department of Transportation.</p>	<p><u>Cook County:</u> Patrick E. McGann, Chair Charles P. Burns Jesse G. Reyes</p> <p><u>Outside Cook County:</u> Donald D. Bernardi, 11th Circuit Brian M. Nemenoff, 10th Circuit Perry R. Thompson, 18th Circuit</p> <p><u>Alternates:</u></p> <p><u>Outside Cook County:</u> Michael Q. Jones, 6th Circuit Steven H. Nardulli, 7th Circuit</p>	<p><u>Guest Speakers:</u></p> <p>William L. White, Lighthouse Training Inst.</p> <p>Anthony Rizzato, Ill. Dept. of Human Services</p> <p>John T. Doody, Office of the Secretary of State</p>	<p>Stephen H. Peters</p> <p><u>AOIC Liaison</u> Pat Rink</p>	<p>April 25-26, 2002 Radisson, Bloomington</p>

Committee on Education
2001-2002 SEMINAR SERIES

Mini Seminar
(One Day; 5 Hours)

TOPIC AND CHARGE	JUDICIAL FACULTY	COMMITTEE LIAISON	NO. PRESENTATIONS & LOCATION(S)
<p>RECENT DECISIONS IN SENTENCING</p> <p><u>Including:</u></p> <p>- Including <u>Apprendi</u></p>	<p><u>Cook County:</u> Mary Jane Theis, Chair Stuart R. Palmer</p> <p><u>Outside Cook County:</u> Ann B. Jorgensen, 18th Circuit Mark A. Schuering, 8th Circuit</p> <p><u>Alternates:</u> Cook County: Diane Gordon Cannon James R. Epstein</p> <p>Outside Cook County: Ann Callis, 3rd Circuit Gerald R. Kinney, 12th Circuit</p>	<p>Mary Jane Theis</p> <p><u>AOIC Liaison</u> Donna Jones Ilsley</p>	<p>April 24, 2002 Radisson, Bloomington</p>

Committee on Education
2001-2002 SEMINAR SERIES

Mini Seminar
(One Day; 5 Hours)

TOPIC AND CHARGE	JUDICIAL FACULTY	COMMITTEE LIAISON	NO. PRESENTATIONS & LOCATION(S)
CIVIL DISCOVERY	<u>Cook County:</u> Kathy M. Flanagan John A. Ward <u>Outside Cook County:</u> Dale A. Cini, 5 th Circuit, Chair Stephen R. Bordner, 9 th Circuit <u>Alternates:</u> <u>Outside Cook County:</u> Stephen C. Pemberton, 15 th Circuit P. J. O'Neill, 3 rd Circuit	<u>AOIC Liaison</u> Pat Rink	May 2, 2002 Hyatt, Lisle

Committee on Education
2001-2002 SEMINAR SERIES

Mini Seminar
(One Day; 5 Hours)

TOPIC AND CHARGE	JUDICIAL FACULTY	COMMITTEE LIAISON	NO. PRESENTATIONS & LOCATION(S)
<p>BANKRUPTCY LAW IN STATE CASES</p> <p><u>Guest Speakers:</u></p> <p>Susan Pierson Sonderby, Chief Judge, United States Bankruptcy Court</p> <p>Bruce W. Black, Bankruptcy Judge, United States Bankruptcy Court</p> <p>Thomas L. Perkins, Bankruptcy Judge, United States Bankruptcy Court</p> <p>Jack B. Schmetterer, Bankruptcy Judge, United States Bankruptcy Court</p>	<p><u>Cook County:</u> Dorothy Kirie Kinnaird</p> <p><u>Outside Cook County:</u> James M. Wexstten, 2nd Circuit, Chair</p> <p><u>Alternates:</u> <u>Cook County:</u> Philip S. Lieb Richard A. Siebel</p> <p><u>Outside Cook County:</u> Elizabeth A. Robb, 11th Circuit Timothy J. Slavin, 14th Circuit</p>	<p>Alan J. Greiman</p> <p><u>AOIC Liaison</u> Pat Rink</p>	<p>June 12, 2002 Hilton Lisle/Naperville Lisle</p>

Committee on Education
2001-2002 SEMINAR SERIES

Special Program
(One Day)

