

**REPORT  
OF THE  
ILLINOIS JUDICIAL  
CONFERENCE  
2006**



**2006 REPORT**

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**ROSTER OF JUDICIAL CONFERENCE OF ILLINOIS**

The following are members of the Judicial Conference of Illinois during the 2006 Conference year.

SUPREME COURT

Hon. Robert R. Thomas  
Chief Justice  
Second Judicial District

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

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

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

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

Hon. Lloyd A. Karmeier  
Supreme Court Justice  
Fifth Judicial District

Hon. Anne M. Burke  
Supreme Court Justice  
First Judicial District

Appellate Court

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

Hon. John W. Turner  
Presiding Judge  
Fourth District Appellate Court

Hon. R. Peter Grometer  
Presiding Judge  
Second District Appellate Court

Hon. Stephen L. Spomer  
Presiding Judge  
Fifth District Appellate Court

Hon. Daniel L. Schmidt  
Presiding Judge  
Third District Appellate Court

APPOINTEES

Hon. Kenneth A. Abraham  
Associate Judge  
Eighth Judicial Circuit

Hon. Thomas R. Appleton  
Appellate Court Judge  
Fourth Appellate Court District

Hon. C. Stanley Austin  
Circuit Judge  
Eighteenth Judicial Circuit

Hon. Patricia Banks  
Circuit Judge  
Circuit Court of Cook County

Hon. Joseph F. Beatty  
Circuit Judge  
Fourteenth Judicial Circuit

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

Hon. Elizabeth M. Budzinski  
Associate Judge  
Circuit Court of Cook County

Hon. Ann Callis  
Circuit Judge  
Third Judicial Circuit

Hon. Robert L. Carter  
Chief Judge  
Thirteenth Judicial Circuit

Hon. Mark H. Clarke  
Circuit Judge  
First Judicial Circuit

Hon. John P. Coady  
Circuit Judge  
Fourth Judicial Circuit

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

Hon. Claudia Conlon  
Circuit Judge  
Circuit Court of Cook County

Hon. Eugene P. Daugherity  
Circuit Judge  
Thirteenth Judicial Circuit

Hon. James K. Donovan  
Appellate Court Judge  
Fifth Appellate Court District

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

Hon. Kathy Bradshaw Elliott  
Circuit Judge  
Twenty-First Judicial Circuit

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

Hon. Michael J. Gallagher  
Appellate Court Judge  
First Appellate Court District

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

Hon. Susan Fox Gillis  
Associate Judge  
Circuit Court of Cook County

Hon. James R. Glenn  
Chief Judge  
Fifth Judicial Circuit

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

Hon. Michael D. Kramer  
Associate Judge  
Twenty-First Judicial Circuit

Hon. John K. Greanias  
Circuit Judge  
Sixth Judicial Circuit

Hon. Diane M. Lagoski  
Associate Judge  
Eighth Judicial Circuit

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

Hon. Paul G. Lawrence  
Associate Judge  
Eleventh Judicial Circuit

Hon. John B. Grogan  
Associate Judge  
Circuit Court of Cook County

Hon. Vincent J. Lopinot  
Associate Judge  
Twentieth Judicial Circuit

Hon. R. Peter Grometer  
Appellate Court Judge  
Second Appellate Court District

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

Hon. Daniel P. Guerin  
Associate Judge  
Eighteenth Judicial Circuit

Hon. Jerelyn D. Maher  
Associate Judge  
Tenth Judicial Circuit

Hon. David E. Haracz  
Associate Judge  
Circuit Court of Cook County

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

Hon. Donald C. Hudson  
Circuit Judge  
Sixteenth Judicial Circuit

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

Hon. Frederick J. Kapala  
Appellate Court Judge  
Second Appellate Court District

Hon. Ralph J. Mendelsohn  
Associate Judge  
Third Judicial Circuit

Hon. Robert K. Kilander  
Chief Judge  
Eighteenth Judicial Circuit

Hon. James J. Mesich  
Associate Judge  
Fourteenth Judicial Circuit

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

Hon. Michael J. Murphy  
Appellate Court Judge  
First Appellate Court District

Hon. John C. Knight  
Circuit Judge  
Third Judicial Circuit

Hon. Steven H. Nardulli  
Associate Judge  
Seventh Judicial Circuit

Hon. Lewis Nixon  
Circuit Judge  
Circuit Court of Cook County

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

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

Hon. Stephen R. Pacey  
Circuit Judge  
Eleventh Judicial Circuit

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

Hon. Stephen H. Peters  
Circuit Judge  
Sixth Judicial Circuit

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

Hon. Teresa K. Righter  
Associate Judge  
Fifth Judicial Circuit

Hon. Daniel L. Schmidt  
Appellate Court Judge  
Third Appellate Court District

Hon. Mary S. Schostok  
Circuit Judge  
Nineteenth Judicial Circuit

Hon. Karen G. Shields  
Associate Judge  
Circuit Court of Cook County

Hon. David W. Slater  
Associate Judge  
Fourth Judicial Circuit

Hon. Robert B. Spence  
Circuit Judge  
Sixteenth Judicial Circuit

Hon. Stephen L. Spomer  
Appellate Court Judge  
Fifth Appellate Court District

Hon. Daniel J. Stack  
Circuit Judge  
Third Judicial Circuit

Hon. John O. Steele  
Circuit Judge  
Circuit Court of Cook County

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

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

Hon. George W. Timberlake  
Chief Judge  
Second Judicial Circuit

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

Hon. John W. Turner  
Appellate Court Judge  
Fourth Appellate Court District

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Hon. Joseph J. Urso  
Circuit Judge  
Circuit Court of Cook County

Hon. Walter Williams  
Associate Judge  
Circuit Court of Cook County

Hon. Hollis L. Webster  
Circuit Judge  
Eighteenth Judicial Circuit

Hon. Lori M. Wolfson  
Associate Judge  
Circuit Court of Cook County

Hon. Grant S. Wegner  
Circuit Judge  
Sixteenth Judicial Circuit

MEMBERS OF EXECUTIVE COMMITTEE

Hon. Robert R. Thomas, Chairman  
Chief Justice  
Second Judicial District

Hon. Joseph F. Beatty  
Circuit Judge  
Fourteenth Judicial Circuit

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

Hon. Robert L. Carter  
Chief Judge  
Thirteenth Judicial Circuit

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

Hon. James K. Donovan  
Appellate Court Judge  
Fifth Appellate Court District

Hon. Stephen H. Peters  
Circuit Judge  
Sixth Judicial Circuit

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

Hon. M. Carol Pope  
Circuit Judge  
Eighth Judicial Circuit

Hon. Susan Fox Gillis  
Associate Judge  
Circuit Court of Cook County

Hon. Robert B. Spence  
Circuit Judge  
Sixteenth Judicial Circuit

Hon. Robert K. Kilander  
Chief Judge  
Eighteenth Judicial Circuit

Hon. John O. Steele  
Circuit Judge  
Circuit Court of Cook County

Hon. John Knight  
Circuit Judge  
Third Judicial Circuit

Hon. Joseph J. Urso  
Circuit Judge  
Circuit Court of Cook County

## 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**

**Hilton Suites Chicago Magnificent Mile**  
(formerly known as Double Tree Guest Suites Hotel)  
Chicago, Illinois

**AGENDA**

**Wednesday, October 18, 2006**

5:00 - 7:00 p.m.                      **Early Bird Registration**

**Thursday, October 19, 2006**

7:15 - 9:00 a.m.                      **Buffet Breakfast & Registration**

9:00 - 10:30 a.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*

10:45 - 11:30 a.m.

**Judicial Conference Address**

*Honorable Robert R. Thomas, Chief Justice, Supreme Court of Illinois*

11:30 a.m. - 12:45 p.m.

**Luncheon**

1:00 - 4:30 p.m.

**Plenary Session**

- *Call to Order by Honorable Robert R. Thomas, Chief Justice*
- *Presentation of Consent Calendar*
- *Presentation of Committee Reports & Discussion*  
*Committee on Criminal Law and Probation Administration*  
*Committee on Discovery Procedures*  
*Automation and Technology Committee*  
*Alternative Dispute Resolution Coordinating Committee*
- *Break; Committee Reports & Discussion Resume*  
*Study Committee on Complex Litigation*  
*Study Committee on Juvenile Justice*  
*Committee on Education*

*(Moderators: Hon. Robert L. Carter; Hon. Robert K. Kilander)*

4:30 p.m.

**Adjourn**

## 2006 REPORT

**2006 Annual Illinois Judicial Conference  
Thursday, October 19, 2006  
9:30 a.m.  
Hilton Suites Chicago Magnificent Mile  
Chicago, IL  
Honorable Robert R. Thomas, Chief Justice**

Good morning. It is my pleasure to welcome all of you to the 2006 Annual Meeting of the Illinois Judicial Conference.

On behalf of my colleagues on the Illinois Supreme Court, let me begin by thanking all of you for your presence here today, and for all of your hard work during the previous year.

A judge's day is full enough. Preparation for the morning status call; contested motion hearings; trials that last into the evening; pretrial conferences and settlement mediation tucked in between. Order drafting. The mornings are often early, and the evenings are often late.

The fact that all of you have chosen to assume additional responsibilities in the form of Judicial Conference Committee assignments is a testament to your devotion to the law, and to the fair, orderly, and efficient administration of justice in this State. The work of the Committees is indispensable to both the maintenance and the progress of the judicial branch, and your commitment to something greater than yourselves is to be commended.

I am pleased today to be joined by my colleagues from the Illinois Supreme Court, as well as by several former members of our Court.

Let me make some introductions.

Former justices of the Illinois Supreme Court include:

- Justice Mary Ann McMorrow of the First District
- And Justice John Nickels of the Second District

Welcome to both of you, and thank you for your continued service to the Illinois bench.

Many members of the current court are here, as well.

- From the First District, Justices Charles Freeman, Tom Fitzgerald, and our newest addition, Justice Anne Burke
- From the Third District, Justice Tom Kilbride
- And from the Fourth District, Justice Rita Garman

And lastly, I would like to recognize Cynthia Cobbs, Director of the AOIC. The Administrative Office is instrumental in coordinating and facilitating the work of our various Conference committees. Today's event would not have been possible without the tireless efforts of Cynthia and her staff. We owe all of them our gratitude, and a round of applause.

So why are we here today? The simple answer is that we have no choice.

Like the State of the Union address, the annual Judicial Conference is constitutionally mandated.

Specifically, by Article 6, § 17, which provides 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.”

But the real answer is that we have a duty to be here, and I am confident that conferences such as these would occur even without a constitutional mandate.

The annual Judicial Conference reminds us that the judiciary is, indeed, a coequal branch of government, and that as such, we are charged not only with deciding individual cases, but also with managing and administering the system in which those decisions are made. Like it or not, the judiciary is also a bureaucracy, and the purpose of the Conference committees is to ensure that bureaucracy operates as fairly and efficiently as possible, so that justice may always be done.

In Federalist 78, Hamilton reminds us all too clearly that the judiciary is in many ways the weakest of the three branches. According to Hamilton:

*“The Executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever. It may truly be said to have neither FORCE nor WILL, but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments.”*

So what does that have to do with the Conference? It reminds us that the judiciary’s strength lies not in the power of the sword, nor in the power of the purse. Rather, it lies in the power of our *judgments*. If our judgments are just and persuasive, we will have earned the respect of the other two branches. If our judgments are suspect or inconsistent, we have nothing else to fall back on and our influence will diminish.

So consider again the constitutional mandate: “to consider the work of the courts and to suggest improvements in the administration of justice.” Essentially, this is a compulsory self-evaluation. How have we been doing, and how can we improve? A little self-evaluation is always a good thing.

Over the past few years, the Illinois Supreme Court has taken active and high-profile measures to ensure that the attorneys of this State are serving the judicial system effectively and with a high degree of professionalism.

As you all know, the Illinois Supreme Court recently enacted rules establishing minimum continuing legal education requirements.

As stated in the MCLE preamble, the purpose of these rules is “to assure that those attorneys licensed to practice law in Illinois remain current regarding the requisite knowledge and skills necessary to fulfill the professional responsibilities and obligations of their respective practices and thereby improve the standards of the profession in general.” I think we can all agree that this is a worthy goal. At the same time, the Court created the Supreme Court Commission on Professionalism.

The Commission’s creation reflects the Illinois Supreme Court’s commitment to elevating the overall level of professionalism within the Illinois legal community, as well as to identifying and addressing the sources of incivility and acrimony within the profession.

The Commission’s goal is to create a forum in which lawyers, judges and legal educators can explore the meaning and aspirations of professionalism in contemporary legal practice. To this end, the Commission will play an integral role in the new CLE program by directing the professionalism component of that program. These two programs focus on the attorney side of the court system.

The purpose of today’s Conference is to turn our focus inward, on the judicial side of the system.

Just as the lawyers who practice before us can take affirmative steps to ensure that the representation they provide is the best it can be, we as judges can take affirmative steps to ensure that the system these lawyers serve is the best it can be.

In planning for this year’s Conference, the Supreme Court assigned particular projects and initiatives to each of the seven Judicial Conference Committees.

Our goal was to shift the committees’ focus from problem identification to problem solving, from identifying the need for a solution to formulating that solution in concrete terms.

And on this score, I believe we have been successful.

This afternoon, you will here detailed reports from each of the seven committees, and these reports will address a wide range of issues and initiatives, including:

- the development of a training curriculum for mandatory arbitration personnel;
- the effectiveness of “problem-solving courts” in the management of criminal prosecutions, most especially in relation to drug cases and juvenile justice;
- the protection of courthouse technology and electronic data in the event of a disaster;
- the need for and scope of confidentiality in juvenile delinquency, abuse, neglect, and dependency cases;
- the creation of a Supreme Court Rule governing the prompt and mandatory disclosure of relevant documents in civil litigation;

- a program to enhance the identification, recruitment, and training of judicial education faculty;
- the need for uniform and comprehensive judicial reference documents, including both bench books and self-study materials.

In addition, the Court has increased the continuing education requirement for Illinois judges. Beginning in 2008, the judges of this state—like the lawyers of this State—will be required to complete 30 hours of approved course work every two years.

The burden is not onerous. And I think we can all agree that it is one worth bearing. Whether it is required or not, each of us owes a duty both to the profession and to the public to ensure that we never rest on our laurels, but instead continue to educate and improve ourselves as lawyers and jurists.

The work we will do here today is important, and reflects an extraordinary amount of study, debate and attention. But, it is only a reflection of the very important work that was done over the last twelve months, and only a hint of the great things that are to come.

The next twelve months will indeed bring challenges, and I look forward to working with Director Cobbs and all of the Committees to ensure that the quality and efficiency of justice in this state is always improving.

Your presence here today speaks to your commitment. In return, I promise that the Court will make available whatever resources are within its power to provide, to ensure your work can be performed as thoroughly and as efficiently as possible.

Now I know that, in past years, the Committee Chairs have put out the word that anyone who asks a question during the plenary session risks a swift and painful death. That changes this year. Just as we have tasked the committees with specific projects and initiatives, we now task the audience with a simple directive: Listen critically, and ask a lot of questions.

This conference should not be an empty exercise in speech-making and report giving. It should be a dynamic exchange of ideas and information. Each of us brings to this gathering a valuable perspective, shaped by our unique experiences as judges.

Even if you do not serve on the committee in question, that does not mean that you have nothing to contribute. Many of these topics cut across disciplines and will potentially impact every courtroom in Illinois. Each of us owes a duty both to our colleagues and to the public, to ensure that the best possible policy is reached, and that every argument is given full and fair consideration.

In years past, the plenary session has been a series of monologues. This year, let's make it one continuous dialogue.

We have a very full day ahead of us and I look forward to reviewing the Committee reports.

As I said last year on this occasion, in this room is the future of the Illinois judiciary. You are its leaders, and the work you do here today and in the months ahead will shape the justice system

for years to come.

Once again, on behalf of the entire Supreme Court, thank you for your attendance today and for all of your efforts, both in years past and in years to come. Enjoy your day.

## 2006 REPORT

RESOLUTION

IN MEMORY OF

**THE HONORABLE BARBARA JEAN BADGER**

The Honorable Barbara Jean Badger, former associate judge for the Twelfth Judicial Circuit, passed away April 11, 2006.

Judge Badger was born July 30, 1950, in Evergreen Park, Illinois. She received her law degree from The John Marshall Law School in 1976, and was admitted to the bar that same year. Judge Badger served primarily in the public sector until becoming an associate judge for the Twelfth Judicial Circuit in 1995. She remained in that position until her death.

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

**2006 REPORT**  
**RESOLUTION**  
**IN MEMORY OF**  
**THE HONORABLE PETER W. BAKAKOS**

The Honorable Peter W. Bakakos, former circuit judge for the Circuit Court of Cook County, passed away November 7, 2005.

Judge Bakakos was born January 26, 1926, in Chicago, Illinois. He received his law degree from The John Marshall Law School in 1951, and was admitted to the bar that same year. Judge Bakakos began his career as a lawyer in private practice. In 1961, he became a justice of the peace, serving in Winnetka. He became an associate judge in 1965, and elected a circuit judge in 1978. He retained that position until his retirement in 2002.

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

RESOLUTION

IN MEMORY OF

**THE HONORABLE THOMAS RIES CLYDESDALE**

The Honorable Thomas Ries Clydesdale, former associate judge for the Thirteenth Judicial Circuit, passed away September 11, 2005.

Judge Clydesdale was born February 5, 1913, in Oglesby, Illinois. He received his law degree from the University of Michigan in 1938, and was admitted to the bar that same year. Judge Clydesdale was the city attorney for Oglesby, Illinois from 1939 - 1958, and village attorney for Utica & Troy Grove from 1948 -1958. He became an associate judge in the Thirteenth Judicial Circuit in 1964, and remained in that position until 1979.

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

**2006 REPORT  
RESOLUTION  
IN MEMORY OF  
THE HONORABLE JACQUES F. HEILINGOETTER**

The Honorable Jacques F. Heilingoetter, former circuit judge for the Circuit Court of Cook County, passed away November 4, 2005.

Judge Heilingoetter was born October 24, 1925, in Chicago, Illinois. He received his law degree from The John Marshall Law School in 1951, and was admitted to the bar that same year. Judge Heilingoetter served solely in the public sector from 1951 until 1962. He served as judge's trial assistant, magistrate and circuit judge for the Circuit Court of Cook County from 1962 to 1988.

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

RESOLUTION

IN MEMORY OF

**THE HONORABLE BUFFORD W. HOTTLE, JR.**

The Honorable Bufford W. Hottle, Jr., former circuit judge for the Ninth Judicial Circuit, passed away June 20, 2006.

Judge Hottle was born April 9, 1924, in Seattle, Washington. He received his law degree from the University of Illinois School of Law in 1959, and was admitted to the bar that same year. Judge Hottle was appointed a circuit judge for the Ninth Judicial Circuit in 1990, and remained in that position until 1992.

