

**ANNUAL REPORT
OF THE
COMMITTEE ON EDUCATION
TO THE ILLINOIS JUDICIAL CONFERENCE**

Hon. Hollis L. Webster, Chair

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Hon. Preston L. Bowie, Jr.
Hon. Elizabeth M. Budzinski
Hon. Dale A. Cini
Hon. David R. Donnersberger
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Hon. Alan J. Greiman
Hon. Jerelyn D. Maher
Hon. Stuart E. Palmer
Hon. M. Carol Pope
Hon. Kent F. Slater
Hon. Jane L. Stuart

October 2005

I. STATEMENT ON COMMITTEE CONTINUATION

The members of the Committee on Education ("Committee") believe that providing ongoing judicial education is an essential element of the Illinois judicial system. The importance of judicial education is recognized in the Court's Comprehensive Judicial Education Plan for Illinois Judges, which states:

"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)

The judicial education resources provided to Illinois judges, under the auspices of the Court and through the Committee on Education in collaboration with the Administrative Office of the Illinois Courts, ensure that judges have an opportunity to attain and maintain the current requisite knowledge and skills necessary to fulfill the professional responsibilities and obligations of their positions on the bench. Therefore, the Committee recommends that its work to support ongoing judicial education resources for Illinois judges be continued in the next Conference year.

II. SUMMARY OF ACTIVITIES

2005 Advanced Judicial Academy

Under the auspices of the Court, the Committee and the Administrative Office presented the 2005 Advanced Judicial Academy, held June 6-10, 2005 in Champaign. The Academy examined the changing public expectations of the Courts in an era of technological revolution, burgeoning social problems and political pressures.

Specifically, the Academy examined the issues of judicial independence and the evolving role of the courts as the third co-equal branch of government. The Academy featured nationally and internationally prominent speakers to discuss the historical, societal and political contexts for judicial independence, as well as the historical and modern factors that may threaten that independence.

Each day of the five-day program, speakers and participants examined a specific aspect of judicial independence and the delivery of justice in the 21st Century, as follows:

Day One: Defining and Recognizing Judicial Independence

Participants were asked to define their own concepts of judicial independence and the role of the courts and consider what the framers of the Constitution and Declaration of Independence envisioned for the American legal system, whether these visions are still relevant today and the current factors that threaten judicial independence in the United States and abroad.

Day Two: Public Perceptions of Judges

Day Two speakers challenged participants to examine the specific images and stereotypes of judges held by the general public, the media, the bar and other branches of government. Participants were also asked to consider the role the media plays in shaping these perceptions and the impact on the ability of the courts to administer justice.

Day Three: Problem Solving, Social Work and Judging

Speakers for Day Three discussed recent research regarding public expectations of judges, courts and the legal system. In exploring changing public expectations, speakers also discussed the rise of “problem-solving courts” and “therapeutic jurisprudence” and the ways in which these concepts may change the traditional legal model and the role of judges and courts.

Day Four: The Civil Justice System “In Crisis”

Day Four explored the impact of the public’s perceptions that the courts are plagued by frivolous lawsuits, runaway juries and extravagant awards, resulting in a reduction of available medical services. Also included was a discussion of the increase in the reliance on alternate dispute resolution processes and the resulting impact on American justice.

Day Five: How Conflicting Expectations Impact Decision-Making

Day Five speakers asked judges to consider the internal factors that may influence judicial independence, to review their initial views on judicial independence and determine if and how those views are evolving.

Through their numerical ratings and evaluation comments, participants indicated that the Academy provided a unique opportunity for Illinois judges to examine their roles and responsibilities with colleagues from across the state. The summary of overall Academy participant evaluations is attached as Appendix A. With the approval of the Court, the next Advanced Judicial Academy will be held in Summer 2007.