TOPIC AND CHARGE	FACULTY	EDUCATION COMMITTEE LIAISON	NO. PRESENTATIONS & LOCATION(S)
<p><u>FACULTY DEVELOPMENT WORKSHOP</u></p> <p>This workshop helps judges plan and deliver more effective judicial education programs. Topics include principles of adult learning, different learning styles of judges, program development techniques and presentation skills.</p> <p>This is the fifth presentation of this program for Illinois judges. It consistently receives excellent ratings.</p> <p>Attendance is by invitation.</p>	<p>Louis Phillips, Ed. D.</p> <p>Dr. Phillips has a consulting practice in continuing education and training and has authored books and articles in this area. He is on the faculty of the National Judicial College and has presented this workshop for Illinois judges since 1997.</p> <p><u>Other Faculty:</u> Hon. Gloria Coco Donna Jones Ilsley, AOIC</p>	<p>Patricia Rink, AOIC</p>	<p>July 12-13, 2001 Hilton Lisle/Naperville Lisle</p>

2002 REPORT

APPENDIX C

Committee on Education

2002-2003 SEMINAR SERIES

Regional Seminar
(Two Days)

TOPIC AND CHARGE	JUDICIAL FACULTY	PROFESSOR REPORTERS	COMMITTEE LIAISON	PRESENTATIONS
<p>SETTLEMENT TECHNIQUES</p> <p>The judge's role in settlement and docket control, including major and minor civil cases and criminal cases conducted pursuant to Supreme Court Rule 402.</p>	<p><u>Cook County:</u> Edward R. Burr Alfred J. Paul Stephen A. Schiller</p> <p><u>Outside Cook County:</u> Dennis K. Cashman, 8th Ct., Chair Michael T. Caldwell, 19th Ct. Cynthia M. Raccuglia, 13th Ct.</p> <p><u>Alternates:</u> Cook County: Susan F. Zwick</p> <p>Outside Cook County: Terrence J. Brady, 19th Ct.</p>	<p><u>Guest Speaker:</u> Hon. Anton J. Valukas (ret.)</p>	<p>Alan J. Greiman</p> <p><u>AOIC Liaison</u> Joan L. Mason</p>	<p>September 19-20, 2002 Renaissance Springfield canceled</p> <p>March 6-7, 2003 Embassy Suites Downtown Lakefront Chicago</p>

Committee on Education

2002-2003 SEMINAR SERIES

Regional Seminar

(Two Days)

TOPIC AND CHARGE	JUDICIAL FACULTY	PROFESSOR REPORTERS	COMMITTEE LIAISON	PRESENTATIONS
<p>FAMILY LAW</p> <p>Custody and visitation, including standing of non-parents, GAL and child representatives, pre-trial and post-trial motion practice and how motions can be used to resolve the case; unconscionability issues.</p> <p><u>Guest Speaker:</u> Dana Royce Baerger, J.D., Ph. D.</p>	<p><u>Cook County:</u> Moshe Jacobius Nancy J. Katz Karen G. Shields</p> <p><u>Outside Cook County:</u> John R. DeLaMar, 6th Ct., Chair Thomas W. Chapman, 3rd Ct. Scott D. Drazewski, 11th Ct. Rodney W. Equi, 18th Ct.</p> <p><u>Alternates:</u> <u>Cook County:</u> Elizabeth Loreda-Rivera Daniel A. Riley</p> <p><u>Outside Cook County:</u> Susan S. Tungate, 21st Ct.</p>	<p>Jeff Atkinson De Paul</p>	<p>M. Carol Pope</p> <p><u>AOIC Liaison</u> Donna Jones Ilsley</p>	<p>October 2-3, 2002 Holiday Inn Collinsville canceled</p> <p>February 6-7, 2003 Embassy Suites Downtown Lakefront Chicago</p>

Committee on Education
2002-2003 SEMINAR SERIES

Regional Seminar
(Two Days)