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

**2006 REPORT  
RESOLUTION  
IN MEMORY OF  
THE HONORABLE GEORGE W. KASSERMAN, JR.**

The Honorable George W. Kasserman, Jr., former appellate justice of the Fifth Judicial District, passed away October 30, 2005.

Judge Kasserman was born February 11, 1921, in Olney, Illinois. He received his law degree from the University of Illinois College of Law in 1948, and was admitted to the bar that same year. Judge Kasserman was Jasper County State's Attorney from 1948 - 1952. He became a judge in the County Court, Jasper County in 1958. He became an associate judge for the Fourth Judicial Circuit in 1964, and a circuit judge in 1972. He was assigned to the Fifth District Appellate Court in 1979.

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

RESOLUTION

IN MEMORY OF

**THE HONORABLE OWEN DONALD LIERMAN**

The Honorable Owen Donald Lierman, former associate judge for the Eighth Judicial Circuit, passed away October 16, 2005.

Judge Lierman was born September 4, 1925, in Bloomington, Illinois. He received his law degree from the University of Illinois College of Law in 1951, and was admitted to the bar that same year. Judge Lierman served primarily in the public sector until becoming an associate judge for the Eighth Judicial Circuit in 1971. He remained in that position until 1975.

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

**2006 REPORT  
RESOLUTION  
IN MEMORY OF  
THE HONORABLE ROBERT W. MALMQUIST**

The Honorable Robert W. Malmquist, former circuit judge for the Thirteenth Judicial Circuit, passed away October 22, 2005.

Judge Malmquist was born June 10, 1921, in Chicago, Illinois. He received his law degree from the University of Chicago College of Law in 1948, and was admitted to the bar that same year. Judge Malmquist was city attorney for Morris, and for several small villages in Grundy County. He became an associate judge for the Thirteenth Judicial Circuit in 1964, and a circuit judge in 1972. He remained in that position until his retirement in 1979.

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

RESOLUTION

IN MEMORY OF

**THE HONORABLE SAMUEL MARAGOS**

The Honorable Samuel C. Maragos, former circuit judge for the Circuit Court of Cook County, passed away August 23, 2005.

Judge Maragos was born August 19, 1922, in Sioux City, Iowa. He received his law degree from The John Marshall Law School in 1948, and was admitted to the bar that same year. Judge Maragos served as State Representative from the 30th Legislative District for the 76th, 77th, 78th and 79th General Assemblies. He also served as State Senator for the 80th and 81st General Assemblies for the same district. Judge Maragos served as a circuit judge for the Circuit Court of Cook County from 1992, until his retirement in 1995.

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

**2006 REPORT  
RESOLUTION  
IN MEMORY OF  
THE HONORABLE JAMES J. MEEHAN**

The Honorable James J. Meehan, former associate judge for the Circuit Court of Cook County, passed away August 18, 2005.

Judge Meehan was born August 25, 1930, in Evergreen Park, Illinois. He received his law degree from DePaul University College of Law in 1958, and was admitted to the bar that same year. Judge Meehan was an assistant State's Attorney for the Circuit Court of Cook County from 1963 to 1973. He became an associate judge in 1977, retiring in 1994.

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

**RESOLUTION**

**IN MEMORY OF**

**THE HONORABLE IRVING R. NORMAN**

The Honorable Irving R. Norman, former circuit judge for the Circuit Court of Cook County, passed away January 29, 2006.

Judge Norman was born February 19, 1914, 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. Judge Norman was appointed a circuit judge for the Circuit Court of Cook County in 1971, and retired in 1991.

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

**2006 REPORT  
RESOLUTION  
IN MEMORY OF  
THE HONORABLE ANTHONY M. PECCARELLI**

The Honorable Anthony M. Peccarelli, former appellate justice Second Judicial District, passed away September 25, 2005.

Judge Peccarelli was born April 12, 1928, in Newark, New Jersey. He received his law degree from The John Marshall Law School and was admitted to the bar in 1961. Judge Peccarelli served solely in the public sector until becoming an associate judge for the Eighteenth Judicial Circuit in 1979. He became a circuit judge in 1982, and chief judge for the Eighteenth Judicial Circuit in 1989. In 1993 he was appointed to the Second District Appellate Court. Judge Peccarelli retired from the bench in 1994.

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

RESOLUTION

IN MEMORY OF

**THE HONORABLE JOHN L. PETERSEN**

The Honorable John L. Petersen, former associate judge for the Sixteenth Judicial Circuit, passed away February 7, 2006.

Judge Petersen was born March 24, 1936, in Aurora, Illinois. He received his law degree from DePaul University College of Law in 1961, and was admitted to the bar that same year. Judge Petersen served solely in the private sector until becoming an associate judge for the Sixteenth Judicial Circuit in 1982. He retired in 1999.

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

**2006 REPORT  
RESOLUTION  
IN MEMORY OF  
THE HONORABLE CHARLES E. RUTH**

The Honorable Charles E. Ruth, former associate judge for the Eighteenth Judicial Circuit, passed away April 9, 2006.

Judge Ruth was born January 18, 1930, in Chicago, Illinois. He received his law degree from The John Marshall Law School in 1970, and was admitted to the bar that same year. Judge Ruth was an assistant State's Attorney in DuPage County from 1970 to 1981. He was appointed an associate judge for the Eighteenth Judicial Circuit in 1981, and remained in that position until his retirement in 1994.

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

**RESOLUTION**

**IN MEMORY OF**

**THE HONORABLE LEO F. WRENN**

The Honorable Leo F. Wrenn, former associate judge for the Circuit Court of Cook County, passed away October 28, 2005.

Judge Wrenn was born July 14, 1925, in Chicago, Illinois. He received his law degree from Loyola University College of Law, and was admitted to the bar in 1949. Judge Wrenn served primarily in the public sector until being appointed an associate judge for the Circuit Court of Cook County in 1984. He retired in 1997.

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

**RECOGNITION OF RETIRED JUDGES**

**ANDREWS, H. Dean** was born December 8, 1945, in Danville, 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. Judge Andrews was in private practice until 1987, when he became an associate judge for the Fifth Judicial Circuit. He was elected a circuit judge in 2000, and remained in that position until his retirement July 31, 2006.

**BASTONE, Robert P.** was born May 21, 1949, in Chicago, Illinois. He received his law degree from The John Marshall Law School in 1975, and was admitted to the bar that same year. Judge Bastone served as assistant Attorney General for the Circuit Court of Cook County from 1967 to 1977, was in private practice from 1977 to 1978, assistant corporation counsel 1978 to 1981, and assistant State's Attorney from 1981 to 1984. In 1984 he was appointed to the bench as an associate judge. In 2004, the Illinois Supreme Court appointed him to a circuit judge position where he remained until his retirement August 7, 2005.

**BIERMAN, Janice L.** was born December 12, 1946, in Aurora, Illinois. She received her law degree from DePaul University College of Law in 1971, and was admitted to the bar that same year. Judge Bierman served as assistant Illinois Attorney General from 1971 to 1973, assistant Cook County State's Attorney from 1973 to 1974, and was attorney for the Village of Schaumburg from 1974 to 1985. She was appointed an associate judge in 1985. Judge Bierman was elected a circuit judge in 1994, and retained that position until her retirement December 31, 2005.

**BOWIE, Jr., Preston L.** was born March 19, 1944, in Chicago, Illinois. He received his law degree from Chicago-Kent College of Law in 1978, and was admitted to the bar that same year. Judge Bowie was an assistant Public Defender until 1988, when he was appointed an associate judge for the Circuit Court of Cook County. He was appointed a circuit judge in 2006, and remained in that position until his retirement July 14, 2006.

**BURR, Edward R.** was born July 14, 1931, in Chicago, Illinois. He received his law degree from Northwestern University School of Law in 1958, and was admitted to the bar that same year. Judge Burr served as assistant corporation counsel for the City of Chicago, and in private practice until being appointed an associate judge for the Circuit Court of Cook County in 1984. He became a circuit judge in 1988, and remained in that position until his retirement July 9, 2006.

**CROOKS, Wilbur E.** was born December 9, 1940, in Chicago, Illinois. He received his law degree from DePaul University College of Law and was admitted to the bar in 1978. Judge Crooks was an assistant State's Attorney before becoming a circuit judge for the Circuit Court of Cook County in 1996. He remained in that position until his retirement November 30, 2005.

**FAHEY, Thomas J.** was born October 11, 1942, in Peoria, Illinois. He received his law degree from Chicago-Kent College of Law and was admitted to the bar in 1973. Judge Fahey was engaged in private practice immediately before joining the Fifth Judicial Circuit as a circuit judge in 1988. A position he remained in until his retirement January 16, 2006.

**FRITTS, David** was born August 15, 1948, in Dixon, Illinois. He received his law degree from Northwestern University School of Law and was admitted to the bar in 1976. Immediately prior to becoming a judge, he served in the private sector, and previously served as a Public Defender in Lee County. In 1996, he became a circuit judge for the Fifteenth Judicial Circuit. He served as Chief Judge from January 2005 until January 2006. Judge Fritts retired March 9, 2006.

**GRABIEC, Edwin B.** was born August 4, 1941, in Chicago, Illinois. He received his law degree from DePaul University College of Law and was admitted to the bar in 1968. Judge Grabiec served solely in the private sector until joining the Twelfth Judicial Circuit as an associate judge in 1977. He remained in that position until his retirement July 31, 2006.

**HOGAN, Michael J.** was born December 31, 1946. He received his law degree from Loyola University School of Law and was admitted to the bar in 1972. Judge Hogan served in the private sector and in the Attorney General's office. He became a circuit judge for the Circuit Court of Cook County in 1987, and retained that position until his retirement January 15, 2006.

**HULTGREN, David** was born April 30, 1951, in Geneseo, Illinois. He received his law degree from the University of North Carolina School of Law in 1978, and was admitted to the bar that same year. Judge Hultgren clerked for Justice Albert Scott from 1978 to 1979. Judge Hultgren has served primarily in the private sector. He became a circuit judge for the Ninth Judicial Circuit in 1992, and remained in that position until his retirement July 4, 2006.

**JONES, Thomas H.** was born July 10, 1945, in Miami Beach, Florida. He received his law degree from the University of Illinois College of Law and was admitted to the bar in 1970. Judge Jones served solely in the private sector until becoming an associate judge for the First Judicial Circuit in 1993. He remained in that position until his retirement August 31, 2005.

**JOY, Mark M.** was born December 15, 1948, in Chicago, Illinois. He received his law degree from Loyola University School of Law and was admitted to the bar in 1976. Judge Joy served solely in the private sector until becoming an associate judge for the Fourth Judicial Circuit in 1982. He remained in that position until his retirement January 5, 2006.

**KALLAN, Kathleen Glenney** was born April 23, 1949, in Wilmington, Illinois. She received her law degree from Loyola University School of Law in 1975, and was admitted to the bar that same year. Judge Kallan was an assistant Public Defender in Will County and private practice simultaneously, from 1975 to 1990, when she became an associate judge for the Twelfth Judicial Circuit. She remained in that position until her retirement March 3, 2006.

**KARDIS, Phillip J.** was born August 15, 1942, in Alton, Illinois. He received his law degree from George Washington University and was admitted to the bar in 1971. Judge Kardis served solely in the private sector until becoming a circuit judge for the Third Judicial Circuit in 1989. He remained in that position until his retirement September 1, 2005.

**KEEHAN, Michael** was born September 15, 1944. He received his law degree from The John Marshall Law School and was admitted to the bar in 1981. Judge Keehan was assistant State's Attorney in the Circuit Court of Cook County from 1981 to 1984, and sole practitioner from 1985 to 1998. He was formerly a City of Chicago police detective. Judge Keehan was elected a circuit judge in 1998, and retained that position until his retirement February 28, 2006.

**LOCKWOOD, Brocton D.** was born January 10, 1944, in Honolulu, Hawaii. He received his law degree from Vanderbilt School of Law in 1969, and was admitted to the bar that same year. Judge Lockwood served solely in the private sector. From 1978 to 1984, Judge Lockwood served as an associate circuit judge in Williamson County. In 1979, he participated as a mole in Operation Greylord on behalf of the U. S. Department of Justice. In January 2000, he was appointed to serve as an associate judge for the First Judicial Circuit, a position he remained in until his retirement July 31, 2006.

**MANSFIELD, Scott** was born in 1949, in East St. Louis, Illinois. He received his law degree from St. Louis University School of Law and was admitted to the bar in 1983. Judge Mansfield was the chief assistant Public Defender in St. Clair County until 1994, when he joined the Twentieth Judicial Circuit as an associate judge. He remained in that position until his retirement December 31, 2005.

**McMORROW, Mary Ann G.** was born January 16, 1930, in Chicago, Illinois. She received her law degree from Loyola University School of Law in 1953, and was admitted to the bar that same year. Justice McMorrow served in the private sector from 1954 to 1955. From 1955 to 1976, she was an assistant State's Attorney, where she was the first woman to prosecute major criminal cases for the Circuit Court of Cook County. She was elected a judge in 1976 and remained in that position until being appointed to the Illinois Appellate Court in 1985. In 1992, she was elected to the Illinois Supreme Court. Justice McMorrow was the first woman to hold a position on the Illinois Supreme Court and became the first woman Chief Justice in 2002. She retired July 5, 2006.

**MONTELIONE, Anthony S.** was born in 1937, in Oak Park, Illinois. He received his law degree from DePaul University College of Law in 1963, and was admitted to the bar that same year. Judge Montelione was with the Cook County State's Attorney's office from 1964 to 1971. From 1971 to 1977, he was an associate judge for the Circuit Court of Cook County becoming a circuit judge in 1977. He retained that position until his retirement July 31, 2006.

**MORAN Jr., George** was born October 12, 1948, in Granite City, Illinois. He received his law degree from St. Louis University School of Law, and was admitted to the bar in 1974. Judge Moran was the St. Clair County Public Defender until becoming an associate judge for the Third Judicial Circuit in 1977. He was appointed a circuit judge in 1980, and remained in that position until his retirement February 13, 2006.

**MORRISSEY, John E.** was born December 11, 1942, in Chicago, Illinois. He received his law degree from St. Louis University School of Law in 1974, and was admitted to the bar that same year. Judge Morrissey was an assistant Cook County Public Defender from 1974 to 1979, and assistant State's Attorney from 1979 to 1983. He was appointed an associate judge for the Circuit Court of Cook County in 1983, and elected a circuit judge in 1988. He retained that position until his retirement December 31, 2005.

**NEALIS, Paul J.** was born February 16, 1946, in Evergreen Park, Illinois. He received his law degree from Northern Illinois University College of Law in 1978, and was admitted to the bar that same year. Judge Nealis was an assistant Cook County State's Attorney from

1979 to 1983, and served in the private sector from 1983 to 1991. He was appointed an associate judge for the Circuit Court of Cook County in 1991, and retained that position until his retirement October 31, 2005.

**NOTTOLINI, Gene L.** was born in 1944, in Elgin, Illinois. He received his law degree from St. Louis University School of Law in 1968, and was admitted to the bar that same year. Judge Nottolini served primarily in the private sector prior to becoming an associate judge in 1984. In 1988 he was appointed a circuit judge for the Sixteenth Judicial Circuit, where he also served as chief judge from 1993 to 1996. From 1996, until his retirement November 30, 2005, he served as a circuit judge for the Sixteenth Judicial Circuit.

**NOWICKI, Julia M.** was born May 11, 1948, in Milwaukee, Wisconsin. She received her law degree from Loyola University School of Law in 1975, and was admitted to the bar that same year. Judge Nowicki taught trial practice at Loyola University. She was an assistant State's Attorney for the Circuit Court of Cook County from 1975 to 1979, and served in the private sector from 1981 to 1984. In 1984, she was appointed an associate judge in the Circuit Court of Cook County. She was elected a circuit judge in 1992, and retained that position until her retirement May 5, 2006.

**NUDELMAN, Stuart A.** was born July 8, 1946, in Chicago, Illinois. He received his law degree from Chicago-Kent College of Law in 1972, and was admitted to the bar that same year. He has taught trial practice at several universities throughout the years. Judge Nudelman served primarily in the Cook County Public Defender's office prior to being appointed an associate judge in 1985. In 1987 he was appointed a circuit judge for the Circuit Court of Cook County and retained that position until his retirement July 5, 2006.

**POPE, Michael J.** was born July 10, 1943, in Chicago, Illinois. He received his law degree from The John Marshall Law School and was admitted to the bar in 1974. Judge Pope served in the private sector from 1974 to 1986, when he was appointed an associate judge for the Circuit Court of Cook County. He remained in that position until his retirement September 30, 2005.

**RYAN, James T.** was born July 23, 1934, in Yonkers, New York. He received his law degree from the University of Wisconsin Law School in 1959, and was admitted to the Illinois bar in 1961. Judge Ryan served primarily in the private sector, with the exception from 1983 to 1988, when he was special assistant Cook County State's Attorney. He became a circuit judge for the Circuit Court of Cook County in 1996, and remained in that position until his retirement July 4, 2006.

**SHIFFMAN, Stuart H.** was born March 4, 1948, in Chicago, Illinois. He received his law degree from DePaul University College of Law in 1974, and was admitted to the bar that same year. Judge Shiffman was an assistant Attorney General for the State of Illinois in 1974 and 1979. From 1975 to 1983 (with the exception of the two previously mentioned years) he served as an assistant State's Attorney. In 1983, he was appointed an associate judge for the Seventh Judicial Circuit. He retained that position until his retirement January 15, 2006.

**SIEBEL, Richard A.** was born February 8, 1939, in Chicago, Illinois. He received his law degree from Northwestern University School of Law in 1964, and was admitted to the bar that same year. Judge Siebel served as Judge Advocate General Corps, U. S. Navy from 1965 to 1967. From 1968 to 1998 he served solely in the private sector. In 1998, he was elected a circuit judge for the Circuit Court of Cook County. Judge Siebel retained that position until his retirement December 31, 2005.

**SMIERCIAK, Robert M.** was born April 26, 1946, in Chicago, Illinois. He received his law degree from Northwestern University School of Law in 1971, and was admitted to the bar that same year. Judge Smierciak served as an assistant State's Attorney for the Circuit Court of Cook County from 1971 to 1985. In 1985, he was appointed an associate judge for the Circuit Court of Cook County. He remained in that position until his retirement December 1, 2005.

**SURIA Jr., Fred G.** was born September 16, 1927, in Philadelphia, Pennsylvania. He received his law degree from Loyola University School of Law and was admitted to the bar in 1953. Judge Suria served solely in the private sector until 1962, when he was elected a judge for the Village Court of Midlothian, Illinois. In 1964, he became an associate judge in the Circuit Court of Cook County and remained in that position until his retirement July 31, 2006.

**THOMAS, Mary Maxwell** was born March 18, 1943, in Waukegan, Illinois. She received her law degree from the University of Chicago Law School in 1973, and was admitted to the bar that same year. Judge Thomas served in both the public and private sectors prior to being appointed a circuit judge for the Circuit Court of Cook County in 1987. Judge Thomas retained that position until her retirement July 31, 2006.