Seminar Series

In addition to the Advanced Judicial Academy, the Committee conducted a full schedule of seminars during the 2004-2005 Judicial Conference year, presented a New Judge Seminar and conducted a Faculty Development Workshop for judges teaching Judicial Conference programs. The seminar series included six regional (two-day) seminars and five mini (one-day) seminars. Faculty and Committee liaisons for each of these programs were assisted by staff of the Administrative Office of the Illinois Courts. In addition to these Judicial Conference programs, two seminars on capital cases were conducted by the Court’s Committee on Capital Cases, pursuant to Supreme Court Rule 43. More than one hundred Illinois judges served as faculty for the seminar series and the New Judge Seminar, each of whom contributed significant time and effort to prepare both seminar presentations and reading materials. The Committee wishes to extend sincere thanks to faculty members for their contributions to judicial education in Illinois.

Following are the topics, dates, locations, number of attendees and overall evaluation ratings for the seminars conducted in the 2004-2005 seminar series. A complete listing of topics and faculty for the 2004-2005 seminar series is included as Appendix B to this report.

TOPIC:	DATE:	LOCATION:	# OF PARTICIPANTS (Excluding Faculty)	RATING (Out of 5.0)
Capital Cases: Evidence & Other Issues*	September 9-10, 2004	Springfield	63	N/A
Pretrial Issues in Civil Law	November 17-19, 2004	Chicago	43	4.7
Post Conviction Proceedings	December 3, 2004	Naperville	36	4.6
New Judge Seminar	January 24-28, 2005	Chicago	45	4.8
Opinion & Order Writing	February 17, 2005	Springfield	24	4.4
Jury Management	February 24, 2005 May 5, 2005	Springfield Chicago	16 49	4.1 4.5
Juvenile Law (Delinquency)	March 3-4, 2005	Chicago	39	3.9
Handling Indigent Litigants	March 10, 2005	Lisle	28	4.7
Ruling on Objections & Admissibility	April 7-8, 2005	Oak Brook	91	4.6
Selected Issues in Sentencing	April 28-29, 2005	Lisle	31	4.8
Capital Cases: Third Seminar Series*	May 12-13, 2005	Chicago	80	N/A
DUI Offenders in the Courts	May 19-20, 2005	Chicago	39	4.5
Domestic Violence	May 25-26, 2005	Springfield	27	4.5

TOPIC:	DATE:	LOCATION:	# OF PARTICIPANTS (Excluding Faculty)	RATING (Out of 5.0)
Advanced Judicial Academy	June 6-10, 2005	Champaign	72	4.3
Faculty Development	July 21-22, 2005	Oak Brook	13	4.9

* Conducted under the auspices of the Committee on Capital Cases, pursuant to Supreme Court Rule 43.

2004-2005 New Judge Seminar Curriculum

To ensure that new judges recognize and develop essential knowledge and skills, the Committee significantly revised the curriculum for the Annual New Judge Seminar, with the approval of the Court. In doing so, the Committee incorporated both substantive law sessions as well as “workshops” and other “skills-building” techniques to ensure that new judges could identify and apply the legal knowledge and judicial skills needed for successful careers on the bench. In addition, the seminar included, for the first time, informational “kiosks” at the close of three days of the five-day seminar. These kiosks were brief fifteen-minute sessions on topics of specific interest or concern to new judges, such as conducting weddings, wrapping up a law practice, requests to seal court files, economic interest statements and the basics of court scheduling. These sessions also provided a small-group forum for new judges to ask questions and receive practical tips from more experienced judges. Seminar participants strongly endorsed the new curriculum, giving the seminar an overall rating of 4.8 on a scale of 1 to 5.

Judicial Education Needs Assessment

In October 2004, the Committee conducted a Judicial Education Needs Assessment through surveys sent to each Illinois trial and appellate judge. Twenty-seven percent (27%) of trial court judges and twenty-six (26%) of appellate judges responded to the survey, which asked judges to describe the key challenges they face on the bench, their current judicial education seminar usage, their expectations for judicial education, and the topics of most interest and importance to them. The Committee utilized responses in developing the 2005-2006 seminar series and in initial planning for the 2006-2007 seminar series. The Committee plans to update the survey for distribution at Education Conference 2006, where on-site distribution and collection of the assessments may increase the response rate.