TOPIC AND CHARGE	JUDICIAL FACULTY	PROFESSOR REPORTERS	COMMITTEE LIAISON	PRESENTATIONS
<p>COMMERCIAL LITIGATION AND CONSUMER LAW</p> <p>Including contracts, actions for breach, defenses, damages, parole evidence, Lemon Car Law, fraud actions, Consumer Fraud Act, Magnuson-Moss Act, odometer statutes and federal legislation impacting on state cases.</p>	<p><u>Cook County:</u> Lynn M. Egan, Chair Edmund Ponce de Leon Lee Preston</p> <p><u>Outside Cook County:</u> Donald H. Geiger, 19th Ct. Patrick J. Leston, 18th Ct. Stephen R. Pacey, 11th Ct.</p> <p><u>Alternates:</u> Cook County: Allen S. Goldberg James F. Henry</p> <p>Outside Cook County: Lori R. Lefstein, 14th Ct. Richard E. Grawey, 10th Ct.</p>	<p>Ann M. Lousin John Marshall</p> <p>Michael J. Kaufman Loyola Univ.</p>	<p>Lori R. Lefstein</p> <p><u>AOIC Liaison</u> Donna Jones Ilsley</p>	<p>March 20-21, 2003 Hyatt Lisle</p>

Committee on Education

2002-2003 SEMINAR SERIES

**Regional Seminar
(Two Days)**

TOPIC AND CHARGE	JUDICIAL FACULTY	PROFESSOR REPORTERS	COMMITTEE LIAISON	PRESENTATIONS
<p>TORT LAW</p> <p>Including premises liability, governmental tort immunity, hot topics and a review of general tort principles.</p>	<p><u>Cook County:</u> David R. Donnersberger, Chair Joseph N. Casciato Diane J. Larsen</p> <p><u>Outside Cook County:</u> Katherine M. McCarthy, 6th Ct. Elizabeth A. Robb, 11th Ct. Stephen E. Walter, 19th Ct.</p> <p><u>Alternates:</u> <u>Cook County:</u> Philip L. Bronstein</p> <p><u>Outside Cook County</u> Donald J. Fabian, 16th Ct. Richard A. Lucas, 18th Ct.</p>	<p>Michael J. Polelle John Marshall</p> <p>Bruce L. Ottley De Paul</p>	<p>Hollis L. Webster</p> <p><u>AOIC Liaison</u> Patricia Rink</p>	<p>November 13-14, 2002 Holiday Inn Mart Plaza Chicago</p> <p>March 13-14, 2003 Hawthorn Suites Champaign</p>

Committee on Education

2002-2003 SEMINAR SERIES

Regional Seminar

(Two Days)

TOPIC AND CHARGE	JUDICIAL FACULTY	PROFESSOR REPORTERS	COMMITTEE LIAISON	PRESENTATIONS
<p>CASE MANAGEMENT OF A FELONY TRIAL</p> <p>Including pre-trial and post-trial motions, evidence hot topics, and jury management.</p>	<p><u>Cook County:</u> Colleen McSweeney Moore, Chair Marcus R. Salone Lon W. Shultz</p> <p><u>Outside Cook County:</u> William A. Kelly, 15th Ct. Mark A. Schuering, 8th Ct. Christopher C. Starck, 19th Ct.</p> <p><u>Alternates:</u> Cook County: Marianne Jackson</p> <p>Outside Cook County Joseph P. Condon, 19th Ct. Scott H. Walden, 8th Ct.</p>	<p>James P. Carey Loyola Univ.</p>	<p>Preston L. Bowie, Jr. P. J. O'Neill</p> <p><u>AOIC Liaison</u> Joan L. Mason</p>	<p>February 27-28, 2003 Hawthorn Suites Bloomington</p>

Committee on Education

2002-2003 SEMINAR SERIES

**Regional Seminar
(Two Days)**

TOPIC AND CHARGE	JUDICIAL FACULTY	PROFESSOR REPORTERS	COMMITTEE LIAISON	PRESENTATIONS
<p>JUVENILE LAW: DELINQUENCY</p> <p>Including delinquency, truancy, dispositions, automatic and discretionary transfers and sentencing issues after transfer.</p> <p><u>Guest Speaker:</u> Gene Griffin, J.D., Ph.D. Illinois Department of Human Services</p>	<p><u>Cook County:</u> Carol A. Kelly, Chair Andrew Berman Paul Stralka</p> <p><u>Outside Cook County:</u> Heidi N. Ladd, 6th Ct. Theresa L. Ursin, 15th Ct. Kendall O. Wenzelman, 21st Ct</p> <p><u>Alternates:</u> Cook County: Stuart F. Lubin Kathleen M. Pantle</p> <p>Outside Cook County Gary W. Jacobs, 5th Ct.</p>		<p>Edward C. Ferguson</p> <p><u>AOIC Liaison</u> Donna Jones IIsley</p>	<p>May 15-16, 2003 Crowne Plaza Springfield</p>