**TOBIN THOMPSON, Karen** was born June 29, 1951, in Chicago, Illinois. She received her law degree from DePaul University College of Law in 1976, and was admitted to the bar that same year. Judge Thompson Tobin served as an assistant Cook County State's Attorney from 1976 to 1978, and as an assistant Public Defender from 1978 to 1987. In 1987, she was appointed an associate judge for the Circuit Court of Cook County. She became a circuit judge in 1994, and retained that position until her retirement July 7, 2006.

**TORLUEMKE, Kenneth W.** was born February 9, 1948. He received his law degree from Loyola University School of Law in 1975, and was admitted to the bar that same year. Judge Torluemke was the Public Defender in DuPage County until being appointed an associate judge for the Eighteenth Judicial Circuit in 1995. He remained in that position until his retirement July 28, 2006.

**WEBER, Michael R.** was born June 17, 1947, in Olney, Illinois. He received his law degree from St. Louis University School of Law in 1974, and was admitted to the bar that same year. Judge Weber served solely in the private sector before becoming an associate judge for the Fourth Judicial Circuit. He became a circuit judge in 1984, and served as chief judge from 1987 to 2001. Judge Weber retired August 31, 2005.

**WHITE, LaBrenda E.** was born July 11, 1947, in Bowling Green, Kentucky. She received her law degree from Howard University School of Law in 1975, and was admitted to the bar that same year. Judge White served as an assistant State's Attorney for the Circuit Court of Cook County from 1975 to 1991. In 1991, she was appointed an associate judge for the Circuit Court of Cook County and remained in that position until her retirement August 21, 2005.

**WRIGHT, Willie B.** was born February 8, 1950. He received his law degree from the University of Illinois College of Law and was admitted to the bar in 1975. Judge Wright was an assistant Public Defender in Cook County. In 1988 he was appointed an associate judge for the Circuit Court of Cook County and remained in that position until his retirement December 31, 2005.

**YOUNG, Anthony L.** was born December 11, 1948, in Chicago, Illinois. He received his law degree from DePaul University College of Law in 1977, and was admitted to the bar that same year. Judge Young served primarily in the private sector until 1992, when he became a circuit judge for the Circuit Court of Cook County. He remained in that position until his retirement July 7, 2006.

**NEW JUDGES**

Braun, Bennett J. — Associate Judge, Twelfth Judicial Circuit  
Danner, Edward R. — Circuit Judge, Ninth Judicial Circuit  
Egan, James E. — Associate Judge, Twelfth Judicial Circuit  
Hyman, Michael B. — Circuit Judge, Circuit Court of Cook County  
Jacobson, Ronald M. — Circuit Judge, Fifteenth Judicial Circuit  
Johnson, Marilyn F. — Circuit Judge, Circuit Court of Cook County  
Klaus, Richard P. — Associate Judge, Sixth Judicial Circuit  
Kostelny, Marmarie J. — Associate Judge, Sixteenth Judicial Circuit  
McCarthy, Maurice J. — Circuit Judge, Circuit Court of Cook County  
McHaney, Michael D. — Associate Judge, Fourth Judicial Circuit  
Parker, Kevin S. — Circuit Judge, Fourth Judicial Circuit  
Pistorius Eric, S. — Circuit Judge, Seventh Judicial Circuit  
Roberts, James L. — Associate Judge, Fourth Judicial Circuit  
Rudolf, Heinz M. — Associate Judge, Twentieth Judicial Circuit  
Sanchez, Esteban F. — Associate Judge, Seventh Judicial Circuit  
Schreiber, Edward C. — Associate Judge, Sixteenth Judicial Circuit  
Solverson, Christy W. — Associate Judge, First Judicial Circuit  
Stanley, Mark R. — Associate Judge, Second Judicial Circuit  
Stobbs, Stephen A. — Associate Judge, Third Judicial Circuit  
Strickland, George D. — Associate Judge, Nineteenth Judicial Circuit  
Stride, Christopher — Associate Judge, Nineteenth Judicial Circuit  
Viola, Marilee — Associate Judge, Twelfth Judicial Circuit  
Walker, Carl Anthony — Circuit Judge, Circuit Court of Cook County  
Weber, Don — Circuit Judge, Third Judicial Circuit  
Wilbrandt, Jr. Robert A. — Associate Judge, Nineteenth Judicial Circuit

## 2006 REPORT

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

Hon. John O. Steele, Chair

Hon. Harris H. Agnew, Ret.  
Hon. Patricia Banks  
Hon. Joseph F. Beatty  
Hon. John P. Coady  
Hon. Claudia Conlon  
Hon. Donald J. Fabian  
Hon. Robert E. Gordon

Hon. David E. Haracz  
Hon. Michael D. Kramer  
John G. Laurie, Esq.  
Kent Lawrence, Esq.  
Hon. Stephen R. Pacey  
Hon. Lance R. Peterson  
Anton J. Valukas, Esq.

October 2006

## I. STATEMENT OF COMMITTEE CONTINUATION

Since the 2005 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, including the consideration of a few proposed Supreme Court rule amendments and formulating a plan to accomplish the projects and priorities set forth by the Court for Conference Year 2006.

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 observe the activities of the court-sponsored major civil case mediation programs operating in ten circuits.

During the 2007 Conference year, the Committee will continue to monitor court-annexed mandatory arbitration programs, oversee and facilitate the improvement and expansion of major civil case mediation programs, consider proposed amendments to Supreme Court rules for mandatory arbitration and continue to study and evaluate other alternative dispute resolution options. The Committee will also continue to work on the projects and priorities delineated by the Supreme Court and stand ready to accept new projects for Conference Year 2007.

Because the Committee continues to provide service to arbitration practitioners, recommendations on mediation and arbitration program improvements, information to Illinois judges and lawyers and promote the expansion of court-annexed alternative dispute resolution programs in the state of Illinois, the Committee respectfully requests that it be continued.

## II. SUMMARY OF COMMITTEE ACTIVITIES

### *Court-Annexed Mandatory Arbitration*

As 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 nineteen 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.<sup>1</sup> A complete statistical analysis for each circuit is contained in the annual report. The Committee emphasizes that it is best to judge the success of a program

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<sup>1</sup>The AOIC's Court-Annexed Mandatory Arbitration Fiscal Year 2006 Annual Report will be available on the AOIC portion of the Supreme Court website ([www.state.il.us/court](http://www.state.il.us/court)) and on the website of the Center for Analysis of Alternative Dispute Resolution Systems ([www.caads.org](http://www.caads.org)).

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 2005 Annual Meeting of the Illinois Judicial Conference concerning court-annexed mandatory arbitration.

### ***Conference Year 2006 Projects and Priorities Prescribed by the Supreme Court***

The Supreme Court prescribed a new, general Committee charge and outlined several projects and priorities for the Committee to examine in Conference Year 2006. The Committee reviewed the list of projects/priorities for 2006 and formulated a plan to address those projects. The Committee elected to create subgroups to study each of the projects. As part of the plan, each subgroup will study a specific project and make a recommendation to the Committee to consider as a whole. Below are the projects/priorities the Committee began to study for Conference Year 2006.

#### ***Standardized Data Forms for Collection of Statistical Information***

The Supreme Court requested that the Committee examine the issue of "creating standardized data forms for use in local courts in collection of statistical information and develop a framework for the analysis of that data." For State Fiscal Year 2006, the Committee, in conjunction with the Administrative Office of the Illinois Courts, asked arbitration centers to begin reporting on three new statistical categories.

The first new category of statistics to be collected is on the various types of cases that proceed through arbitration. With the assistance of arbitration administrators, seven case types were identified and collection of statistical information began. The seven case types include auto/subrogation, collections, contracts, liability/tort, property damage, personal injury and other. The purpose in collecting this information is to decipher which types of cases are processed in arbitration and to begin to examine the settlement rates for certain case types.

The second new category of statistics will identify information on the monetary value of a case at the time of filing. The collection of this statistic will be broken down into two ranges, \$10,001 to \$30,000 and \$30,001 to \$50,000. The collection of these numbers will help the Committee analyze the case value and identify shifting trends in monetary limits for arbitration programs.

The third new category of statistics will present information on the average dollar amount for awards granted by arbitration panels in the various case types (i.e.; auto/subrogation, collections, contracts, etc.) and will also depict the average number of days a case spends in the arbitration process. The collections of these statistics will assist the Committee in measuring program efficacy. All three of the new categories for arbitration statistics will be reported in the Administrative Office of the Illinois Court's Annual Court-Annexed Mandatory Arbitration Statistical Report to the Illinois General Assembly.

### ***Training of Arbitrators***

The Supreme Court charged the Committee with "reviewing materials to develop a training curriculum for mandatory arbitration personnel and conduct a needs analysis for training of arbitrators." Annually, the Committee meets with arbitration administrators and supervising judges to discuss mandatory arbitration programs and suggest program improvements. At that meeting, it was determined that arbitration programs would benefit from a training manual, developed by the Committee, outlining core competencies and program curriculum for arbitrators. The Committee circulated a copy of the Circuit Court of Cook County's Arbitrator Reference Manual for review. Subsequent to a thorough review, the Committee may consider adopting Cook County's Manual as a recommended training document for all jurisdictions with arbitration programs.

### ***Child Custody Mediation***

The Supreme Court charged the Committee with "studying, examining and reporting on the efficacy of mediation in child custody cases in domestic relations courts as an appropriate ADR application." During Conference Year 2006, the Committee observed the Supreme Court's adoption of the Article IX Rules with respect to child custody proceedings. The Committee plans to monitor the effectiveness of the new mediation provisions set forth in the Article IX Rules. The Committee plans to gather any current studies from those circuits which have existing child custody mediation programs regarding the effectiveness of those programs. From those reports, the Committee will attempt to compare/contrast and assess those programs. In addition, the Committee will report on the progress of programs being initiated in other circuits.

### ***Summary Jury Trials***

The Supreme Court charged the Committee with "continuing to examine the possibility of summary jury trials as a viable ADR option and craft a proposed rule for consideration by the Court." The concept of summary jury trials was introduced to the Committee in Conference Year 2003. Summary jury trials are a specialized process designed to address cases in which significant damages are sought and/or are complex in nature and will consume disproportionate amounts of court time and resources. The summary jury trial process can be described as a process that is conducted in one day or less wherein counsel for each side presents an entire case, both evidentiary and argumentatively, and then the case is decided by a jury panel of six individuals. The jury verdict is advisory unless the parties agree otherwise, however, the jury is unaware of this fact while deliberating.

During Conference Year 2006, the Committee reviewed statutory authority and court rules in other jurisdictions with ongoing summary jury trial programs to determine which practices might best accommodate such a program in the state of Illinois. Subsequently, the Committee drafted a proposed rule governing summary jury trials and pursuant to Supreme Court Rule 3 will submit the proposal to the Supreme Court Rules Committee. The Committee believes it is a good idea to offer multiple settlement techniques, such as summary jury trials, to the trial bench to have at its disposal and to use on a discretionary basis.

### ***Other Initiatives***

The Supreme Court charged the Committee with "undertaking any such other projects or initiatives that are consistent with the Committee charge." As part of this general charge, the Committee is investigating the possibility of utilizing *voluntary* arbitration for arbitration eligible cases in certain circuits. In particular, this arbitration practice would be viable for smaller counties where it would not be feasible to have a mandatory arbitration system. The Committee has begun preliminary examination of this issue and plans to continue its evaluation of voluntary arbitration to determine if it is a plausible arbitration practice and suitable for Illinois' current arbitration system.

The Committee also plans to consider matters regarding Supreme Court Rule 87 with respect to arbitrator compensation levels and Supreme Court Rule 93 with respect to the rejection fee for an arbitration award.

### ***Certificate of Appreciation***

The Court-Annexed Mandatory Arbitration Program has been operating in Illinois for more than nineteen years. The Committee recognizes that the effectiveness of the program, in large part, stems from the commitment and dedication of its arbitrators. The continued success of the arbitration program is dependent upon retaining experienced, qualified arbitrators. In the interest of arbitrator morale, the Committee drafted a Certificate of Appreciation to be awarded to arbitrators and plans to forward the certificate to the Supreme Court for its consideration. A copy of the proposed certificate is appended hereto.

### ***Mediation***

Presently, court-sponsored mediation programs operate in the First, Eleventh, Twelfth, Fourteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth Circuits and the Circuit Court of Cook County. Supreme Court Rule 99 governs the manner in which mediation programs are conducted. Actions eligible for mediation are prescribed by local circuit rule in accordance with Supreme Court Rule 99.

Court-sponsored mediation programs have been successful and well received, and have resulted in 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. They are responsive to a demonstrated need to provide alternatives to trial and have been well received by the participants.

The Committee continues to observe the implementation of new programs as well as monitor existing programs. The Committee is also working on the area of child custody mediation in accord with the Supreme Court's Article IX Rules with respect to child custody proceedings.

### III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During the 2007 Conference year, the Committee will continue to monitor and assess court-annexed mandatory arbitration programs, suggest broad-based policy recommendations, explore and examine innovative dispute resolution techniques and continue studying the impact of rule amendments. In addition, the Committee will continue to study, draft and propose rule amendments in light of suggestions and information received from program participants, supervising judges and arbitration administrators. The Committee will continue to study the projects/priorities and other assignments delineated by the Supreme Court for the upcoming Conference year.

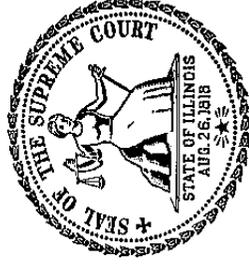
The Committee plans to facilitate the improvement and expansion of major civil case mediation programs. The Committee also plans to actively study and evaluate other alternative dispute resolution options.

### IV. RECOMMENDATIONS

The Committee recommends that the Conference concur with forwarding the Certificate of Appreciation acknowledging arbitrator service and dedication to the Supreme Court for consideration.

The Committee respectfully recommends that the Supreme Court allow the Committee to continue its work toward completing the projects and priorities outlined for Conference Year 2006, which included creating standardized data forms for collection of statistical information, training of arbitrators, examining child custody mediation and other initiatives as directed by the Supreme Court.

# *Supreme Court of Illinois*



\_\_\_\_\_

*is awarded a*

## *Certificate of Appreciation*

*for dedication and commitment to service*

*as an Arbitrator in the*

*Court-Annexed Mandatory Arbitration Program*

\_\_\_\_\_

*Honorable Robert R. Thomas, Chief Justice*

\_\_\_\_\_

*Date*

## 2006 REPORT

**ANNUAL REPORT  
OF THE  
AUTOMATION AND TECHNOLOGY COMMITTEE  
TO THE ILLINOIS JUDICIAL CONFERENCE**

Hon. Grant S. Wegner, Chair

Hon. Kenneth A. Abraham  
Hon. Francis J. Dolan  
Hon. James K. Donovan  
Hon. John K. Greanias

Hon. R. Peter Grometer  
Hon. Michael J. Murphy  
Hon. Daniel L. Schmidt  
Hon. Thomas H. Sutton

October 2006

## **I. STATEMENT ON COMMITTEE CONTINUATION**

The Automation and Technology Committee ("Committee") of the Illinois Judicial Conference shall provide consultation, guidance, and recommendations regarding standards, policies, and procedures relating to the use of technology and automation within the judicial branch.

Following the 2005 Judicial Conference, the Supreme Court modified the charge of the Automation and Technology Committee to include the development of general guidelines which promote the effective and efficient use of technology and automation in the trial courts, including recommendations for statewide standards, protocols, or procedures. The Committee shall analyze and develop recommendations related to rules and statutory changes that will manage the use of technology within the courts. The Committee's work also includes the review and evaluation of technology applications and their impact on the operation and workflow of the court. The Committee will also research and recommend response protocols to resolve security issues which may affect the use of technology.

For Conference Year 2006, the Supreme Court assigned the Automation and Technology Committee projects which include research and drafting of disaster recovery guidelines for adoption and adaption by all circuit courts. The Committee was also assigned to analyze and evaluate the use of video arraignment and video conferencing technologies and their impact on court proceedings.

During the 2006 Conference Year, the Automation and Technology Committee completed a disaster recovery guide for use in the trial courts. The Disaster Recovery Guide ("Guide") identifies critical topics and procedures recommended for inclusion in a court disaster recovery plan. The Guide outlines topics that are necessary for the development of a consolidated disaster recovery plan while still allowing for the autonomy of local departments and offices to include processes for their respective environment and needs. The Guide includes general topics, sample responses and templates that may be customized for each county where more detailed information and practices can be included for county and circuit-wide disaster recovery plans. The Guide also facilitates the sharing of resources, practices, and procedures among neighboring counties/circuits. The Disaster Recovery Guide is formatted in PDF with a Table of Contents which provides document links to sections of the Disaster Recovery Guide. Also included in the Guide is a Disaster Planning Checklist and research material that the Committee used to develop the Guide.

The Committee began discussions regarding the use of video conferencing and video arraignment equipment in the circuit courts. Further research and analysis will include the benefits, costs and concerns of video arraignment systems and additional research in the technology required to support these systems.

## **II. SUMMARY OF COMMITTEE ACTIVITIES**

During the 2006 Conference Year, the Automation and Technology Committee developed a Disaster Recovery Guide for distribution and use in the trial courts. The Committee also began researching the technologies associated with video arraignment and video conferencing and their use within the judiciary.

**A. Disaster Recovery Guide**

After reviewing several publications, planning documents from the National Center for State Courts and other individual states, articles regarding lessons learned and technical guides for maintaining the continuity of technologies and business operations, the Automation and Technology Committee began compiling requirements and components necessary for disaster planning within the Illinois trial courts. Discussing the planning process necessary to prepare for an interruption of court services was critical to determining the scope of the Disaster Recovery Guide and the parties that should be involved in the planning process. The Committee also discussed and identified key components of a thorough disaster recovery and contingency plan. Regular review processes and testing practices identified in a disaster plan are necessary to maintain a useful and current disaster recovery plan. The Committee included in the Disaster Recovery Guide testing procedures and upkeep practices to allow changes to a county's disaster plan.

The Automation and Technology Committee recommends that the Disaster Recovery Guide be distributed to the Chief Circuit Judges for use within their circuits. The Disaster Recovery Guide would also be available upon request via a CD-ROM disc. Finally, the Automation and Technology Committee recommends that the Disaster Recovery Guide be reviewed annually for enhancements.

**B. Video Arraignment and Video Conferencing Technologies**

The Automation and Technology Committee has discussed the technology generally used to provide video conferencing and video arraignment sessions for court hearings. Basic video conferencing technology can be provided using desktop computers and a high-speed Internet connection. In addition to a PC-based video conference system, a standard telephone conferencing system can provide the audio conferencing capabilities needed for teleconferences. However, given the need to provide video arraignment in multiple courtrooms, variables in Internet bandwidth and speeds, the use of recording systems in courtrooms, and the possible need to integrate evidence presentation systems for such hearings, a higher-end solution may be required. Even with the benefits of reduced travel costs for attorneys or witnesses and the savings associated with prisoner transportation, identifying who should pay for such systems and how to integrate video arraignment systems into the existing court infrastructures is critical for successful implementation and ongoing support.

