

**ANNUAL REPORT
OF THE
STUDY COMMITTEE ON COMPLEX LITIGATION
TO THE ILLINOIS JUDICIAL CONFERENCE**

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I. STATEMENT ON COMMITTEE CONTINUATION

The purpose of the Study Committee on Complex Litigation is to study, make recommendations on, and disseminate information regarding successful practices for judges managing complex litigation in the Illinois courts. So far, the Committee has concentrated its attention on creating the *Illinois Manual for Complex Civil Litigation* and the *Illinois Manual for Complex Criminal Litigation* and producing annual updates and supplements for the manuals. The Committee, which brings together judges from all over the state who have significant experience with complex litigation, has also considered changes in court rules and practices that could improve the administration of justice in complex cases throughout Illinois.

The Committee believes that its ongoing work of updating and supplementing the manuals contributes to the mission of the Conference and serves a valuable function in developing proposals for the conduct of complex cases in Illinois. As such, the Committee members believe it is imperative to continue to update the manuals annually by reviewing the large number of cases issued every year and identifying those which include complex litigation issues. Therefore, the Committee requests that it be continued as a full-standing committee of the Illinois Judicial Conference.

II. SUMMARY OF COMMITTEE ACTIVITIES

As indicated above, the rapidly changing nature of the law and practice regarding complex litigation requires that the manuals be continually updated. In the past, the Committee has created supplements on various civil and criminal topics in order to fill out the manuals with current information on the many subjects that judges confront in complex cases. During the 2005 Judicial Conference Year, the Committee focused its attention on integrating the previous supplements into the main volumes to make those volumes easier to use. The Committee also "Shepardized" each cite in the manuals and revised citations as necessary.

1. Civil Manual. The *Illinois Manual for Complex Civil Litigation* 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 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 Committee created seven supplements to the civil manual which included the topics of civil conspiracy; complex insurance coverage litigation; environmental cases; complex employment, consumer, and antitrust litigation; joint and several liability and contribution; damages and attorneys' fees; discovery; joint and several liability; and class actions. These supplements were added into the main civil volume so that the reader may more easily access and use the new material.

The Committee further updated the Civil Manual with recent Illinois caselaw regarding (1) discovery, especially cases concerning electronic information, (2) class actions, (3) insurance coverage, (4) environmental coverage, (5) employment litigation, and (6) the intersection of federal and state law.

2. Criminal Manual. The first edition of the *Illinois Manual for Complex Criminal Litigation* 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 Committee created supplements for the criminal volume regarding complex post-conviction review proceedings and sentencing, as well as issues on *Apprendi v. New Jersey*, 530 U.S. 466 (2000), jury selection and voir dire; additional sentencing issues, double jeopardy, prosecutorial conduct, and inconsistent verdicts. These supplements were added into the main criminal volume so that the reader may more easily access and use the new material.

The Committee further updated the Criminal Manual with recent Illinois caselaw regarding (1) sentencing, in particular, interpretations of the United States Supreme Court's opinions in *Apprendi* and *United States v. Booker*, 125 S. Ct. 5 (2004), (2) hearsay, with a focus on the Supreme Court's decision in *Crawford v. Washington*, 541 U.S. 36 (2004), and (3) post-conviction proceedings.

3. Manual in CD-ROM Format

The updated manuals will continue to be available in CD-ROM format which affords users the convenience of downloading and hyperlink and search capabilities.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During the next Conference year, the Committee plans to continue monitoring and evaluating caselaw, rule changes, and legislation, and to supplement the *Illinois Manual for Complex Civil Litigation* and the *Illinois Manual for Complex Criminal Litigation* to keep them current. In the future, the Committee will integrate new material with replacement pages, as opposed to the previous "pocket part" format, to further facilitate use of the manuals. The CD-ROM format will contain the text of the manuals with the added convenience of downloading and search capabilities. The Committee hopes to make the forms currently contained in the Manual Appendixes available electronically so that judges faced with complex material can have easy access to form orders. The Committee will explore the impact of electronic discovery in the context of complex litigation cases. Last, the Committee will continue to explore how the manuals can be further revised and disseminated to best serve Illinois judges, including the distribution of the updated CD-ROM version of the manuals with revised and updated instructions to everyone receiving hard copies of the manuals.

IV. RECOMMENDATIONS

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

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