Committee on Education

2002-2003 SEMINAR SERIES

Regional Seminar

(Two Days)

TOPIC AND CHARGE	JUDICIAL FACULTY	PROFESSOR REPORTERS	COMMITTEE LIAISON	PRESENTATIONS
<p>LITERATURE AND THE LAW: WAR AND JUSTICE</p> <p>Examination of the tension between personal rights and freedoms and security issues in time of war.</p>	<p><u>Cook County:</u> Jacqueline P. Cox Michael J. Gallagher Stuart A. Nudelman</p> <p><u>Outside Cook County:</u> Ann A. Einhorn, 6th Ct., Chair Tom M. Lytton, 3rd District Robert D. McLaren, 2nd District</p> <p><u>Alternates:</u> Cook County: Shelvin Louise Marie Hall Amanda S. Toney</p> <p>Outside Cook County Ellen A. Dauber, 20th Ct. Kent F. Slater, 3rd District</p>	<p>Susan McGury De Paul</p> <p>Thomas S. Ulen Univ. of Illinois</p>	<p>Mary Jane Theis</p> <p><u>AOIC Liaison</u> Donna Jones Ilsley</p>	<p>May 8-9, 2003 Hilton Lisle/Naperville Lisle</p>

Committee on Education

2002-2003 SEMINAR SERIES

**Regional Seminar
(Two Days)**

TOPIC AND CHARGE	JUDICIAL FACULTY	GUEST SPEAKER	COMMITTEE LIAISON	PRESENTATIONS
<p>MANAGING YOUTHFUL AND HIGH-RISK OFFENDERS IN DUI CASES</p> <p>This annual seminar is funded by the Illinois Department of Transportation.</p>	<p><u>Cook County:</u> Faculty will be selected in fall 2002</p> <p><u>Outside Cook County:</u> Donald D. Bernardi, 11th Ct., Chair Brian M. Nemenoff, 10th Ct. Perry R. Thompson, 18th Ct.</p> <p><u>Alternates:</u> Cook County: Alternates will be selected in fall 2002</p> <p>Outside Cook County William P. Balestri, 13th Ct. Holly F. Clemons, 6th Ct.</p>	<p>William L. White, M.A. Lighthouse Training Institute Bloomington</p>	<p>Stephen H. Peters</p> <p><u>AOIC Liaison</u> Patricia Rink</p>	<p>April 24-25, 2003 Radisson Bloomington</p>

Committee on Education

2002-2003 SEMINAR SERIES

Mini Seminar
(One Day)

TOPIC AND CHARGE	JUDICIAL FACULTY	COMMITTEE LIAISON	PRESENTATIONS
<p>ADOPTION LAW</p> <p>Including termination of parental rights, right to counsel, "foster care drift" issues and existing and new federal legislation.</p>	<p><u>Cook County:</u> Marcia Maras Patricia Martin Bishop</p> <p><u>Outside Cook County:</u> James K. Borbely, 5th Ct., Chair Barbara Crowder, 3rd Ct.</p> <p><u>Alternates:</u> Cook County: Patricia B. Holmes Michael J. Murphy</p> <p>Outside Cook County: Judith M. Brawka, 16th Ct. Jane D. Waller, 19th Ct.</p>	<p>Annette A. Eckert</p> <p><u>AOIC Liaison</u> Donna Jones Ilsley</p>	<p>September 25, 2002 Hawthorn Suites Champaign <i> canceled</i></p> <p>April 2, 2003 Hampton Inn and Suites Chicago</p>

Committee on Education

2002-2003 SEMINAR SERIES

**Mini Seminar
(One Day)**

TOPIC AND CHARGE	JUDICIAL FACULTY	COMMITTEE LIAISON	PRESENTATIONS
<p>EMINENT DOMAIN</p> <p>Including proper procedural aspects of quick take, damages issues, management of jurors and site visit issues, and experts on damages.</p> <p><u>Guest Speaker:</u> Randy Johnson Certified Appraiser</p>	<p><u>Cook County:</u> John A. Ward Alexander P. White</p> <p><u>Outside Cook County:</u> Thomas R. Appleton, 4th Dst., Chair James M. Radcliffe, 20th Ct.</p> <p><u>Alternates:</u> Cook County: Raymond Funderburk Randye A. Kogan</p> <p>Outside Cook County: Michael R. Roseberry, 8th Ct. Michael J. Sullivan, 19th Ct.</p>	<p>Jane L. Stuart</p> <p><u>AOIC Liaison</u> Joan L. Mason</p>	<p>April 4, 2003 Hawthorn Suites Champaign</p>