**III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR**

For Conference Year 2007, the Automation and Technology Committee recommends that it be assigned the continued analysis and review of video conferencing and video arraignment systems for use in the judiciary based upon that which is permitted by law. The Committee is also receptive to any other assignments from the Supreme Court or the Judicial Conference Executive Committee.

**IV. RECOMMENDATIONS**

The Automation and Technology Committee respectfully requests to be continued for the 2007 Conference Year. The Committee recommends that the Illinois Judicial Conference approve the Committee to forward its Disaster Recovery Guide to the Supreme Court with the recommendation that it be distributed to the Chief Circuit Judges and that it be reviewed annually and made available upon request to Illinois judicial staff via CD-ROM disc.

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

Hon. Donald C. Hudson, Chair

Hon. Thomas R. Appleton  
Hon. Ann Callis  
Hon. Kathy Bradshaw Elliott  
Hon. Vincent M. Gaughan  
Hon. Daniel P. Guerin  
Hon. John Knight  
Hon. Paul G. Lawrence  
Hon. Ralph J. Mendelsohn

Hon. Steven H. Nardulli  
Hon. Lewis Nixon  
Hon. James L. Rhodes  
Hon. Teresa K. Righter  
Hon. Mary S. Schostok  
Hon. Eddie A. Stephens  
Hon. Michael P. Toomin  
Hon. Walter Williams

October 2006

## I. STATEMENT ON COMMITTEE CONTINUATION

The purpose of the Criminal Law and Probation Administration Committee (“Committee”) of the Illinois Judicial Conference is to review and make recommendation on matters affecting the administration of criminal law and monitor, evaluate, and provide recommendations on issues affecting the probation system. The Committee is further charged to review, analyze and examine new issues arising out of legislation and case law that impact criminal law and procedures and probation resources and operations.

Since the Committee’s inception, a number of critical issues related to criminal law and probation administration have been addressed. Over the years, the Committee has been instrumental in sponsoring amendments to Supreme Court Rules, which have been adopted by the Supreme Court, including Rule 604 (D,) 605 (A), and 605 (B). The Committee has made recommendations for the enactment of new rules, specifically Supreme Court Rule 402 (A), which was adopted by the Court.

The Committee continued to examine the possible implementation of a Youthful Offender Program during the past Conference year. At the 2004 Illinois Judicial Conference, the Committee submitted proposed legislation for a non-violent youthful offender sentencing program. This proposed legislation was based on extensive research from other states that have implemented similar programs.

The Committee has also devoted time monitoring pending legislation and analyzing its potential impact on probation resources. During the past two years, the Committee has concentrated some of its efforts on examining the trends, models and outcomes of problem-solving courts. During the 2005 Conference year, a guide was developed entitled “*Issues and Factors to Consider When Planning and Implementing Specialty Courts.*” This year, the Committee will submit a report to the Court examining the efficacy of problem-solving courts. The Committee has also dedicated time to researching the principles of Evidence-based Practices (EBP) in reducing offender recidivism. Lengthy discussions have occurred on the changing role of probation as well as examination of policies and practices to be considered for the judiciary as it relates to the implementation of EBP. It is the Committee’s recommendation that they continue their focus addressing matters affecting criminal law and procedures and the administration of probation services.

## II. SUMMARY OF COMMITTEE ACTIVITIES

### A. Probation Programs

#### Evidence-Based Practices: Moving from Theory to Practice

Significant research over the past few decades has yielded a body of knowledge, principles and effective practices that can reduce re-offending behaviors. The terms “What Works” or “Evidence-Based Practices” have been used interchangeably and refer to well-designed programs that are empirically and theoretically based and meet certain criteria that, when applied as

designed, can reduce offender recidivism substantially. Researchers have made considerable strides in identifying reliable predictors of offender recidivism, what does not work in offender treatment, and what has proven to be effective in offender treatment.

Researchers have determined core principles that should guide correctional programs:

- **Risk Principle** states that the most intensive treatment and interventions should be targeted to the higher risk offenders. Conversely, placing lower risk offenders in such programming can actually disrupt intact prosocial networks and, as some studies suggest, can even increase recidivism rates.
- **Need Principle** states that programs and interventions should target the criminogenic needs that contribute significantly to the offending behavior. Programs and interventions must focus on these needs in order to be effective in reducing re-offending behavior.
- **Responsivity Principle** states that programs and interventions must be delivered in a style, format, and content consistent with the ability of the offender using valid cognitive-behavioral/social learning approaches and techniques.

The adoption and application of EBP continues to gain momentum and functionality as the judiciary and justice system practitioners face a steadily increasing number of cases with divergent needs and budgetary restraints. Too often, judges have limited information and option in sentencing and supervising offenders. Application of cutting edge Evidence-Based Practices, which have been proven to be effective in reducing recidivism, can provide judges with access to key information to sentence and manage adult and juvenile offenders more effectively. Judicial participation and leadership, in tandem with probation and other justice system stakeholders is required in the successful planning and implementation of EBP. This is complicated work. The concepts and principles of EBP must be embraced; practitioners must be adequately trained; and programs and interventions that have been proven to be effective in reducing recidivism must be advocated and implemented.

### **Committee Work**

***Priority 1: Consistent with the principles of Evidence-Based Probation Practices, examine the implications for the judiciary in defining the scope of pre-sentence investigations and specific conditions of probation sentences.***

To achieve the established priority of “examining the implications for the judiciary in defining the scope of pre-sentence investigations and conditions of probation within the context of Evidence Based Practices,” a sub-committee was created consisting of the Hon. Donald C. Hudson, Hon. Ann Callis, Hon. Kathy Bradshaw Elliott, and Hon. John Knight. The sub-committee’s work began

with a literature search and review on the EBP research. Some sub-committee members attended the “Evidence-Based Practices in Managing Offenders” workshops offered at the Education Conference 2006. Select probation officers and managers were also interviewed to learn about the EBP probation practices and programs as well as to obtain input on how judges could incorporate EBP in their sentencing practices. The sub-committee conducted teleconferences with judiciary from some of the Illinois EBP implementation sites to learn about their efforts to implement EBP into their sentencing practices. The Hon. Michael H. Marcus from Multnomah County, Oregon, was contacted by some of the sub-committee members about a pre-sentence investigation order and a benchbook that he created which incorporates the principles of EBP. Materials have been forwarded to the sub-committee for review to determine their potential application to the Illinois EBP effort. Additionally, a presentation was made by Cheryl Barrett, Program Manager of the Administrative Office of the Illinois Courts, Probation Services Division, on EBP to the entire Criminal Law and Probation Administration Committee.

The Committee’s efforts culminated with a plan to develop “An Evidence-Based Practices Guide for the Judiciary.” The purpose of this guide would be to assist the judiciary in gaining an understanding of the principles of EBP and their effort in reducing offender recidivism as well as to provide some practical and concrete examples of EBP sentencing practices. The Committee has outlined a table of contents which includes information about the EBP research, EBP probation policies and practices, recommendation of how judges can incorporate EBP into their practices as well as a reference section. The sub-committee is in the process of creating this guide and expects that it will be completed and ready for presentation at the 2007 Judicial Conference. It is the Committee’s goal that this guide provide concrete and practical recommendations to the judiciary on sentencing practices and policies proven to reduce the risk of reoffending and increase public safety.

#### **B. Problem-Solving Courts Trends and Challenges**

Over the last decade, there has been a significant increase in the implementation of Problem-Solving Courts on a national and local level. The exponential growth in specialized courts is in response to the increasing number of offenders entering the system with a multitude of psycho-social problems such as mental illness, domestic violence, and substance abuse and the decreasing number of community-based support services available to address those issues. Growing court dockets consisting of repeat offenders motivated justice and community stakeholders to seek alternative sentencing and treatment practices to stop the revolving door and ultimately reduce recidivism.

In Illinois, there are a variety of Problem-Solving Courts serving specialized offender populations which include drug, family, mental health and domestic violence courts. While these courts are designed to address the needs of specialized offender populations, the models and practices vary throughout the state. Many jurisdictions have customized the structure, policies and practices of their Problem-Solving Courts in response to the needs of the offenders and the

resources available. There are, however, some common elements of Problem-Solving Courts as cited by the Bureau of Justice Assistance which include:

- **Outcome Focused:** Utilizes a holistic approach focusing on the victim, offender and the community.
- **System Change:** Requires buy-in and involvement by justice and community stakeholders to address the needs of the offenders served. Case processing, sanctions and interventions are all designed to promote change and to reduce offender recidivism.
- **Judicial Authority:** The judge plays an integral role in ensuring compliance with the court order and in promoting pro-social changes in the offender.
- **Collaboration:** There is collaboration among all stakeholders to ensure the issues of the offender are being addressed.
- **Non-Traditional Roles:** This is a team approach where all justice stakeholders are working together to achieve the same end; addressing the risk and needs of the offender and recidivism reduction.

While there is a growing interest and expansion of Problem-Solving Courts, there are also several challenges jurisdictions face in implementing and sustaining them. Problem-Solving Courts require significantly more resources than traditional courts. Judges and other justice stakeholders are much more involved in the management and supervision of the offender. Ethical issues have also surfaced, specifically related to the role of the judiciary. Finally more process and outcome data is needed to ensure that the investment of time and resources is having an impact in reducing offender recidivism.

### **Committee Work**

#### ***Priority 2: Study, examine and report on the efficacy of “Problem-Solving Courts” in the management of criminal felony and misdemeanor cases and offenders.***

In Conference Year 2005, in response to the growing number of jurisdictions implementing specialty courts, the Committee created a guide entitled *Issues and Factors to Consider When Planning and Implementing Specialty Courts*. The guide was intended to provide a framework on the essential elements in planning and implementing a Problem-Solving Court.

This year, the Committee was directed to expand its efforts to examine the efficacy of Problem-Solving Courts in the management of criminal felony and misdemeanor cases and offenders. To meet this charge, a sub-committee was formed whose membership consisted of Hon. Donald Hudson, Hon. Teresa Richter, Hon. Daniel Guerin and Hon. Walter Williams. The sub-committee examined literature on problem-solving courts, current trends, models and outcome data. The result of the Committee’s efforts provided for the development of a report on specialty courts, which addresses the current trends, models, benefits, obstacles and outcome measures (See attached report on Problem-Solving Courts).

The sub-committee also recognized the importance of obtaining an accurate assessment on the implementation and practices of all the existing Problem-Solving Courts within the Illinois circuit court system. To that end the sub-committee developed a survey to obtain information on the various Illinois Problem-Solving Courts focusing on the type and model of the Problem-Solving Court, funding, case processing, treatment interventions, rewards and sanctions and outcome measures (See attached survey). As many of the existing Problem-Solving Courts have local probation involvement, the Administrative Office of the Illinois Courts, Probation Services Division field coordinators worked with their respective circuits to complete the survey. The survey results also provided for the development of a one page summary on Illinois Problem-Solving Courts. The Committee is hoping to continue examining the efficacy of Problem-Solving Courts through further analysis of the survey results and the completion of the development of an inventory of Illinois Problem-Solving Courts for Conference Year 2007.

### **C. Rules on Criminal Laws and Procedures**

#### **Committee Work**

**Priority 3: *Study, examine and report on Supreme Court Rules as they relate to criminal procedure and court processes.***

The Criminal Law and Probation Administration Committee received a request from the Supreme Court Rules Committee seeking its recommendation concerning a proposed amendment to Supreme Court Rule 415.

The Illinois Public Defender's Association had submitted a proposal to the Rules Committee seeking to amend Supreme Court Rule 415 to read as follows: "Any materials furnished to any attorney pursuant to these rules shall remain in his exclusive custody and may be used for the purpose of conducting his side of the case, and shall be subject to such other terms and conditions as the Court may provide. A defense attorney may provide a copy of the discovery to the defendant. (Amendment underlined)."

The Committee reviewed the proposed change to Supreme Court Rule 415 and pursuant to Supreme Court Rule 3 forwarded its recommendations and rationale to the Rules Committee.

### **D. Confrontation Clause Issues**

#### **Committee Work**

**Priority 4: *Continue to monitor the impact of Crawford and its progeny on the Illinois Courts.***

The Committee has continued to discuss and monitor the impact of the U.S. Supreme Court ruling in the case of *Crawford v. Washington*, 541 U.S. 36, 124 S. Ct. 1354, 158 L.Ed2d 177 (2004) and its progeny.

**E. Criminal Law Revision****Committee Work**

**Priority 5: *Undertake any such other projects or initiative that are consistent with the Committee charge.***

The Committee continues to support revisions of the 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. The Hon. Michael Toomin is a member of the Criminal Law Edit, Alignment and Reform (CLEAR) Commission. He has informed the Committee that while he can not report on the specifics of the Commission's work on this initiative, there has been much progress made on defining major crimes and offenses. The Committee will continue to keep abreast of this important initiative.

**III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR**

While the Committee has made significant progress addressing its charges, much of the Committee's work is on-going and developing. The Committee is requesting to continue its work in refining the guide for the judiciary on evidence-based practices as well as reviewing and analyzing the data collected from the Problem-Solving Courts survey. The Committee would also like to continue reviewing and making recommendations on matters affecting the administration of criminal law and the probation system.

**IV. RECOMMENDATIONS**

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

## 2006 REPORT

**ATTACHMENT**

## 2006 REPORT

**THE**  
**EFFICACY AND TRENDS**  
**OF**  
**SPECIALTY COURTS**

Submitted to:

Illinois Judicial Conference

Committee on Criminal Law and Probation Administration

Submitted by:

Honorable Donald C. Hudson

Honorable Daniel P. Guerin

Honorable Teresa K. Righter

Honorable Walter Williams

October 2006

## I. INTRODUCTION

Over the past decade, there has been a significant increase in the development and implementation of problem-solving courts on both a national and state level. A problem-solving or specialty court seeks to address complex and difficult individual and social issues that underlie the causes of crime and criminal behavior. Growing court dockets consisting of repeat offenders have motivated justice and community state holders to seek alternative sentencing and treatment practices. By focusing on and successfully treating the underlying causes of criminal behavior, a specialty court, also known as a problem-solving or therapeutic court, seeks to reduce recidivism and bring a halt to offenders recycling through the criminal justice system.

The purpose of this report is to examine and report on the efficacy of specialty courts as well as the trends that are emerging in the operation of specialty courts.

## II. COMMON PRACTICES AND KEY ELEMENTS OF SPECIALTY COURTS

While specialty or problem-solving courts have taken different forms and models, specialty courts in Illinois and throughout the nation share many common features. These common features include but are not limited to: integration of treatment services with justice system case processing, use of a non-adversarial approach, eligibility requirements, provision of continuing rehabilitative and treatment services after case disposition, frequent monitoring and supervision, ongoing judicial interaction with participants, monitoring and evaluation of the court program, continuing interdisciplinary education, promoting partnerships between the court and the public. In addition, the following have been identified as the common practices and key elements of specialty courts. Casey & Rottman, Problem-solving Courts: Models and Trends, National Center for State Courts, [www.ncsconline.org/wc/publications/comm\\_probsolvctspub.pdf](http://www.ncsconline.org/wc/publications/comm_probsolvctspub.pdf), July 2003.

### A. COMMON PRACTICES AND KEY ELEMENTS OF DRUG COURTS

1. Integration of alcohol and other drug treatment services with justice system processing
2. Nonadversarial approach prosecution and defense counsel promote public safety while protecting participants due process rights
3. Early identification and placement in drug court program
4. Access to a continuum of alcohol, drug, and other related treatment and rehabilitation services
5. Frequent alcohol and other drug testing
6. A coordinated strategy to govern responses to participants compliance
7. Ongoing judicial interaction with each drug court participant
8. Monitoring and evaluation to measure the achievement of program goals and gauge effectiveness
9. Continuing interdisciplinary education to promote effective drug court planning, implementation, and operations
10. Partnerships among drug courts, public agencies, and community based organizations to generate local support and enhance program effectiveness

**B. COMMON PRACTICES AND KEY ELEMENTS OF MENTAL HEALTH COURTS**

1. Voluntary participation
2. Early identification and intervention
3. Emphasis on a therapeutic environment to reduce trauma often experienced by persons with a mental illness in the criminal justice system
4. Implementation of practices to reduce stigma associated with mental illness
5. Promotion of participation of individuals before the court in proceedings
6. A dedicated team approach with an involved judge, legal representatives, and interdisciplinary team of court and treatment professionals
7. A less formal court process
8. Essential role of case management
9. Essential role of case management and coordination of treatment
10. Client-centered treatment, focusing on the individuals specific needs
11. Regular status hearings to review progress and assess effectiveness of treatment plan
12. Consideration of public safety issues in any court decision

**C. COMMON PRACTICES AND KEY ELEMENTS OF DOMESTIC VIOLENCE**

1. Dedicated judge and staff
2. Specialized intake services to coordinate court and community resources
3. Early access to advocacy and services for victims
4. Integrated information systems
5. Screening for related cases
6. Coordination of a set of community partners
7. The court facility and process are victim and child friendly
8. Ongoing training and education for judge and staff
9. Close monitoring of compliance with court orders pre and post disposition
10. Judicial interaction with offenders that promotes the defendants understanding of court conditions

**III. UNIQUENESS OF SPECIALTY COURTS**

During the past decade, problem-solving or specialty courts, have become a significant and evolving feature of our criminal justice system. Specialty courts are based upon the concept of therapeutic justice, that is, the law becoming an agent of positive social change in the lives of individual defendants. Specialty courts throughout the State of Illinois focus on a closer collaboration with the services available in the communities located in the jurisdictions and stress a collaborative, multi-disciplinary, problem-solving approach to address the underlying causes of

criminal behavior. There are, however, significant differences between traditional and therapeutic approaches in the handling of criminal cases, both in the processes and in the roles of the judicial officers. The following are some of the significant differences to be aware of in the operation of traditional as opposed to specialty or problem-solving courts. *Judging for the Twenty First Century, A Problem-solving Approach*, National Judicial Institute, Ottawa, Canada, <http://www.nji.ca/nji/Public/documents/Judgingfor21scenturyDe.pdf>.