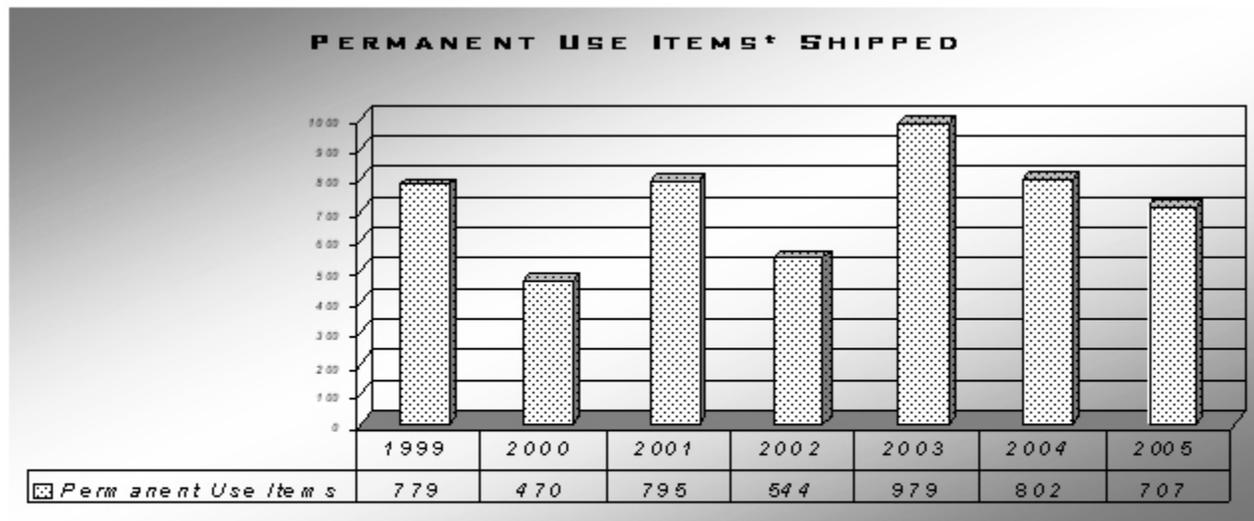
Resource Lending Library

The Resource Lending Library sponsored by the Committee and operated by the Administrative Office continues to serve as a valued judicial education resource. Loan material available through the library includes videotapes, audiotapes and publications. Permanent use

items include seminar reading materials, bench books, manuals, and other materials. The total number of loan and permanent use items distributed to judges in Fiscal Year 2005 was 732.

Patrons: During Fiscal Year 2005, 229 judges requested one or more items from the library. Items consisted of permanent use items or items on loan. Of this number, 32% (72) were from Cook County and 68% (151) were from downstate. Trial court judges comprised 97% of patrons while appellate judges comprised 3% of all patrons.

Items: The total number of loan and permanent use items distributed to judges in Fiscal Year 2005 was 732. 707 permanent use items were shipped to 218 judges and 25 loan items were distributed to an additional 11 judges. Permanent use items include seminar reading materials, benchbooks, manuals and other materials. Loan items include videotapes, audiotapes, publications and CD-ROMs.



*primarily seminar reading materials

III. COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

The 2005-2006 seminar series is currently being presented, including regional seminars, mini seminars, a Faculty Development Workshop, a New Judge Seminar, and the 2006 Education Conference. Additional Judicial Education programs include the Capital Case Seminars (Third Seminar Series), which is conducted under the auspices of the Supreme Court Committee on Capital Cases, pursuant to Supreme Court Rule 43.

Topic	Date	Location
Capital Cases: Third Series*	September 7-8, 2005 May 10-11, 2006	Springfield Chicago
Administrative Issues for Judges with Supervisory Authority	September 15-16, 2005	Springfield
Real World Evidentiary Issues	October 6-7, 2005	Chicago
Custody, Support & Visitation	November 17-18, 2005	Naperville
New Judge Seminar	December 5-9, 2005	Chicago
Education Conference	February 1-3, 2006 March 15-17, 2006	Chicago Chicago
Drug Cases from Start to Finish	April 20-21, 2006	Lisle
Abuse & Neglect: Updates, Hot Topics & Termination of Parental Rights	April 25, 2006	Chicago
Mental Health Issues and the Courts: Literature & the Law	May 18-19, 2006	Springfield
Family Law: Complex Financial Issues	May 25, 2006	Springfield
DUI Offenders in the Courts	To Be Scheduled	Chicago

* Conducted under the Court's Committee on Capital Cases, pursuant to Supreme Court Rule 43.