Committee on Education

2002-2003 SEMINAR SERIES

Mini Seminar
(One Day)

TOPIC AND CHARGE	JUDICIAL FACULTY	COMMITTEE LIAISON	PRESENTATIONS
<p>INSURANCE LAW</p> <p>Including declaratory judgment actions, policy interpretation, duty to indemnify vs. duty to defend, guaranty fund, bad faith, selective tender, and policy cancellation protocol.</p>	<p><u>Cook County:</u> Stephen A. Schiller, Chair Richard A. Siebel</p> <p><u>Outside Cook County:</u> Edward R. Duncan, Jr., 18th Ct. Lisa Holder-White, 6th Ct.</p> <p><u>Alternates:</u> Cook County: John K. Madden Julia M. Nowicki</p> <p>Outside Cook County: Margaret J. Mullen, 19th Ct. Bonnie M. Wheaton, 18th Ct.</p>	<p>Gordon E. Maag</p> <p><u>AOIC Liaison</u> Patricia Rink</p>	<p>April 30, 2003 Wyndham Hotel Lisle</p>

Committee on Education

2002-2003 SEMINAR SERIES

Mini Seminar
(One Day)

TOPIC AND CHARGE	JUDICIAL FACULTY	COMMITTEE LIAISON	PRESENTATIONS
<p>POST-CONVICTION PETITIONS</p> <p>Including timing and <u>pro se</u> initiation of petitions, what constitutes a trial court's initial investigation, and scope of the substantive hearing.</p>	<p><u>Cook County:</u> Michael P. Toomin, Chair Dennis J. Porter</p> <p><u>Outside Cook County:</u> Rosemary Collins, 17th Ct. Terrence J. Hopkins, 5th Dst.</p> <p><u>Alternates:</u> <u>Cook County:</u> Lawrence P. Fox Joseph G. Kazmierski, Jr.</p> <p><u>Outside Cook County:</u> Kathy S. Elliott, 21st Ct. Susan F. Hutchinson, 2nd Dst.</p>	<p>Stuart E. Palmer</p> <p><u>AOIC Liaison</u> Joan L. Mason</p>	<p>November 21, 2002 Wyndham Drake Oak Brook</p> <p>March 27, 2003 Crowne Plaza Springfield</p>

Committee on Education

2002-2003 SEMINAR SERIES

Special Program
(Two Days)

TOPIC AND CHARGE	FACULTY	LIAISON	PRESENTATIONS
<p><u>FACULTY DEVELOPMENT WORKSHOP</u></p> <p>This workshop helps judges plan and deliver more effective judicial education programs. Topics include principles of adult learning, different learning styles of judges, program development techniques and presentation skills.</p> <p>This is the fifth presentation of this program for Illinois judges. It consistently receives excellent ratings.</p> <p>Attendance is by invitation.</p>	<p>Louis Phillips, Ed. D.</p> <p>Dr. Phillips has a consulting practice in continuing education and training and has authored books and articles in this area. He is on the faculty of the National Judicial College and has presented this workshop for Illinois judges since 1997.</p> <p><u>Other Faculty:</u> Hon. Susan F. Hutchinson Donna Jones Ilsley, AOIC Patricia Rink, AOIC</p>	<p>Patricia Rink Donna Jones Ilsley</p>	<p>July 25-26, 2002 Hilton Lisle/Naperville Lisle</p>

Judicial Conference Committee Charges and Rosters**ALTERNATIVE DISPUTE RESOLUTION COORDINATING COMMITTEE**

The Committee shall:

Survey and compile detailed information about all existing court-supported dispute resolution programs and methods currently in use in the circuit courts of Illinois.

Examine the range of civil and criminal dispute resolution processes utilized in other jurisdictions and make recommendations regarding programs and techniques suitable for adoption in Illinois.

Explore experimental and innovative dispute processing techniques which may offer particular promise for improving resolution options for specialized case types.