#### A. DIFFERENCES IN THE PROCESSES

##### **Traditional process**

Dispute resolution

Legal outcome

Adversarial process

Claim-or case-oriented

Rights-based

Emphasis on adjudication

Interpretation and application of law

Judge as arbiter

Precedent-based

Few participants and stakeholders

Individualistic

Legalistic

Formal

Efficient

Success measured by compliance

##### **Specialty Court process**

Problem-solving dispute avoidance

Therapeutic outcome

Collaborative process

People-oriented

Interest-or needs-based

Emphasis on post-adjudication and alternative dispute resolution

Interpretation and application of social science

Judge as coach

Planning-based

Wide range of participants and stakeholders

Interdependent

Common-sensical

Informal

Effective

Success measured by remediation of underlying problem

## B. DIFFERENCES IN ROLES OF JUDICIAL OFFICERS

### Traditional judicial officers

Decisions made in judicial language and in order to satisfy legal requirements, particularly with a view to review by the Appellate Court

Limited the communication

Communication only with counsel

Formal

Autonomous decision making

Never make “deals” with parties

Inert - doesn't tell counsel how to run cases and doesn't make suggestions

Refers only to legal texts, precedents and what counsel puts forward for information

### Specialty Court judicial officers

Decisions made in language understood by the parties

Open communication - ensuring stories are heard

Direct dialogue between judge and parties

Less formal ensures the comfort of all parties and creates a sense of inclusiveness

Team approach to decision making

Uses sanctions and rewards

Proactive-gets directly involved in problem-solving

Refers to other disciplines and experts for information

## IV. STATUTORY AUTHORITY FOR SPECIALTY COURTS

In Illinois there is statutory authority for drug courts for adults, 735 ILCS 160/30 and for juvenile drug courts, 705 ILCS 410/25. The statutes also contemplate that the Chief Judge of the circuit has the discretion to establish those courts as well as the discretion to determine the format under which they will operate. Currently, however, there is no statutory authority for the establishment of mental health courts in the State of Illinois. Authority for such courts, however, stem from Supreme Court Rule 21(b) which authorizes the Chief Judge of each circuit to enter general orders in the exercise of his/her general administrative authority providing for the assignment of judges, general or specialized divisions, and the times and places of holding court.

## V. CURRENT STATE OF SPECIALTY COURTS IN ILLINOIS

In Illinois, there are currently a number of specialty courts in operation. The Criminal Law and Probation Administration Committee of the Illinois Judicial Conference has developed a survey that seeks to obtain information from each problem-solving court in Illinois regarding the type or model of each court, funding sources, case processing management techniques, treatment interventions, rewards and sanctions, and outcome measures.

## A. TWELVE TRENDS OF SPECIALTY COURTS

Although problem-solving courts are still a relatively recent development in the criminal justice system, there are certain trends that are emerging that bear on the propriety and efficacy of problem-solving courts in the management of criminal cases. Casey, *Problem-solving Courts: Models and Trends*, National Center for State Courts, [www.ncsconline.org/wc/publications/comm\\_probsolvctspub.pdf](http://www.ncsconline.org/wc/publications/comm_probsolvctspub.pdf), July 2003.

### 1. Sustainability of Problem-Solving Courts

Problem-solving courts are proving that they can absorb a sufficient share of the court systems overall caseload to justify their existence. Early evaluations suggest that problem-solving courts can be as expeditious as the traditional courts hearing comparable types of cases. The additional pre-and post-plea appearances held for defendants in problem-solving courts do not prevent those courts from carrying their share of the court workload or make problem-solving court judges less productive than other judges. Because their caseloads are lighter than traditional courts, problem-solving courts have been more expeditious in the movement of cases through the system. Although defendants are required to appear in specialty courts more often and for longer periods of time, the cases are moved from indictment to disposition much faster.

### 2. Proliferation of Problem-Solving Courts Stabilizing

The Drug Court Clearinghouse maintains national information on the number of drug courts planned, implemented, and suspended each year. Comparable information is not available for community, domestic violence, and mental health courts. Information regarding the number of these courts is culled from various sources and may not capture all recently implemented courts and existing and planned courts that suspended operations. With these caveats, the growth rate of new problem-solving courts seems to be declining. In 2002, 103 adult drug courts were implemented. Based on the first five months of 2003, the estimated number of new adult drug courts is 53. One reason for the decline in growth is clearly financial. The state court systems are facing severe fiscal shortfalls. Many states are struggling to maintain their existing services and do not have the resources to start new initiatives. The exception to this trend is mental health courts. Their proliferation is buoyed by federal funding authorized by the Americas Law Enforcement and Mental Health Project Act (P.L. 106-515).

### 3. More rigorous evaluations of Problem-Solving Courts

When specialty courts first arose, they were evaluated by highly subjective means. Most of the studies focused on only the positive aspects of the courts and rarely focused on objective evidence. Modern evaluations have become more formal. They focus more on objective evidence. Even though the studies address positives and negatives equally, the conclusions remain positive. Future evaluations will more adequately shed light on the efficacy of problem-solving courts.

#### **4. More realistic expectations**

As more evaluation data on problem-solving courts accrues, advocates are offering more realistic appraisals of what problem-solving courts can do. Although generally positive, the evaluation data indicate that these courts are not a panacea for solving complex societal problems. Although we are able to say more and more about problem-solving courts, we know little about what specific factors contribute to the positive results being observed. Additional research that explores which practices and processes are most effective with different kinds of offenders will contribute further to the reasonableness of promises about what these courts can accomplish.

#### **5. Increased information sharing**

Integrated information systems created for problem-solving courts represent a quantum leap in the quantity and quality of information available to judges. New sources of information are being tapped to identify other cases involving a defendant or a family and to learn about the employment and health situations of defendants. Information on non-compliance with court orders and completion of alternative sanctions, a weak link in traditional courts, has become reliable. As a result, problem-solving court judges are better placed to assess risks, to order appropriate services to address the defendants specific needs, and to calibrate sanctions when offenders relapse. Some courts have new staff positions to direct the flow of information. The focus on information raises the bar for all courts in terms of what is possible.

#### **6. Tension between standardized models and local practice**

Continuous innovation is a hallmark of problem-solving courts. Those at the forefront of the problem-solving court movement stressed the importance of local flexibility to address local issues, resources, and culture. As problem-solving courts join the mainstream, there is pressure to standardize practices across courts both to ensure fairness and equality and facilitate resource management and accountability. The question is what level of standardization these courts can tolerate and remain effective.

#### **7. More discourse on ethical and legal issues**

As problem-solving courts become more of a fixture on the landscape of American jurisprudence, they are capturing the attention of the established legal community. As a result, more discussion and debate about the proper role of the court, judge, attorneys, and other professionals in problem-solving courts is expected. Although ethical issues have been raised since the inception of these courts, they tended to be raised and debated by those specifically for or against the problem-solving court approach. A broader range of voices and perspectives is likely as law schools and professional organizations join in the discussion. This broader vetting of the problem-solving approach is an important step in the acceptance of the approach by the more mainstream judicial and legal community.

### **8. Money saving**

The substitution of alternative sanctions and treatment programs for pre-and post-plea jail time produces system savings that help justify the costs of problem-solving courts. That gain is counterbalanced, in part, by the increased use of jail space for offenders who failed to comply with court conditions and receive jail time as a sanction. The net savings through reduced jail use may disappear as problem-solving courts experiment with handling cases involving more violent offenders.

### **9. Procedural fairness**

The demeanor and the style of interaction of problem-solving court judges track closely with the elements of fair procedures that have emerged from social psychological research. Problem-solving court proceedings are rated more highly than traditional court proceedings on the dimensions of respect, neutrality, voice, and trustworthiness. As the procedural justice perspective would predict, people taking part in problem-solving courts show higher levels of satisfaction with the process and outcomes than in traditional courts. Judges, court staff, treatment and service providers, and lawyers report improved satisfaction with their work.

### **10. Tensions over allocation of treatment and social services**

Problem-solving courts can strengthen the network of treatment and service providers in an area through coordination and coalition building. Although beneficial for the target population, some worry that the courts involvement in the allocation of treatment services to offenders changes the dynamics of service provision for the general population, leaving some in the community with inadequate treatment options.

### **11. Public support**

For the most part, the public has embraced the concept of problem-solving courts. Legislators can argue the virtues of problem-solving courts from both a law and order/more accountability perspective and a rehabilitation and treatment perspective. Public opinion polls indicate broad support for typical problem-solving court practices. Problem solving courts also tend to engage the community much more in their operations than traditional courts. In an environment in which public trust and confidence in the courts is uninspiring, problem-solving courts are an oasis of good will and public support.

### **12. Expansion of the problem-solving approach**

Although the number of problem-solving courts may be stabilizing, several options for expanding the overall approach to reach a greater target population of offenders are under consideration. The resolution in support of problem-solving courts passed by the Conference of

Chief Justices and the Conference of State Court Administrators calls for the integration of problem-solving court principles and methods into court processes more generally. The U.S. Department of Justice Bureau of Justice Assistance recently held a focus group to explore the feasibility of expanding the problem-solving approach to include a system-wide screening, assessment, and referral process that targets a population of offenders with diverse problems. In addition, some members of the drug court community are considering expanding the eligibility criteria to include violent offenders. Federal funding for drug courts restricts eligibility criteria to non-violent offenders. As some jurisdictions transition to funding from other sources, broadening the eligibility criteria becomes a possibility.

## **B. OBSTACLES PROBLEM-SOLVING COURTS FACE**

Despite the growing number of specialty courts and the advancements those courts have made in the State of Illinois, specialty courts still face significant obstacles that serve as an impediment to their ability to grow and gain better success.

### **1. Lack of funding**

Problem-solving courts are expensive. They require facilities, technologies, and increased personnel. Currently there is not a stable source of funding for specialty courts. Specialty courts must seek state or federal grants or allocations in most cases. But a problem is that the costs of specialty courts are not as easily predicted as traditional courts.

### **2. Lack of adequate testing**

Currently, there is not an effective recognized method of testing the successfulness of specialty courts. Furthermore, effective testing, when available, is costly. Despite the tendency to want to use studies from other jurisdictions to analyze local specialty courts, courts should only be assessed by testing of their own court. Only then can the court be improved.

### **3. Public support and interaction**

There is evidence that the public, in general, support problem-solving courts. However, this support should be enhanced. Many people do not even know specialty courts exist or which courts are available in their jurisdiction. In order to advance problem-solving courts and obtain adequate funding for such courts, it is imperative to have strong public support.

### **4. Reluctance to depart from traditional processes**

In a specialty court, the judge does not follow the traditional independent and impartial arbitrator role that is followed in traditional courts. There may be some reluctance to depart from the traditional judicial role. In order for a specialty court to be successful, however, there must be realization of the importance of change and adaptation.

## VI. DO PROBLEM-SOLVING COURTS WORK?

### A. CURRENT EVALUATIONS OF DRUG COURTS

The National Drug Court Institute did an evaluation of the benefits of drug courts and published its results on its website. [www.ndci.org/courtfacts\\_benefits.html](http://www.ndci.org/courtfacts_benefits.html). It looked at studies on the national, state, and local level and concluded that drug courts, and more broadly specialty courts, are successful. Below are the findings of the National Drug Court Institute.

#### 1. Increased Retention Rates

One way to measure the efficacy of courts is to measure its retention rates. Longer retention rates not only indicate success in the treatment of defendants but also help predict the continued success in the form of post-treatment behavior. Because drug courts have been around longer than other specialty courts, most studies have focused on their success rates. Drug courts have been consistently found to have higher retention rates than community based treatment programs. This is believed to be due in part to the legal pressure drug courts put on defendants to comply with the treatment plan or face incarceration.

A drug courts coercive power is the key to admitting drug-involved offenders into treatment quickly, for a period of time that is long enough to make a difference. This proposition is unequivocally supported by the empirical data on substance abuse treatment programs. Data consistently show that treatment, when completed, is effective. However, most addicts and alcoholics, given a choice, would not enter a treatment program voluntarily. Those who do enter programs rarely complete them; among such dropouts, relapse within a year is the norm.

Accordingly, if treatment is to fulfill its considerable promise, drug involved offenders must not only enter treatment but also remain in treatment and complete the program. If they are to do so, most will need incentives that may be characterized as coercive. In the context of treatment, the term coercion which is used more or less with compulsory treatment, mandated treatment, involuntary treatment, legal pressure into treatment refers to an array of strategies that shape behavior by responding to specific actions with external pressure and predictable consequences. Moreover, evidence shows that substance abusers who get treatment through court orders or employer mandates benefit as much as, and sometimes more than, their counterparts who enter treatment voluntarily (Satel, 1999; Huddleston, 2000).

Four national studies, which began as early as 1968 and ended as recently as 1995, assessed approximately 70,000 patients, 40 to 50 % of whom were court ordered or otherwise mandated into residential and outpatient treatment programs (Simpson & Curry; Simpson & Sells, 1983; Hubbard, et al., 1989; Center for Substance Abuse Treatment, 1996). Two major findings emerged.

First, the length of time a patient spent in treatment was a reliable predictor of his or her post-treatment performance. Beyond a 90-day threshold, treatment outcomes improved in direct relation to the length of time spent in treatment, with one year generally found to be the minimum effective duration of treatment (Simpson & Curry; Simpson & Sells, 1983; Hubbard, et al., 1989;

Center for Substance Abuse Treatment, 1996). Second, coerced patients tended to stay in treatment longer than their non-coerced counterparts. In short, the longer a patient stays in drug treatment, the better the outcome (Simpson & Curry; Simpson & Sells, 1983; Hubbard, et al., 1989; Center for Substance Abuse Treatment, 1996).

“Unfortunately, few drug abuse treatment clients reach these critical thresholds. Between 40% and 80% of drug abusers drop out of treatment” prior to the 90-day threshold of effective treatment length (Stark, 1992, as cited in Marlowe, DeMatteo, & Festinger, 2003) and 80 to 90 % drop out in fewer than twelve months (Satel, 1999, as cited in Marlowe, DeMatteo, & Festinger, 2003).

“Drug courts exceed these abysmal projections” (Marlowe, DeMatteo, & Festinger, 2003). Nationally, drug courts report retention rates between 67 and 71 % (American University).

In short, over two thirds of participants who begin treatment through a drug court complete it a year or more later. This represents a six-fold increase in treatment retention over most previous efforts (Marlowe, DeMatteo, & Festinger, 2003).

Drug court is the best vehicle within the criminal justice system to expedite the time interval between arrest and entry into treatment, and provide the necessary structure to see that an offender stays in treatment long enough for treatment benefits to be realized.

## **2. Reduced Recidivism Rates**

Another way to measure problem-solving court success is to measure recidivism rates. A Baltimore City Treatment Court study tracked defendants over a three year period and found that the specialty court had a 10% lower recidivism rate than traditional courts. A study of six New York drug courts reported consistent recidivism reductions in recidivism of 31% for both graduated and failed defendants and an astounding 71% reduction in recidivism for graduated defendants.

### **a. National Research**

According to a study released by the National Institute of Justice (NIJ) in 2003 from a sample of 17,000 drug court graduates nationwide, within one year of program graduation, only 16.4 % had been rearrested and charged with a felony offense (Roman, Townsend, & Bhati, 2003). A 2000 Vera Institute of Justice report concluded that the body of literature on recidivism is now strong enough, despite lingering methodological weaknesses, to conclude that completing a drug court program reduces the likelihood of future arrest (Fluellen & Trone, 2000).

### **b. Statewide Research**

The largest statewide study on drug courts to date was released in 2003 by the Center for Court Innovation (CCI). The study analyzed the impact of the New York State drug court system. The study found that the re-conviction rate among 2,135 defendants who participated in six of the states drug courts was, on average, 29 % lower (13% to 47%) over three years than the same types of offenders who did not enter the drug court (Rempel, et al., 2003). The study also

concluded that drug court cases reached initial disposition more quickly than conventional court cases and that the statewide drug court retention rate was approximately 65 %, exceeding the national average of 60 % (Rempel, et al., 2003).

### **c. Local Research**

To date, hundreds of evaluations have been conducted on local drug court programs throughout the nation. A sample of the most rigorous evaluations conducted among particular drug courts shows significant reductions in recidivism. In Chester County, Pennsylvania, drug court graduates had a re-arrest rate of 5.4 %, versus a 21.5 % re-arrest rate among the control group (Brewster, 2001); a 33 % re-arrest rate for drug court graduates in Dade county, Florida, versus a 48 % rearrest rate among the control group (Goldkamp & Weiland, 1993); and a 15.6 % re-arrest rate for drug court graduates in Dallas, Texas, versus a 48.7 % re-arrest rate for the control group (Turley & Sibley, 2001).

## **3. Substance Abuse**

Substance testing as a requirement of participation in problem-solving courts shows that substance abuse is lower among specialty court defendants than normal court defendants. Studies have found that defendants who participated in a specialty court were less likely to use illegal substances such as heroine and cocaine after one year. However, there are some studies that suggest that participants are more likely to use marijuana.

## **4. Cost Savings**

The final way to measure the success of problem-solving courts is to measure whether the courts result in cost savings. Two noteworthy statewide studies were done in Washington and California. The Washington study found savings of \$3,892 per drug court participant which equates to a savings of \$1.74 for every dollar invested. The California study reported average yearly savings of \$2000 per participant. Even though there can be substantial cost savings in the long term, it is important to realize that because of the relatively larger cost of implementing a specialty court, it is unlikely to result in cost savings in the short term.

### **a. Statewide Research**

A state taxpayer's return on the upfront investment in drug courts is substantial. A study of six drug courts in Washington State reports that "a county's investment in drug courts pays off through lower crime rates among participants and graduates" (Washington State Institute for Public Policy, 2003). The study estimates that the average drug court participant produces \$6,779 in benefits that stem from the estimated 13 % reductions in recidivism (Washington State Institute for Public Policy, 2003). Those benefits are made up of \$3,759 in avoided criminal justice system costs paid by taxpayers and \$3,020 in avoided costs to victims (Washington State Institute for Public

Policy, 2003). A total of \$1.74 in benefits for every dollar spent on drug court was realized (Washington State Institute for Public Policy, 2003).

Based on the Center for Court Innovations study of New York drug courts, the State Court System estimates that \$254 million in incarceration costs were saved by diverting 18,000 non-violent drug offenders into treatment (Rempel, et al., 2003).

In California, researchers have recently completed two studies that demonstrate significant cost-benefit savings. Both studies demonstrate a minimum savings of \$18 million per year through California drug courts. In fact, the studies concluded that California's investment of \$14 million, in combination with other funds, created a total cost avoidance of \$43.3 million over a two year period (Judicial Council of California & California Department of Alcohol & Drug Programs, 2002; NPC Research, Inc. & Judicial Council of California, 2002). One of the two studies assessed the cost effectiveness of drug courts in terms of avoided incarceration costs and costs offset by participants payment of fees and fines. A total of 425,014 jail days were avoided, with an averted cost of approximately \$26 million (Judicial Council of California & California Department of Alcohol & Drug Programs, 2002). A total of 227,894 prison days were avoided, with an averted cost of approximately \$16 million (Judicial Council of California & California Department of Alcohol & Drug Programs, 2002). Participants who completed a drug court program paid almost one million dollars in fees and fines imposed by the court (Judicial Council of California & California Department of Alcohol & Drug Programs, 2002).

The other study, of three adult drug courts in California, documented cost avoidance averaging \$200,000 annually per court per 100 participants (NPC Research, Inc. & Judicial Council of California, 2002). When projected statewide, these savings amount to \$18 million in cost avoidance per year assuming that 90 adult drug courts operate with 100 clients per year (NPC Research, Inc. & Judicial Council of California, 2002). Due to these studies and an analysis of prison days saved by drug courts, 58 % of California's drug court funding is provided by a direct transfer of funds from the Department of Corrections budget.