In addition to conducting the 2005-2006 programs, the annual New Judge Seminar, the Faculty Development Workshop and Education Conference 2006, the Committee will, with Court approval, begin planning for the 2006-2007 seminar series and issue an updated Resource Lending Library Catalog.

IV. RECOMMENDATIONS

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

2005 REPORT

APPENDIX A

Appendix A

2005 Advanced Judicial Academy - Evaluation Summary

Evaluation Scale: 1 (Poor) to 5 (Excellent)

1. ***Overall, the quality of the Academy was:***
Average value: 4.3 n=62
2. ***The Academy written materials are:***
Average value: 3.9 n=61
3. ***The small group discussions were:***
Average value: 4.2 n=61
4. ***“What is Judicial Independence and Why Does It Matter?”***
Stephen B. Burbank & Charles G. Geyh
Average value: 4.1 n=63
5. ***“Terrorism, Democracy and Judicial Independence: What Can We Learn From the Experience of Other Countries?”***
Hon. Peter Kelly, Kim Lane Scheppele & Hon. Shirley S. Abrahamson
Average value: 4.0 n=62
6. ***Current Threats to Judicial Independence (Panel)***
Average value: 4.1 n=61
7. ***“Institutional Independence: Relationships Among the Judicial, Executive & Legislative Branches”***
Dawn Clark Netsch & Robert S. Peck
Average value: 4.1 n=61
8. ***“Hurray for Hollywood? Popular Media’s Portrayal of Judges and Courts”***
David Papke
Average value: 3.8 n=63
9. ***“Observations on Media Coverage & Public Perceptions of the Judiciary”***
Hon. Penny White (Retired)
Average value: 4.5 n=62
10. ***“The Courts and the News Media”***
Mike Lawrence
Average value: 3.4 n=55
11. ***“What Does the Public Expect of Courts? Why should Judges Care?”***
Larry Heuer
Average Value: 3.8 n=61

12. ***“The Judge as ‘Problem Solver’: The Development of Therapeutic Jurisprudence From Theory to Practice”***
David Wexler
Average Value: 3.7 n=61
13. ***“Implications of ‘Problem Solving for Judges’”***
Hon. Kevin Burke
Average Value: 4.6 n=64
14. ***“Judicial Independence in an Era of Problem Solving and Therapeutic Jurisprudence: Panel Discussion and Participants’ Questions”***
David Rottman
Average Value: 3.8 n=60
15. ***“Medical Malpractice Crisis- Causes, Effects & Resolutions”***
William Sage
Average value: 4.3 n=62
16. ***“The Pros and Cons of the Growth of Court-Annexed & Private Mediation”***
Stephen Ware
Average value: 3.8 n=58
17. ***“Policy Implications of Arbitration: Consumer and Employment Arbitration”***
Christopher Drahozal
Average value: 3.7 n=55
18. ***“The ‘Internal’ Influences on Independence & Decision Making”***
Patricia G. Devine
Average value: 4.6 n=56
19. ***“The Art of Being a Judge: Decision-Making in the Twenty-First Century”***
Hon. Michael M. Mihm
Average value: 4.0 n=53
20. **Overall Ratings:** n=63
- | | | |
|----|---------------------------|-----|
| A. | Selection of topics: | 4.3 |
| B. | Selection of speakers: | 4.4 |
| C. | Hotel accommodations: | 3.0 |
| D. | Academy organization: | 4.7 |
| E. | Service by program staff: | 4.9 |