Develop and recommend Supreme Court standards for the adoption of various types of dispute resolution programs by the circuit courts, including methods for ongoing evaluation.

Study options for funding court-annexed dispute resolution programs, including appropriate methods for seeking, soliciting, and applying for grants from public or private sources.

Monitor and assess on a continuous basis the performance of circuit court dispute resolution programs approved by the Supreme Court and make regular periodic reports to the Conference regarding their operations.

Suggest broad-based policy recommendations by which circuit courts can be encouraged to integrate alternative dispute resolution programs as part of a more comprehensive and coordinated approach to caseload management.

COMMITTEE ROSTER**Conference Members**

Hon. Claudia Conlon
Hon. Annette A. Eckert
Hon. Robert E. Gordon
Hon. Randye A. Kogan

Hon. William D. Maddux
Hon. Lewis E. Mallott
Hon. Stephen R. Pacey
Hon. Lance R. Peterson

Associate Members

Hon. Jacqueline P. Cox

Hon. Donald J. Fabian

Hon. Loren P. Lewis

Advisors

Harris H. Agnew
Kent Lawrence

Anton J. Valukas

Cheryl I. Niro
John T. Phipps

COMMITTEE STAFF LIAISON: Anthony Trapani

COMMITTEE ON CRIMINAL LAW AND PROBATION ADMINISTRATION

The Committee shall:

Monitor and provide recommendations (including standards) on issues affecting the probation system.

Review procedures relating to the annual plan required by Section 204-7 of the Probation and Court Services Act.

Monitor statistical projections of workload. Review the work measurement formula for probation and pretrial services offices and make recommendations on such formula.

Review and comment to the Conference on matters affecting the administration of criminal justice.

COMMITTEE ROSTER**Conference Members**

Hon. Thomas R. Appleton
 Hon. Amy M. Bertani-Tomczak
 Hon. John R. DeLaMar
 Hon. Vincent M. Gaughan
 Hon. Donald C. Hudson
 Hon. Kurt Klein
 Hon. John Knight
 Hon. James B. Linn

Hon. Colleen McSweeney-Moore
 Hon. Steven H. Nardulli
 Hon. James L. Rhodes
 Hon. Teresa Righter
 Hon. Mary Schostok
 Hon. Eddie A. Stephens
 Hon. Michael P. Toomin
 Hon. Walter Williams

Associate Members

None

Advisors

None

COMMITTEE STAFF LIAISON: Norman Werth

COMMITTEE ON DISCOVERY PROCEDURES

The Committee shall:

Review and make recommendations on discovery matters.

Monitor and evaluate the discovery devices used in Illinois including, but not limited to, depositions, interrogatories, requests for production of documents or tangible things or inspection of real property, disclosures of expert witnesses, and requests for admission.

Investigate and make recommendations on innovative means of expediting pretrial discovery and ending any abuses of the discovery process.

COMMITTEE ROSTER

Conference Members

Hon. Ann Callis
Hon. Joseph N. Casciato
Hon. Deborah M. Dooling
Hon. James R. Glenn

Hon. Frederick J. Kapala
Hon. Tom M. Lytton
Hon. Mary Anne Mason
Hon. John T. McCullough

Hon. James J. Mesich

Associate Members

None

Advisors

David B. Mueller
Donald J. Parker

Eugene I. Pavalon
Paul E. Root

COMMITTEE STAFF LIAISON: Janeve Botica Zekich

STUDY COMMITTEE ON JUVENILE JUSTICE

The Committee shall:

Study and make recommendations on detention of juveniles and the screening process used to determine the detention of juveniles by court services personnel.

Study and make recommendations on such other aspects of the juvenile justice system as may be necessary.

Make suggestions on necessary training for judges and court support personnel.

Monitor the implementation of those recommendations of the Study Committee on Juvenile Justice which are approved by the Supreme Court, for the purpose of refining and reinforcing the study committee's recommendations.

Prepare supplemental updates to the juvenile law benchbook for submission to the Executive Committee of the Conference for approval for appropriate distribution.