### **b. Local Research**

In Multnomah County, Oregon, a countywide study estimated that for every dollar spent on drug court, taxpayers saved ten dollars (Finigan, 1998). A follow-up study in the same location conducted by the National Institute of Justice showed that when costs were compared between doing business as usual and the drug court model, the drug court model saved an average of \$2,328.89 per year for each participant (Carey & Finigan, 2003). One of the components of cost benefit analysis research is the value of the costs associated with victims of crime. If crime is reduced, the cost to victims, also known as victimization costs, is also reduced. When the victimization costs were accounted for in the Multnomah County study, the average savings increased to \$3,596.92 per client (Carey & Finigan, 2003). The total savings to the local taxpayer over a thirty-month period was \$5,071.57 per participant, or a savings of \$1,521,471 per year (Carey & Finigan, 2003).

A study by the Department of Economics at Southern Methodist University reported that for every dollar spent on drug court in Dallas, Texas, \$9.43 in tax dollar savings was realized over a

forty-month period (Fomby & Rangaprasad, 2002).

Finally, a recent study on the effectiveness of the seven-year-old drug court in Saint Louis, Missouri, found that the programs benefits far outweigh its costs. The findings of the Institute of Applied Research, an independent social science research firm, indicated that nonviolent drug offenders who were placed in treatment instead of prison generally earned more money and took less from the welfare system than those who successfully completed probation. The study compared the 219 individuals who were the programs first graduates in 2001 with 219 people who pleaded guilty to drug charges during the same period and completed probation. For each drug court graduate, the cost to taxpayers was \$7,793, which was \$1,449 more than those on probation (Institute for Applied Research, 2004). However, during the two years following program completion, each graduate cost the city \$2,615 less than those on probation (Institute for Applied Research, 2004). The savings were realized in higher wages and related taxes paid, as well as lower costs for health care and mental health services.

What you learn is that drug courts, which involve treatment for all the individuals and real support along with sanctions when they fail - are a more cost effective method of dealing with drug problems than either probation or prison (Institute for Applied Research, 2004).

## **B. CURRENT EVALUATIONS OF MENTAL HEALTH COURTS**

Currently there are few evaluations available on mental health courts. Many courts keep statistics on their operations (e.g., how many cases processed and the outcomes of the cases) but have not undertaken rigorous evaluations with matched comparison groups. Many courts simply have not been in operation long enough to provide data on post-mental health court successes and failures. Evaluation data likely will increase as courts become more established. In addition, the National Institute of Justice recently awarded a grant to conduct an evaluation of mental health courts receiving funding from the federal government as a result of the passage of the Americas Law Enforcement and Mental Health Project Act.

Goldkamp and Irons-Guynn (2000) conducted a qualitative review of four mental health courts. In addition, an evaluation has been conducted for the Seattle, Washington, Municipal Mental Health Court (Trupin et al., 2001), and evaluations are underway for the Broward County (Fort Lauderdale), Florida, Mental Health Court (Boothroyd et al., 2003; Petrila, 2002), and the Clark County (Vancouver), Washington, Mental Health Court (Herinckx, 2003). The Seattle Municipal Mental Health Court evaluation was conducted two years after the court began and includes process information and preliminary outcome data. The Broward County evaluation includes a matched control group from another jurisdiction. Because the evaluation is still underway, recidivism data are not available at this time. Preliminary information also is available from the Clark County study.

Data from these studies suggest that a) mental health courts are effective in linking participants to treatment services; b) participants receive more treatment while involved in the mental health court compared to the level of treatment they received prior to entering the program; c) treatment plans are based on individuals specific needs; and d) bookings decrease for individuals once enrolled in the mental health court compared to prior mental health court involvement. Additional studies are needed to confirm these preliminary conclusions.

### C. CURRENT EVALUATIONS OF DOMESTIC VIOLENCE COURTS

Evaluations of DV courts are accumulating, adding to existing research on the effectiveness of various DV court components (Berman and Gulick, 2003). Currently, the largest amounts of data are available on subjective reactions to DV court involvement through surveys and systematic interviews with victims, perpetrators, advocates, judges, and staff from the court and batterer programs. More comprehensive studies (with control groups to compare case processing and case outcomes measures) are available from DV courts in Brooklyn (Newmark et al., 2001), District of Columbia (Steketee, Levey, and Keilitz, 2000), Fort Lauderdale, (Feder and Forde, 2000), Lexington, (Grove et al., 2003), Miami (Goldkamp, 1996), Minneapolis (Hennepin County District Court Research Division, 2002 a and b), San Diego (San Diego Superior Court, 2000), and three Connecticut courts (Lyon, 2002).

Conclusions about DV courts are limited by the lack of adequate control groups, an acute case of under reported recidivism, restrictions to the analysis associated with the small numbers of offenders and victims included, and rapid changes in law enforcement practices and in statutes that diminish the value of before/after comparisons. Not all studies report tests of statistical significance.

Nonetheless, sufficient points of agreement among these studies support some tentative conclusions. DV courts enhance victims and perpetrators satisfaction with court processes and outcomes and deliver more services to victims and their families. DV courts also tend to process cases faster, reduce the rate of case dismissals, increase the rate of guilty pleas, and make it more likely that perpetrators comply with judge-ordered conditions and remain in batterer and other programs. This finding may, in turn, reflect the subjective perceptions by victims and perpetrators that DV courts meet widely held expectations of procedural fairness (Petrucci, 2002). All of these conclusions reflect differences of degree, generally small improvements that DV courts make over the performance of traditional courts in the same types of cases.

There is some evidence that DV courts might enhance law enforcement's attentiveness to domestic violence (although the greatest impact is likely to be on judicial attentiveness) and reduce recidivism (studies differ in their criteria for failure, the length of time perpetrators are at risk of re-offending, and the persuasiveness of the comparison groups used).

The evidence remains inconclusive on whether participation in batterers programs on its own changes perpetrator behavior (Jackson et al., 2003; Bennett and Williams, 2001). The evidence also is unclear on whether DV courts are cost-effective. There is little evidence on the broader impact of DV courts on the well-being of children or on the ability of such courts to reduce the level of domestic violence in the community.

A more definitive assessment of DV courts will be possible in a few years. More courts are undergoing evaluation, including a comparative evaluation of three courts by the Urban Institute and an evaluation with an experimental design of court monitoring and Battering Intervention Programs in the Bronx Misdemeanor DV Court.

**VII. SUMMARY AND CONCLUSION**

In recent years there has been a major shift in the thinking of leading policymakers, criminal justice practitioners, the legal community, and the general public concerning the appropriate societal response to criminal behavior. Treatment is increasingly being regarded as a desirable and less expensive alternative to incarceration. Problem-solving courts, especially drug courts, have been recognized as a model for effectively handling cases involving nonviolent offenders. The future for specialty courts can be challenging. Because of the success of those courts, it is likely that they will be greatly expanded in the future. It is also likely that with expansion of the number of courts will come a corollary expansion of the responsibility of the courts. It would appear that specialty courts have received a great deal of public approval as a result of the judiciary being able to devise individual oriented solutions to societal problems that are acceptable to both litigants and the community. As a result, the future may give rise to increased expectations and demands on the court system as an institution to resolve societal problems. The road ahead for specialty courts is both challenging and evolving. Specialty courts have not yet reached their full utility. The development of problem-solving courts should not be viewed, however, as an end itself, but is an ongoing process that benefits society as a whole.

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# SURVEY

## 2006 REPORT

## **ILLINOIS PROBLEM-SOLVING COURTS SURVEY**

Prepared by:  
The Illinois Supreme Court Conference on  
Criminal Law and Probation Administration

Problem-Solving Court Survey

CIRCUIT/COUNTY: \_\_\_\_\_

DATE: \_\_\_\_\_

COMPLETED BY : FIELD COORDINATOR: \_\_\_\_\_

OR

TRIAL COURT PERSONNEL: \_\_\_\_\_

(Name, position, phone, e-mail)

Please complete a separate survey for each Problem-Solving Court within the circuits/counties you are assigned.

1. This survey is regarding which type of problem-solving court?

Drug Court- Adult: \_\_\_\_\_ Domestic Violence Court: \_\_\_\_\_ Family Court: \_\_\_\_\_

Drug Court- Juvenile: \_\_\_\_\_ Mental Health Court: \_\_\_\_\_ DUI Court: \_\_\_\_\_

Others: \_\_\_\_\_

PLANNING PROCESS

2. Describe the planning process for implementing the problem-solving court. How was the need for a problem-solving court determined? Include data collection and analysis efforts that were employed. How long did the planning process take? Describe any technical assistance and/or funding provided to support your efforts.

3. What was the date of implementation?

**PROBLEM-SOLVING COURT MODEL**

- 4. Describe in detail the model used to establish the problem-solving court.
  
  
  
  
  
  
  
  
  
  
- 5. Is there a problem-solving court team?\_\_\_\_\_ If yes, who is on that team and what is their charge?
  
  
  
  
  
  
  
  
  
  
- 6. At what phase(s) in the case can offenders enter the problem-solving court program? (Check all that apply)  
Pre-plea: \_\_\_\_\_ Post-plea: \_\_\_\_\_  
Post-sentencing: \_\_\_\_\_ Probation violations: \_\_\_\_\_

**PROGRAM GOALS & OBJECTIVES**

- 7. Identify the stated goals and objectives of the problem-solving court in your jurisdiction.
  
  
  
  
  
  
  
  
  
  
- 8. Are there policies and procedures to guide the operations and management of your problem-solving court?  
\_\_\_\_\_ Yes, please submit a written/electronic version.  
\_\_\_\_\_ No
  
  
  
  
  
  
  
  
  
  
- 9. Describe offender eligibility criteria for participation in problem-solving court.  
(Target population; charge, age, criminal history, dual diagnosis)



**OUTCOME MEASURES**

14. Has there been any process/outcome evaluation of the problem-solving court? If yes, please describe the methodology and outcomes. (Please forward a copy to Field Coordinator)
  
15. Describe, if available, the measures that have been identified/agreed upon in order to assess the efficacy of your problem-solving court.
  
16. What data is regularly collected and how is it used in the planning/management of your problem-solving court?

**FUNDING**

17. What are the annual costs of the problem-solving court?
  - Personnel Costs:
  - Contractual Costs:
  - Non-personal Accounts Costs (e.g. commodities, travel, training):
  
18. How are you funding your problem-solving court? If you have received grants or other outside resources, how do you plan to sustain your efforts once the funding ends?
  
19. How many probation positions, that are reimbursed, are dedicated to the problem-solving court?

**COMMENTS**

## 2006 REPORT

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

Hon. Frederick J. Kapala, Chair

Hon. Deborah Mary Dooling  
Hon. James R. Glenn  
Hon. John B. Grogan  
Hon. Tom M. Lytton  
Hon. Mary Anne Mason

Hon. James J. Mesich  
Hon. Stephen L. Spomer  
Mr. David B. Mueller, Esq.  
Mr. Eugene I. Pavalon, Esq.  
Mr. Paul E. Root, Esq.

October 2006

## I. STATEMENT ON COMMITTEE CONTINUATION

The purpose of the Committee on Discovery Procedures (“Committee”) is to review and assess discovery devices used in Illinois, with the goal of making recommendations to expedite discovery and to eliminate any abuses of the discovery process. To accomplish this purpose, 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 requests that it be permitted to continue its work in Conference Year 2007.

## II. SUMMARY OF COMMITTEE ACTIVITIES

### *A. Committee Charge*

The Committee is charged with studying and making recommendations on 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. The Committee also is charged with investigating and making recommendations on innovative means of expediting pretrial discovery and ending any abuses of the discovery process so as to promote early settlement discussions and to encourage civility among attorneys. Finally, it is part of the Committee’s charge to review and make recommendations on proposals concerning discovery matters submitted by the Supreme Court Rules Committee, other committees, or other sources.

In Conference Year 2006, the Committee addressed the problems associated with sorting through various and often voluminous documents submitted pursuant to a written request to produce under Supreme Court Rule 214. After some discussion, the Committee sought to clarify Rule 214 by requiring that documents, produced pursuant to a Rule 214 request, are labeled to correspond with the specific categories in the written request. It is the intent of the Committee that such labeling of documents will allow the requesting party to be able to reasonably identify to which specific category in the request each produced document is responsive. The Committee, consistent with Supreme Court Rule 3, forwarded its proposed amendments to the Supreme Court Rules Committee.

### *B. 2006 Projects and Priorities*

The following subjects represent the projects/priorities assigned by the Supreme Court to the Committee for consideration in Conference Year 2006.

#### *1. Request to Admit*

The Committee was asked to identify and analyze the abuses surrounding the strict requirements for responding to a Supreme Court Rule 216 Request to Admit, with the goal of

identifying a means to eliminate such abuses. It has been noted by practitioners on the Committee that requests to admit are often buried with numerous other discovery requests, where they are more likely to go undetected by the responding party until after the deadline has passed. Consequently, they are often used as a tactic to ambush the other side. The purpose of Rule 216 is to eliminate disputes on matters readily admitted by the parties so as to simplify the issues. It would therefore be useful to the discovery process for the Committee to explore a means of eliminating any abuse of Rule 216, including the possibility of requiring leave of court before filing a request to admit.

In analyzing the abuses surrounding a Rule 216 Request to Admit, the Committee found that such abuses often occur in small cases in high volume courtrooms, such as municipal court, where many of the law firms are “bulk filers,” who represent credit card companies and collection agencies, and many of the litigants are *pro se*. It is in such courtrooms that the strict requirements of the rule are being misused. In exploring a means of eliminating misuse of Rule 216, the Committee recognized the potential burden on the court if leave of court is required before filing any request to admit. Moreover, the Committee noted the unfair advantage that would be created if *pro se* litigants were exempt from complying with the rule. After much discussion, the Committee proposed certain narrow amendments to Rule 216, including requiring prior leave of court before serving a request to admit; proper notice to all parties; and prohibiting such requests from being served more than 120 days after the filing of a responsive pleading unless there is agreement otherwise or the court so orders. Nevertheless, the Committee limited application of its proposed amendments to civil actions not in excess of \$50,000.

In limiting the scope of its proposed amendments, the Committee sought to curb the misuse of Rule 216 requests and yet retain the original purpose of the rule to clarify and simplify evidentiary issues at trial. The Committee therefore rejected a proposal submitted by the Illinois State Bar Association that set a time frame for responding to all requests to admit, and provided for admission in the absence of denial and upon approval by the court. Consistent with Supreme Court Rule 3, the Committee forwarded its proposed amendments to the Supreme Court Rules Committee.

## **2. Mandatory Disclosure**

The Committee was asked to explore the feasibility and nuances of a rule requiring mandatory disclosure of relevant documents. Members of the Committee have noted the increasing problem of parties not receiving relevant information before trial. In response, it has been suggested that a rule be created to require mandatory disclosure of relevant documents similar to the disclosure requirements set forth in Rule 222. Such a rule might prove beneficial in fostering early settlement discussions among parties.

Initially, the Committee considered requiring mandatory disclosure of documents relied on by the plaintiff in formulating a complaint and of documents relied on by the defendant in formulating an answer and affirmative defense. There was concern, however, that such a requirement would encroach into work product and the thought process in developing a client's case to require disclosure of documents relied on in drafting pleadings.

The Committee also considered adopting mandatory disclosure similar to Federal Rule of Civil Procedure 26, which requires the automatic disclosure of certain information and documents within a specific period after a claim is filed. The Committee discussed Federal Rule 26's apparent conflict with Supreme Court Rule 222, which has its own mandatory disclosure requirements for civil actions seeking money damages not in excess of \$50,000. The Committee also discussed the difference in philosophy between the federal and Illinois rules on discovery. The federal rules focus on whether discovery is relevant to the parties' claim or defense whereas the Illinois discovery rules focus on the relevancy of discovery to the subject matter. The Committee therefore decided not to adopt the automatic disclosure of documents set forth in the federal rules.

Instead, the Committee is considering a form of minimum disclosure whereby certain aspects of Rule 222 are made applicable to general discovery. To assist its discussion, the Committee has begun to examine discovery rules concerning disclosure in other states, along with gathering information about the use of case management conferences and related orders.

### **III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR**

During the 2007 Conference year, the Committee requests that it be permitted to continue its review of mandatory disclosure. The Committee further requests that it be permitted to review and assess other discovery devices, specifically those related to depositions, work product and interrogatories. Finally, the Committee will review any proposals submitted by the Supreme Court Rules Committee.

### **IV. RECOMMENDATIONS**

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

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

Hon. Hollis L. Webster, Chair

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Hon. Lisa R. Holder White

October 2006

**I. STATEMENT ON COMMITTEE CONTINUATION**

The Committee on Education was established to identify ongoing education needs for the Illinois judiciary and to develop short and long term plans to address these needs. In Conference Year 2006, the Committee was charged with identifying emerging legal, sociological, cultural, and technical issues that may impact decision making and court administration and, based on these emerging issues, with recommending and developing programs for new and experienced Illinois Judges. Specifically, the Committee was charged with assessing the judicial education needs, expectations and program participation of Illinois judges and recommending topics and faculty for the annual New Judge Seminar, Seminar Series, Education Conference and the Advanced Judicial Academy. The Committee was also charged with the review and recommendation of judicial education programs, offered by organizations and entities other than the Supreme Court, to be approved for the award of continuing judicial education credits. To achieve its overall charge, several specific activities and priorities were established at the beginning of the Conference year, as follows:

- Develop and recommend a “core” judicial education curriculum for Illinois judges which identifies the key judicial education topics and issues to be addressed through the judicial education activities each Conference year;
- Recommend a plan to enhance the identification, recruitment and preparation of potential judicial education faculty members in each of the recommended core curriculum areas;
- Assess Illinois judges’ needs for comprehensive judicial reference documents, “benchbooks,” and self-study materials and recommend a plan, including a template for seminar materials, to meet the identified needs; and
- Recommend a plan for advanced use of technology to deliver judicial education programs, including web-casting, web-archiving, CD and DVD tutorials, and other “distance learning” options.

In March 2006, the scope and importance of these projects grew, with the Supreme Court’s adoption of Minimum Continuing Judicial Education (MCJE) provisions for all circuit, associate and appellate judges, through the presentation of an expanded 30-hour Education Conference in alternate years, beginning in 2008. Under the Court’s mandate, the expanded Education Conference will include a minimum of four hours of content addressing judicial conduct, ethics and professionalism issues and will ensure that all Illinois judges attain a minimum of 30 hours of continuing judicial education in each two year period, similar to the Minimum Continuing Legal Education requirements promulgated for Illinois attorneys. In adopting these provisions, the Court noted that it intends not only to ensure that Illinois judges attain minimum continuing judicial education hours, but also to ensure that judges have access to resources developed specifically

for the state's judiciary. To that end, the Court charged the Committee on Education with developing an expanded conference which meets the ongoing judicial education needs of both trial court and appellate judges.