2005 REPORT

APPENDIX B

Appendix B

2004-2005 Seminar Series Topics, Judicial Faculty and Attendance

<u>TOPICS AND CHARGE</u>	<u>JUDICIAL FACULTY</u>	<u>ATTENDANCE</u>
<u>REGIONAL SEMINARS</u>		
<u>Domestic Violence</u>		
May 25-26, 2005 Provided updates on domestic violence case law, statutory changes, & procedural changes in conjunction with adoption of uniform orders. Also, effective assessment, sentencing, probation orders and judicial oversight of domestic violence offenders in criminal and civil proceedings.	M. Carol Pope, Chair Peter Ault Gloria G. Coco Nancy J. Katz Steven H. Nardulli John J. Scotillo	27
<u>Juvenile Law: Delinquency</u>		
March 3-4, 2005 In addition to providing an overview and update of juvenile delinquency case law and statutory provisions, examined the growing body of knowledge on "best practices" in juvenile law and the resulting impact on delinquency cases and the courts. Special focus on the role of the court in implementing the balanced and restorative provisions of the Juvenile Court Act.	_____ George W. Timberlake, Chair Stuart F. Lubin John E. Payne	39
<u>Practical Approaches to Substance Abuse</u>		
<u>Issues: DUI Offenders in the Courts</u>		
May 19-20, 2005 Covered DUI cases from arrest to sentencing. Expanded and revised to help judges: -Understand and describe the dynamics of substance abuse; -Recognize the physiological and pharmacological aspects of substance abuse; -Identify the links between substance use, abuse and criminal conduct such as impaired driving; -Select appropriate judicial strategies and tools for the intervention, treatment and sanctions process; -Evaluate the effectiveness of alternative judicial models to deal with substance abuse (such as DUI courts).	Donald D. Bernardi, Chair Margaret Ann Brennan Mark A. Drummond Hyman I. Riebman Mark A. Schuering Darryl B. Simko	39
<u>Pretrial Issues in Civil Law</u>		
Nov. 17-18, 2004 Addressed common issues arising out of pleadings, assertion of privilege, pre-trial motions and sanctions to enforce compliance in civil proceedings.	Kathy M. Flanagan, Chair David R. Donnersberger Donald J. Fabian Dorothy F. French James P. McCarthy Katherine M. McCarthy Brigid Mary McGrath	44

Ruling on Objections and Admissibility

April 7-8, 2005

Provided judges with practical insight into ruling on objections in all areas including hearsay, motions in limine, the Deadman's Act, and the Best Evidence rule. Foundation objections in exhibits, business records, and computer-generated records were also addressed.

Martin S. Agran, Chair
Arnold F. Blockman
John K. Greanias
Dennis J. Burke
Heidi N. Ladd
Richard A. Stevens

92

Selected Issues in Sentencing

April 28-29, 2005

Discussed overall criminal sentencing issues, including guilty pleas, proper admonishment, etc. Included a particular focus on sentencing mentally ill offenders, & verdicts of not guilty by reason of insanity, including fitness issues, and judicial identification and oversight of mentally ill offenders.

Mark A. Schuering, Chair
Donald D. Bernardi
Ann B. Jorgensen
Stuart A. Palmer
Kenneth J. Wadas

31

MINI SEMINARSOpinion and Order Writing: The Art of Judicial Composition

February 17, 2005

Focused on crafting clear, concise and enforceable orders and opinions, including interpretation of statutory and contract language and common drafting errors which lead to reversal on appeal.

Robert Cahill, Chair
Judith M. Brawka
Susan F. Hutchinson
Alexander P. White

24

Post Convictions Proceedings

December 3, 2004

Familiarized judges with new developments as well as established law. Through the use of case studies, scenarios & discussion, participants learned how to:

- Evaluate Stage I petitions;
- Determine if there is a Stage II constitutional violation;
- Conduct a Stage III evidentiary hearing.

Michael P. Toomin, Chair
Terrence J. Hopkins
Alesia A. McMillen
Dennis J. Porter

36

Jury Management from Selection to Verdict

February 24, 2005

May 5, 2005

Addressed effective judicial management of the jury selection process, including handling skewed jury pools, jurors' exposure to media in high profile cases, sequestering the jury pool, and accommodating disabilities.

Tracy W. Resch, Chair
Craig H. DeArmond
James P. Flannery, Jr.
Thomas E. Little
Mary A. Mulhern

16

49

Handling Indigent Litigants

March 10, 2005

Provided practical tips on handling self-represented litigants. Discussed the impact on court proceedings, sentencing, family law cases, etc., when one or more parties is indigent.

Stuart A. Nudelman, Chair
Samuel J. Betar III
Ellen A. Dauber
Lisa Holder White

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Faculty Development

July 22-23, 2004

Faculty Development Workshop

22