COMMITTEE ROSTER**Conference Members**

Hon. C. Stanley Austin
 Hon. Lloyd A. Cueto
 Hon. John R. DeLaMar
 Hon. Lynne Kawamoto
 Hon. Diane M. Lagoski

Hon. Patricia Martin Bishop
 Hon. John R. McClean, Jr.
 Hon. David W. Slater
 Hon. Edna Turkington
 Hon. Kendall O. Wenzelman

Hon. Milton S. Wharton

Associate Members

Hon. David M. Correll

Hon. Sophia H. Hall

Advisor

Professor Diane C. Geraghty

Hon. Chet W. Vahle

Hon. William G. Schwartz

COMMITTEE STAFF LIAISON: Elizabeth Paton

STUDY COMMITTEE ON COMPLEX LITIGATION

The Committee shall:

Study and make recommendations for procedures to reduce the cost and delay attendant to lengthy civil and criminal trials.

Make recommendations concerning problems typically associated with protracted litigation.

Study and disseminate information about practices and procedures that Illinois judges have found successful in bringing complex cases to fair and prompt disposition.

Prepare revisions or updates as necessary for the *Manual for Complex Litigation* which shall be submitted to the Executive Committee for approval for appropriate distribution to Illinois judges.

COMMITTEE ROSTER**Conference Members**

Hon. Robert L. Carter
 Hon. Mary Ellen Coghlan
 Hon. Edward C. Ferguson
 Hon. Dorothy Kirie Kinnaird
 Hon. Gerald R. Kinney

Hon. Clyde L. Kuehn
 Hon. Stuart A. Nudelman
 Hon. Dennis J. Porter
 Hon. Ellis E. Reid

Hon. Stephen A. Schiller

Associate Members

Hon. Richard P. Goldenhersh

Hon. Herman S. Haase

Advisors

William R. Quinlan

Professor Mark C. Weber

COMMITTEE STAFF LIAISON: Marcia M. Meis

COMMITTEE ON AUTOMATION AND TECHNOLOGY

The Committee shall:

Evaluate, monitor, coordinate and make recommendations on automation systems of the judiciary.

Develop broad automation goals, objectives and priorities.

Develop policies which will promote the effective and efficient use and expansion of automation in the courts which may include, if feasible, the development of formats for the automated reporting of statistical data for annual reports.

Coordinate the development of a long range plan for automation in the judiciary, including planning for automation expansion and the incorporation of new technologies into the courts.

Make policy recommendations on issues such as public access to information contained in the judiciary's automated systems.

Assess the adequacy of resources to support the automation program.

Evaluate all aspects of computer-assisted legal research and make recommendations as necessary.

Prepare estimated costs of all recommendations and an analysis of cost effectiveness of each recommendation.

COMMITTEE ROSTER**Conference Members**

Hon. Robert E. Byrne
Hon. Charles H. Frank

Hon. Edna Turkington
Hon. Grant S. Wegner

Associate Members

Hon. James K. Donovan
Hon. R. Peter Grometer

Hon. Robert J. Hillebrand
Hon. Thomas H. Sutton

Hon. David A. Youck

COMMITTEE STAFF LIAISONS: Daniel R. Mueller & Skip Robertson

COMMITTEE ON EDUCATION

The Committee shall:

Develop a long-term plan for state-wide judicial education and short-term plans for judicial education. In formulating these plans the Committee shall include, as part of its considerations, emerging sociological, cultural, medical, and technical issues that impact upon the process of judicial decision making and administration.

Be responsible for identifying the training needs of the judiciary; make budget projections and recommendations for continuing judicial education throughout the state on an annual basis; recommend educational topics, faculty and program formats; and perform an analysis of the cost effectiveness of judicial education programs.

Develop a procedure and criteria for approving programs that are offered by organizations or individuals other than those planned by the Committee on Education.

Develop and recommend for the Supreme Court standards for continuing judicial education and a method of recording the attendance of judicial officers at judicial education programs.

COMMITTEE ROSTER

Conference Members

Hon. Preston L. Bowie, Jr.
Hon. Annette A. Eckert
Hon. Edward C. Ferguson
Hon. Alan J. Greiman
Hon. Susan F. Hutchinson
Hon. Lori R. Lefstein

Hon. Gordon E. Maag
Hon. P. J. O'Neill
Hon. Stuart E. Palmer
Hon. M. Carol Pope
Hon. Jane L. Stuart
Hon. Mary Jane Theis

Hon. Hollis L. Webster

Associate Members

Hon. Stephen H. Peters

Advisors

None

COMMITTEE STAFF LIAISON: Patricia Rink