**A. Judicial Education Needs Assessment**

A comprehensive Judicial Education Needs Assessment was a key element in achieving several of the Committee's charges, including the identification of current and future education needs for the Illinois judiciary, developing a "core" judicial education curriculum and assessing judges' needs for comprehensive judicial reference documents. Education Conference 2006 presented an opportunity to update the judicial education needs assessment, last conducted in 2004, and distribute a comprehensive survey to all Illinois judges for their input and suggestions.

The survey, which was distributed at the opening sessions of the Education Conference included questions regarding the key challenges judges face in each case assignment, their current seminar attendance patterns, any obstacles to participating in judicial education programs, and the types of speakers and faculty most beneficial to participants. The survey also asked questions about the types of seminar and reference materials most useful to judges as well as the topics and issues which should be addressed in future programs. Significant responses and findings include the following:

- 43.6% of trial judges responded to the survey. 22.5% of appellate judges responded.
- Respondents indicated that they attend judicial education programs primarily to learn about new case law and statutes, gain information from experts, enhance judicial knowledge and skills, and to network with other judges.
- Many judges indicated that they like small group discussions or other structured and informal opportunities to talk with other judges about specific problems or challenges and to apply the new knowledge or skills gained to the work they do.
- Judges indicated a strong interest in well-organized, concise and current outlines of governing law, checklists, tools and samples from other judges. Many judges specifically referred to "benchbook" format as the most useful format for providing materials and requested that materials be provided on CD-ROM.
- Judges stated that handling cases with *pro se* litigants presents significant challenges in criminal, civil and family law cases. Handling high-volume calls and staying current with frequent changes in case law and statutory authority were also cited as common challenges.

In response to questions regarding potential seminar or session topics, the following topics received the highest ratings. Topics were rated on a scale of 1 to 5, 1 signifying "no interest" and 5 indicating "great interest."

<b>TOPIC:</b>	<b>RATING:</b>
• Criminal Law & Procedure (Criminal Law)	4.0
• Search & Seizure (Criminal Law)	4.0
• Expert & Evidentiary Issues (Criminal Law)	4.0
• Constitutional Issues (Criminal Law)	3.9
• Jury Issues (Criminal Law)	3.9
• Sentencing (Criminal Law)	3.8
• Contempt (Courtroom Management)	3.8
• Judicial Decision Making (Courtroom Management)	3.8
• Evidentiary Issues & Experts (Civil Law)	3.8
• Damages (Civil Law)	3.8
• Judicial Writing (Courtroom Management)	3.7
• Caseflow Management (Courtroom Management)	3.7
• Trial Management (Criminal Law)	3.7
• Expert Witnesses (Civil Law)	3.7
• Injunctions (Equitable Remedies)	3.6
• Trial Management (Civil Law)	3.6
• Custody (Domestic Relations/Family Law)	3.6
• <i>Pro Se</i> Litigations (Multi Disciplinary Issues)	3.5
• Settlement (Courtroom Management)	3.5
• DUI Cases & Traffic (Criminal Law)	3.5

In addition to the overall Needs Assessment Survey provided to all judges at the Education Conference, the Administrative Office of the Illinois Courts also developed a customized survey for use by chief judges to provide additional feedback regarding the ongoing judicial education needs of judges with administrative and supervisory authority and to offer chief judges an additional opportunity to provide feedback regarding the judicial education needs of judges in their circuits. Results of this customized survey will be provided to the Committee on Education for analysis and consideration in conjunction with the overall Needs Assessment results.

### **B. Committee Workgroups**

To fulfill the Supreme Court's 2006 Committee Charge, address the findings of the Judicial Education Needs Assessment, implement the Court's MCJE provisions, and continually enhance judicial education resources available to Illinois judges, the Committee established five workgroups to focus on key areas of judicial education activities. Each workgroup is comprised of Committee members and is provided extensive assistance by a staff liaison from the Judicial Education Division of the Administrative Office of the Illinois Courts. The workgroups began their work in February 2006, with initial reports at the April 2006 meeting. Workgroups will continue discussion and development of recommendations to be presented to the Committee in August 2006. An

overview of each workgroup and its charge follows.

### ***New Judges Seminar Workgroup***

This workgroup was asked to develop the curriculum, topics and faculty for the annual New Judge Seminar, for consideration and approval by the Supreme Court. Beginning in January 2005, the New Judge Seminar has utilized a “skills-based” approach to assist new judges in identifying and developing the skills of successful, effective jurists while maintaining sessions on substantive law on key topics. Under this curriculum, seminar faculty were asked to avoid attempting to impart all the information and black letter law available on a particular topic, which is difficult or impossible in the given time frames. Instead, seminar faculty were asked to identify the key information and knowledge new judges need and then focus on the critical skills and abilities new judges will need to develop. In response to this curriculum redesign, faculty have significantly increased the interaction, question-and-answer and problem-solving elements of the seminar. The seminar also included informational “kiosks,” which 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 informal sessions provided a small group forum for new judges to ask questions and receive practical tips from more experienced judges.

The January and December 2005 programs both received an outstanding overall rating of 4.8 on a scale of 1 to 5, with new judges’ comments indicating that the program provided valuable assistance in their transitions to the bench, through the presentations of, and interactions with, the skilled jurists who serve as faculty. Based on the success of the current curriculum, the workgroup recommended utilizing a similar agenda and faculty pool for the next presentation, which is anticipated for January 2007 in Chicago. The Court approved this recommendation at its May 2006 Administrative Term and program planning has commenced.

### ***Advanced Judicial Academy Workgroup***

The Academy Workgroup was charged with coordinating the work of the Academy Planning Committee and to relay recommendations, questions and issues to the full Committee on Education for consideration in its development of a proposed curriculum, topics, speakers and activities for the 2007 Academy. While work on the 2007 program is in its initial stages, the Committee anticipates recommending to the Supreme Court that the June 2007 Academy address the challenges posed by two of the most difficult populations – the mentally ill and substance abusers – common to all types of cases, including civil, criminal, family law, delinquency, child protection and other matters. The Committee plans to recommend inclusion of nationally-renowned experts to help judges understand the environmental, clinical & behavioral elements comprising mental illness and substance abuse and to analyze the obstacles judges face in attempting to predict, modify and prevent dysfunctional or destructive behaviors. The Committee has asked the Academy Planning Committee to build in opportunities for participants to interact extensively with the expert faculty to analyze the types of decisions they make, identify effective

– and ineffective – interventions.

### ***Reference Materials Workgroup***

One of the key findings of the 2004 and 2006 Judicial Education Needs Assessments conducted by the Committee, under the auspices of the Court, was that Illinois judges would benefit from the development of judicial education materials in a “benchbook” format. The Reference Materials Workgroup was convened to analyze the need for reference material and develop recommendations to meet those needs. Judges indicated a strong interest in benchbooks prepared by, and for, the exclusive use of Illinois judges and containing materials such as case law outlines, checklists and other reference tools highly valued by Illinois judges. The workgroup also recommended that these benchbooks be well organized and contain a detailed, user-friendly index to maximize utility. Consistent formatting, organization and content would also assist in transition from “paper-based” reference documents, to resources that could be provided to judges on CD-ROM and/or through the internet, in accordance with the Court’s charge to the Committee to enhance the use of technology to deliver judicial education resources.

Based on the analysis of the workgroup, the Committee has recommended to the Court the creation of comprehensive, current and high-quality reference materials – in the form of well-organized, uniformly formatted benchbooks – on a range of substantive and procedural topics. The Committee has recommended development of materials covering up to six distinct areas of Illinois law, including *Criminal Law and Procedure*, *Illinois Evidence*, *Civil Law and Procedure*, *Family Law and Procedure*, *DUI/Traffic* and *Domestic Violence*, independent of any program or session which may be taught at future judicial education programs.

The Committee has further recommended the recruitment of Illinois law professors with expertise in these areas of law to assist with this project. While all reference materials will be reviewed and approved by judicial faculty, the law professors would collect and analyze the outlines of governing law to be contained in each benchbook. The Committee recommends appointment of one law professor to assist each panel of judges, to be appointed by the court and designated as “writing faculty,” for the preparation of these benchbooks. The identification and recruitment of these judicial “writing faculty” is described further in the section of this report addressing the work of the Faculty Recruitment and Development Workgroup.

### ***Education Conference & Seminar Series Workgroup***

This workgroup was convened to develop a plan and timeline to implement the mandates for Education Conference 2008 as well as analyze the evolving roles of the Education Conference and the annual Seminar Series as judicial education resources for Illinois judges, in light of the Court’s MCJE provisions. This workgroup was asked to recommend any improvements needed to the curriculum, planning and delivery of Education Conference and to develop a “core curriculum” template and enhanced planning process for annual Seminar Series.

The Education Conference/Seminar Series group began its work by analyzing both the 2004 and 2006 Judicial Education Needs Assessment results as well as participant evaluations of

Education Conference 2006 and recent Seminar Series programs. Based on those sources of information regarding Illinois judges' priorities for judicial education, the workgroup recommended to the Committee that the curriculum for Education Conference 2006 include the following elements:

- Both "basic" and "advanced" sessions should be included, to provide judges an opportunity to choose sessions which introduce or review a specific area of law as well as more advanced sessions to allow faculty and participants to move beyond "nuts and bolts" to explore difficult, unique or challenging issues. Sessions should be clearly described, so that judges can choose among them, based on experience levels, interest and need.
- Interaction, participation, application and "problem-solving" elements should be incorporated into each session, whenever possible and appropriate. Judges frequently state that the most valuable part of a program is working through "real-life" situations with their colleagues, hearing different perspectives and approaches and applying new information and skills to their work. The workgroup concluded that, although there may be some "information dissemination" sessions which rely primarily on lecture (such as case law updates), whenever possible, judges should be encouraged to talk with each other, apply new information and skills and actively participate.
- Session lengths and types should be based on the scope and complexity of the topics taught. While some sessions work well for the 1.25 hour format currently used for the topic track sessions, others call for more time. As interaction and advanced sessions are incorporated, some topics may require half-day sessions or some variation thereof. The workgroup has also recommended consideration of a "topic track" system which would function like a "seminar within Education Conference." In this system, participants would sign up to attend a full day of sessions on a broad topic, such as family law, civil law or criminal law.

The workgroup has concluded that the role and scope of the Regional and Mini Seminars comprising the annual Seminar Series is likely to change significantly given the MCJE provisions and the expansion of Education Conference 2008, but has not yet made formal recommendations for the Committee's consideration. The workgroup is currently developing an extensive proposal for Education Conference 2008 and examining the role of the 2007-2008 Seminar Series, with the goal of providing a detailed recommendation on topics, faculty, sessions and curricula for both at the Court's November 2006 Administrative Term.

### ***Faculty Recruitment & Development Workgroup***

With the Court's adoption of MCJE provisions and the expansion of the Education Conference to a 30-hour curriculum, the need for skilled, knowledgeable and dedicated judges to serve as judicial education faculty is growing. Moreover, the recommendations of the Reference Materials and Education Conference/Seminar Series workgroups have yielded two distinct roles for judicial education faculty and thus two distinct opportunities for judges to become actively involved in judicial education in Illinois. The Faculty Recruitment and Development Workgroup was convened to identify effective methods to recruit, prepare and support excellent judicial education

faculty for both roles.

First, the workgroup was charged with expanding and enhancing the rosters of judges willing to serve as “Teaching Faculty” to prepare and present sessions at programs such as the Education Conference and the annual Seminar Series. Although these faculty will fulfill the “traditional” judicial education faculty role, the workgroup and Committee will be working closely with these judges to incorporate the interactive, application and “problem-solving” presentation elements sought by participants and recommended by the Education Conference/Seminar Series workgroup.

An equally important goal of this workgroup is the recruitment of judges to serve as “Writing Faculty.” Judges in these new faculty roles will prepare materials such as case law outlines, checklists and other reference tools highly valued by Illinois judges, independent of any program or teaching responsibilities and with the assistance of Illinois law professors, as described in the section of this report addressing the work of the Reference Material Workgroup.

To effectively recruit highly-qualified, skilled and energetic faculty members, the workgroup developed proposed faculty recruitment correspondence from the Court and data forms to gather information regarding prospective teaching and writing faculty. Following approval and dissemination of these materials, the workgroup and Committee will develop a detailed database, from which faculty pools can be developed for consideration by the Reference Materials and Education Conference/Seminar Series workgroup.

## II. SUMMARY OF ACTIVITIES

In addition to assessing judicial education needs and initiating implementation of the Court’s MCJE provisions, the Committee’s Conference Year 2006 activities included conducting Education Conference 2006, a full seminar series, the annual New Judge Seminar and the annual Faculty Development Workshop.

### *Education Conference 2006*

Under the auspices of the Court, the Committee on Education and the Administrative Office of the Illinois Courts presented the bi-annual Education Conference, held February 1 - 3 and March 15 - 17, 2006 in Chicago.

- **Attendance:** More than 900 judges, including more than 50 judges serving as faculty, attended the February and March conferences.
- **Overall Ratings:** The February and March conferences garnered an overall rating of 4.4 on a scale of 1 to 5, which indicates that the Education Conference continues to be well-received and well-evaluated by judicial attendees.
- **Judicial Conduct Sessions:** As required by the Court’s Comprehensive Education Plan for Illinois Judges, all attendees participated in the opening plenary sessions, which

featured a panel of speakers to discuss *Judicial Independence and the Role of the Courts in the 21<sup>st</sup> Century*.

- **Topic Tracks & Half-Day Sessions:** The topic tracks and half-day sessions featured 18 distinct presentations on family law, civil law, criminal law, evidentiary issues, contempt and sanctions, methamphetamine cases, managing juries and First Amendment and media issues.
- **Early Bird Session:** More than 250 judges attended the optional morning session addressing the Judicial Inquiry Board, its processes, protocols and common issues which arise before the Board.

Through their numerical ratings and evaluation comments, participants overwhelmingly indicated that the conference provided useful information, updates and resources which will be of use to them in adjudicating and managing cases. Participants also indicated that they value the opportunity the Education Conference provides for judges to meet, explore common questions and problems and exchange ideas. The Committee wishes to extend thanks to the judicial faculty for Education Conference 2006, each of whom invested significant time and effort to prepare for the program. Their commitment and expertise made the fourth presentation of Education Conference a success. It should also be noted that Judicial Faculty and Committee liaisons for every session were assisted by staff from the Administrative Office of the Illinois Courts. Appendix A lists the overall evaluation ratings for each Education Conference session.

### ***2005-2006 Seminar Series and Other Programs***

The Committee presented a full seminar series, comprised of 6 Regional (two day) Seminars and 2 Mini (one-day) programs, conducted the five-day New Judge Seminar, and presented the annual Faculty Development Workshop for judges presenting Judicial Conference Programs. Judicial Faculty and Committee liaisons for each program were assisted by staff from the Administrative Office of the Illinois Courts. In addition to these Judicial Conference programs, two Capital Cases seminars were conducted by the Supreme Court Committee on Capital Cases, pursuant to Supreme Court Rule 43. Each of these programs was presented by judicial faculty members, appointed by the Court, who contributed significant time and expertise to prepare their presentations and the seminar materials. The Committee wishes to thank all judicial faculty members for their contributions to continuing judicial education programs for Illinois judges. A listing of topics, dates, locations, participant totals and participant evaluations is attached as Appendix B.

### ***Resource Lending Library***

The Resource Lending Library sponsored by the Committee and operated by the Administrative Office of the Illinois Courts 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, benchbooks, manuals, and

other materials.

- *Patrons:* During Fiscal Year 2006, 335 judges (compared to 229 judges in Fiscal Year 2005) requested one or more items from the library. 41% (136) of the judges requesting items were from Cook County, 57% (191) were from collar counties or downstate. 98% (327) of the Library patrons were trial judges.
- *Number of Loan and Permanent Use Items Provided:* During Fiscal Year 2006, a total of 734 loan and permanent use items were provided to judges. 708 of these items were permanent use materials, comprised primarily of seminar reading materials, benchbooks, manuals and other materials prepared by and for Illinois judges. In addition, 26 items were loaned to 17 judges. Loan materials include videotapes, audiotapes, publications and CD-ROMs.

### III. COMMITTEE RECOMMENDATIONS FOR THE NEXT CONFERENCE YEAR

The members of the Committee continue to believe that providing ongoing judicial education is an absolutely essential element of 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)

### IV. RECOMMENDATIONS

Given the rapid developments in substantive and procedural law, the obligation to support new judges in their transition to the bench as well as provide excellent ongoing judicial education resources to all Illinois judges, and the charge to effectively implement the Court's Minimum Continuing Judicial Education provisions, the Committee recommends that its work to develop ongoing judicial education resources for Illinois judges be continued.

The Committee requests that the Court and the Judicial Conference continue support of planning for Education Conference 2008, Advanced Judicial Academy 2007, New Judge Seminars and future Seminar Series. The Committee also requests the support of the Court and the Conference in the continuing efforts to recruit and prepare excellent Teaching and Writing Faculty and in preparing reference benchbooks for the exclusive use of Illinois judges. Additionally, the Committee seeks support in ensuring the cooperation and collaboration of Chief Circuit Judges in recruiting and preparing excellent judicial faculty from each of the state's Judicial Circuits.

## Appendix A

### Education Conference 2006 Overall Participant Evaluation Scores

# EDUCATION CONFERENCE 2006

February 1-3 and March 15-17, 2006

Chicago

## PARTICIPANT RATINGS

EVALUATION SCALE	Poor					Excellent				
	1	2	3	4	5	Average Rating				
Overall Conference Evaluation						4.4				
<i>Plenary Session:</i>										
Judicial Independence & the Courts in the 21 <sup>st</sup> Century						4.3				
<i>Optional Early Bird Session:</i>										
The Judicial Inquiry Board						4.7				
<i>Half-Day Sessions:</i>										
Judge & Jury: Defining the Relationship						4.0				
Methamphetamine Cases						4.9				
Working with <i>Pro Se</i> and Indigent Litigants						4.7				
<i>Evidence Topic Track Sessions:</i>										
Avoiding Errors: Ruling on Objections & Making the Record						4.4				
Hearsay Problems and Solutions						4.2				
Impeachment in Civil & Criminal Cases						4.8				
<i>Criminal Law Topic Track Sessions:</i>										
<i>Crawford v. Washington</i> : After the Dust Has Settled						4.7				
Fitness & Not Guilty by Reason of Insanity						4.6				
Updates & Hot Topics						4.6				
<i>Civil Law Topic Track Sessions:</i>										
Motions to Dismiss & for Summary Judgement						4.6				
Updates & Hot Topics						4.6				
Nuts and Bolts of Settlement						3.9				
<i>Family Law Topic Track Sessions:</i>										
Guardianships & Custody						4.5				
Nuts & Bolts of Paternity Actions						4.5				
Updates & Hot Topics						4.4				
<i>General Topic Track Sessions:</i>										
Contempt & Sanctions						4.7				
First Amendment and Media Issues for Judges						4.6				
Evidence-Based Practices in Managing Offenders						4.3				

## Appendix B

### Seminar Series & Other Programs Attendance & Evaluation Summaries

## 2005 - 2006 Seminars & Programs

SEMINAR	DATE	SITE	PARTICIPANTS	OVERALL RATING (Scale of 1 to 5)
<b>Administrative Issues for Judges With Supervisory Authority</b>	September 15-16, 2005	Springfield	16	4.6
<b>Real World Evidentiary Issues</b>	October 6-7, 2005	Chicago	55	4.8
<b>Family: Custody, Support &amp; Visitation</b>	November 17-18, 2005	Naperville	59	4.2
<b>Drug Cases From Start to Finish</b>	April 20-21, 2006	Lisle	24	4.7
<b>Practical Approaches to Substance Abuse Issues &amp; DUI Offenders</b>	June 8-9, 2006	Springfield	19	4.7
<b>Literature &amp; the Law: Mental Health Issues</b>	May 18-19, 2006	Springfield	22	4.9
<b>Abuse &amp; Neglect: Updates, Hot Topics &amp; Termination of Parental Rights</b>	April 25, 2006	Chicago	28	4.2
<b>Family: Complex Financial Issues</b>	May 25, 2006	Springfield	36	4.5
<b>Pretrial Issues in Civil Cases</b>	September 29, 2005	Oak Brook	Canceled	N/A
<b><u>OTHER PROGRAMS</u></b>				
<b>New Judge Seminar</b>	December 5-9, 2005	Chicago	39	4.8
<b>Education Conference</b>	February 1-3, 2006 & March 15-17, 2006	Chicago	All	4.4
<b>Faculty Development</b>	July 21-22, 2005	Oak Brook	13	N/A
<b>*Capital Cases: Third Seminar Series</b>	September 7-8, 2005 May 10-11, 2006	Springfield Chicago	83 89	N/A N/A

*\*Presented by the Supreme Court Committee on Capital Cases pursuant to Supreme Court Rule 43*

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

Hon. Mary Ellen Coghlan, Chair

Hon. Eugene P. Daugherty  
Hon. Michael J. Gallagher  
Hon. Herman S. Haase  
Hon. Dorothy Kirie Kinnaird  
Hon. Stuart A Nudelman

Hon. Dennis J. Porter  
Mr. William R. Quinlan, Advisor  
Hon. Darryl B. Simko  
Hon. Daniel J. Stack  
Hon. John W. Turner

Mr. Douglas W. Godfrey, Professor - Reporter

October 2006

**I. STATEMENT ON COMMITTEE CONTINUATION**

The Study Committee on Complex Litigation is comprised of judges from across the state who have significant experience with complex litigation. The purpose of the Committee is to make recommendations, through proposed rules or other procedures, to reduce the cost and delay attendant to lengthy civil and criminal trials with multiple parties or issues and thereby improve the administration of justice in complex cases throughout Illinois. The Committee also provides yearly updates to its Illinois Manual for Complex Litigation (Civil and Criminal). Historically, the Committee has concentrated its attention on creating the manuals and producing annual updates and supplements thereto.

The Committee received a new charge for Conference Year 2006. As before, the Committee is charged with preparing revisions and updates and developing new topics, as necessary, for the manuals. The Committee is also requested to maintain the forms contained in the Manual Appendix. In addition, the charge also provides that the Committee will study and make recommendations regarding the development of a forum for judges to disseminate information regarding complex litigation practices and procedures that have successfully brought complex cases to fair and prompt disposition. Finally, the charge states that the Committee shall study and make recommendations regarding the management of multiple overlapping litigation and other problems associated with complex litigation.

The Committee believes that its work in this regard contributes to the mission of the Conference and provides a valuable source of information for judges who preside over complex cases in Illinois. As such, the Committee requests that it be continued as a full standing committee of the Illinois Judicial Conference in order to complete its work on the important projects identified in the Committee's charge.

**II. SUMMARY OF COMMITTEE ACTIVITIES**

In addition to the general charge for Conference Year 2006, several projects/priorities were identified for the Committee's work during the Conference year:

- Review definitions of complex civil and criminal litigation to assure proper focus and content for the Civil and Criminal Manuals for Complex Litigation;
- Explore the development of an Alternative Dispute Resolution section for the Civil Manual;
- Study and make recommendations on the development and use of centralized document depositories in complex litigation cases throughout Illinois; and
- Undertake any such other projects or initiatives that are consistent with the Committee charge.

The following briefly summarizes the Committee's work during the Conference year and the status of these projects/priorities:

**A. Review Definitions of Complex Civil and Criminal Litigation**

Chapter two of both the Manual for Complex Civil Litigation and the Manual for Complex Criminal Litigation currently contains text on defining and identifying complex litigation. The Committee reconsidered the definition of complex litigation during the 2004 Conference year when it assessed the utility of the manuals and engaged in discussions regarding the organization of the manuals, as well as their content. However, no changes to the pertinent text in Chapter two of either of the manuals were made at that time. The members concluded that the current text was sufficient but agreed that periodic review of the definitions was advisable to assure proper focus and content of the manuals.

**B. Development of an Alternative Dispute Resolution (ADR) Section**

A considerable amount of the Committee's work during this Conference year was devoted to the development of a new ADR section for the Civil Manual. This section will specifically focus on the use of ADR in complex civil cases in Illinois state courts. The new section defines various ADR techniques that are available to the parties and discusses legal authority that allows the courts to facilitate or impose ADR in complex cases in Illinois. The section also discusses how a judge can best select cases to undergo ADR and then explains how ADR is used in specific types of complex cases, such as class actions, mass torts, and construction and real estate disputes. The text concludes with a brief discussion of the future of ADR and a list of the resources available to the parties and the bench in Illinois.

After the Committee approves final revisions to the ADR section, it will be included in the completed text of the revised Civil Manual, to be disseminated later this year.

**C. Expanded Development and Use of Centralized Document Depositories**

During the 2006 Conference year, the Committee studied the use of centralized document depositories and discussed whether to recommend an expanded use of such facilities in Illinois. As noted in the current text of the Civil Manual, the documents produced in a complex case will inundate a clerk's office if the court instructs the parties to place them in the court file. Central document depositories can promote efficient and economical management of voluminous documents in multi-party litigation. A document depository ensures easy access to documents by all parties and spares the clerk the burden of holding all the documents. The Committee noted that document depositories have been utilized in Illinois for asbestos litigation in Madison County. The Committee members reviewed documents pertinent to this issue and recognized the utility of document depositories during the discovery process and for facilitating

trials. Accordingly, the Committee agreed to forward to the Court a favorable recommendation that use of such facilities be expanded in Illinois for appropriate cases.

#### **D. Updates for the Civil and Criminal Manuals**

The Committee continued to update the Civil and Criminal Manuals, the content of which are briefly described as follows:

**1. Civil Manual.** The first edition of the Illinois Manual for Complex Civil Litigation was completed in 1991. Subsequently, the Committee produced revised editions in 1994 and 1997, the last of which continues to be updated each year. 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 also 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.

**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. Last year, supplements on the following topics were included in the main volume of the Criminal Manual: (1) complex post-conviction review proceedings and sentencing; (2) *Apprendi v. New Jersey*, 530 U.S. 466 (2000); (3) jury selection and *voir dire*; (4) additional sentencing issues; (5) double jeopardy; (6) prosecutorial conduct; and (7) inconsistent verdicts.

The evolving nature of the law and practice regarding complex litigation requires that the manuals be continually updated. In the past, the Committee created supplements on various civil and criminal topics with current information on the many subjects that judges confront in complex cases. Last year, the supplements were added into the main volumes of the manuals so that the reader may more easily access and use the material. The Committee will continue this practice with all future topics to be added to the manuals. During the 2006 Judicial Conference Year, the Committee members continued to monitor caselaw, rule changes, and legislation and cull new information specific to complex litigation in order to integrate it into the Civil and Criminal Manuals.

**3. Manual in CD-ROM Format.** Both the Civil and Criminal 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 in order to update and supplement the Manual for Complex Civil Litigation and the Manual for Complex Criminal Litigation to keep them current. As in the past year, the Committee will integrate all new material into the main volumes, as opposed to the previous "pocket part" format, to further facilitate use of the manuals. The CD-ROM format, which is issued along with the hard copies, will contain the text of both manuals with the added convenience of downloading and search capabilities. In the next Conference year, the Committee also will work to update the forms currently contained in the Manual Appendixes and make them available electronically so that judges will have easy access to form orders.

The 2006 charge further requests that the Committee study and make recommendations regarding the management of multiple overlapping litigation and other problems commonly associated with complex litigation. During Conference Year 2004, the Committee discussed this issue and drafted a proposed new Supreme Court Rule which would supplement Supreme Court Rule 384 and increase the efficiency in the management of these cases by requiring litigants to disclose closely related litigation of which they are aware. The Committee has since learned that the Court declined to adopt the proposed rule. Accordingly, the Committee will explore other options pertinent to its charge on this issue.

**IV. RECOMMENDATIONS**

The Committee recognizes that centralized document depositories can promote efficient and economical management of voluminous documents in multi-party litigation during the discovery process and can facilitate the trial process. As such, the Committee recommends that the Conference forward to the Court a favorable recommendation that use of centralized document depositories be expanded in Illinois for appropriate cases.

## 2006 REPORT

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

Hon. C. Stanley Austin, Chair

Hon. Susan Fox Gillis

Hon. Diane M. Lagoski

Hon. Patricia Martin Bishop

Hon. John R. McClean, Jr.

Hon. Karen G. Shields

Hon. David W. Slater

Hon. George W. Timberlake

Hon. Lori M. Wolfson

Prof. Lawrence Schlam, Reporter

October 2006

## I. STATEMENT ON COMMITTEE CONTINUATION

The purpose of the Study Committee on Juvenile Justice (Committee) is to review and assess practices related to the processing of juvenile delinquency, abuse, neglect, and dependency cases. The Committee's purpose also includes providing judges with current developments in the processing of juvenile court cases through up-dating and distributing the *Illinois Juvenile Law Benchbook* (Volumes I and II). Historically, the major work of the Committee has been the completion of the two-volume set of the Juvenile Law Benchbook, which is designed to provide judges with a practical and convenient guide to procedural, evidentiary, and substantive issues arising in juvenile court proceedings. Annual updates of both volumes of the benchbook are necessary due to the rapid evolution of juvenile law.

In light of the continuous statutory changes and case law developments in juvenile law, the Committee believes that continued instruction in this area of the law is necessary. Therefore, the Committee requests that it be permitted to continue its work in Conference Year 2007.

## II. SUMMARY OF COMMITTEE ACTIVITIES

### *A. Committee Charge*

The Committee is charged with studying and making recommendations on the processing of juvenile delinquency, abuse, neglect, and dependency cases; preparing supplemental updates to the juvenile law benchbooks for distribution to judges reviewing such proceedings brought in juvenile court; and making recommendations regarding training for juvenile court judges on emerging issues of juvenile law identified during the course of the Committee's work on the benchbook or during Committee meetings. This charge provides the framework to guide the Committee's work during the Conference year.

#### *1. Juvenile Law Benchbook*

The Juvenile Law Benchbook is divided into two volumes; however, the discussion in each volume is organized transactionally, whereby 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. Each volume provides judges with an overview of juvenile court proceedings, directs them to relevant statutory and case law, highlights recent amendments, and identifies areas that present special challenges. The appendix in each volume 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.

During this Conference year, the Committee will complete its update of Volume II of the Juvenile Law Benchbook. Volume II, published in 2002, addresses proceedings brought in juvenile

court that involve allegations of abuse, neglect, and dependency. It also addresses voluntary and involuntary termination of parental rights. In preparing the update to Volume II, the Committee researched statutory changes and relevant case law through June 2006. The Committee also decided to include reference to the Uniform Child-Custody Jurisdiction and Enforcement Act, as it relates to abuse and neglect issues. The Committee reasonably anticipates that an update to Volume II will be available for the New Judge Seminar in January 2007.

### *2. Juvenile Diversion Fee*

Juvenile diversion fees, in counties where adopted, are fees used for the operation and administration of a teen court, peer court, peer jury, youth court or other youth diversion program. The Committee discussed the insufficient funding for the above programs and the related lack of priority for juvenile diversion fees under Supreme Court Rule 529, which sets forth the percentage distribution of fines, penalties and costs collected for traffic offenses, which is equal to the bail required by Supreme Court Rule 526. The Committee therefore recommends that if the Supreme Court increases the \$75 bail for traffic offenses provided for in Rule 526, the juvenile diversion fee be given priority under Rule 529.

### *B. 2006 Projects and Priorities*

The following subjects represent the projects/priorities assigned by the Supreme Court to the Committee for consideration in Conference Year 2006.

#### *1. Confidentiality*

The Committee was asked to review and make recommendations regarding the scope of confidentiality in juvenile delinquency, abuse, neglect, and dependency cases. The issue of confidentiality of personal identity and case related information has been raised on several occasions by members of the Committee as an area of the benchbook needing further development. It is an aspect of legal practice that is impacted by federal law on privacy information sharing and, in juvenile court, by the dynamics of multiple parties and multiple proceedings. Therefore, it was proposed that the Committee investigate the reach of statutes and case law regarding confidentiality in juvenile court proceedings in anticipation of including a section on the topic in the juvenile benchbook.

In addressing this project, the Committee formed a subcommittee, which researched and drafted provisions on confidentiality for inclusion in Volume II of the benchbook. The new provisions will address issues as they relate to the scope of confidentiality for abuse, neglect, and dependency cases, including access to juvenile court proceedings and records by the press; access to juvenile court records for research; and use of a minor's name in notice by publication to the parent. The Committee also initiated its research into expanding the existing section on confidentiality contained in Volume I of the benchbook, including addressing juvenile sex offender registration.

## 2. "Problem-Solving Courts"

The Committee was asked to study, examine and report on the efficacy of "Problem-Solving Courts" in the management of juvenile delinquency, abuse, neglect, and dependency cases, and respondents. On behalf of the Committee, Judge C. Stanley Austin, as chair, sent a letter to the chief judges in the state to survey the existence/nature of any speciality courts handling juvenile cases and to obtain the local rules creating such courts. The Committee is in the process of collecting responses from the various circuits. Once the responses are collected, the Committee will prepare a report for the Court's consideration.

### III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During the 2007 Conference Year, the Committee seeks to update Volume I of the *Illinois Juvenile Law Benchbook*, which addresses juvenile court proceedings involving allegations of delinquency, minors requiring authoritative intervention (MRAI), and addicted minors. The Committee further requests that it be permitted to continue its review of confidentiality for purposes of expanding its current section on that topic in Volume I of the benchbook and that it be permitted to complete its review of "Problem-Solving Courts" addressing juvenile matters. Finally, the Committee seeks to work with the Education Committee to prepare program ideas for juvenile law education seminars.

### IV. RECOMMENDATIONS

As noted above, the Committee recommends that the Illinois Judicial Conference approve the Committee to forward its recommendation to the Supreme Court that if the Supreme Court increases the \$75 bail for traffic offenses under Supreme Court Rule 526, the juvenile diversion fee be given priority in Supreme Court Rule 529.

## Alternative Dispute Resolution Coordinating Committee

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### CONFERENCE YEAR 2006

#### *Statement of Purpose:*

The Committee shall examine the range of civil and criminal dispute resolution processes, utilized in other jurisdictions, convene alternative dispute resolution program administrators for the purpose of facilitating informational exchanges to promote program efficacy, and monitor the progress of all court-sponsored alternative dispute resolution programs.

#### *General Charge:*

The Committee shall examine the range of civil and criminal dispute resolution processes utilized in other jurisdictions and make recommendations regarding programs and various types of dispute resolution techniques suitable for adoption in Illinois, including methods for ongoing evaluation. The Committee shall develop recommendations for implementing and administering dispute resolution programs that remain affordable, appropriate, and provide an efficient alternative to protracted litigation. The Committee shall monitor and assess on a continuous basis the performance of circuit court dispute resolution programs approved by the Supreme Court and make regular reports regarding their operations. The Committee shall develop uniform reporting requirements for circuit courts in the collection and monitoring of statistical information for alternative dispute resolution cases. The Committee will also examine and develop training programs in ADR techniques and practices to promote consistency in ADR services. The Committee shall also explore the feasibility of expanding ADR into other courts.

### COMMITTEE ROSTER

#### Conference Members

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#### Advisors

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 Hon. John G. Laurie, Ret.

Kent Lawrence  
 Hon. Anton J. Valukas, Ret.

**COMMITTEE STAFF LIAISON: Anthony Trapani**

## Automation and Technology Committee

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### **CONFERENCE YEAR 2006**

#### *Statement of Purpose:*

The Automation and Technology Committee shall provide consultation, guidance, and recommendations regarding standards, policies and procedures relating to the use of technology and automation within the judicial branch.

#### *General Charge:*

The Committee shall develop general guidelines which promote the effective and efficient use of technology and automation in the trial courts including recommendations for statewide standards, protocols, or procedures. The Committee shall analyze and develop recommendations related to rules and statutory changes that will manage the use of technology within the courts. The Committee's work also includes the review and evaluation of technology applications and their impact on the operation and workflow of the court. The Committee will also research and recommend response protocols to resolve security issues which may affect the use of technology.

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Hon. Michael J. Murphy  
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#### **Associate Members**

Hon. Francis J. Dolan

Hon. Thomas H. Sutton

#### **Advisors**

None

**COMMITTEE STAFF LIAISON: Skip Robertson**

## Committee on Criminal Law and Probation Administration

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### **CONFERENCE YEAR 2006**

#### *Statement of Purpose:*

To advise the Judicial Conference in matters affecting criminal law and procedures and the administration of probation services.

#### *General Charge:*

The Committee shall review and make recommendations on matters affecting the administration of criminal law and shall monitor, evaluate and provide recommendations on issues affecting the probation system. The Committee will review, analyze and examine new issues arising out of legislation and case law that impact criminal law and procedures and probation resources and operations.

### **COMMITTEE ROSTER**

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#### **Associate Members**

None

#### **Advisors**

None

**COMMITTEE STAFF LIAISONS: Cheryl Barrett & B. Paul Taylor**

## Committee on Discovery Procedures

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### **CONFERENCE YEAR 2006**

#### *Statement of Purpose:*

The Committee on Discovery Procedures shall review and assess discovery devices used in Illinois, with the goal of making recommendations to expedite discovery and to eliminate any abuses of the discovery process.

#### *General Charge:*

The Committee shall study and make recommendations on 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. The Committee shall investigate and make recommendations on innovative means of expediting pretrial discovery and ending any abuses of the discovery process so as to promote early settlement discussions and to encourage civility among attorneys. The Committee will also review and make recommendations on proposals concerning discovery matters submitted by the Supreme Court Rules Committee, other Committees or other sources.

### **COMMITTEE ROSTER**

#### **Conference Members**

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Hon. Frederick J. Kapala

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#### **Associate Members**

None

#### **Advisors**

David B. Mueller

Paul E. Root

Eugene I. Pavalon

**COMMITTEE STAFF LIAISON: Jan B. Zekich**

## Committee on Education

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### **CONFERENCE YEAR 2006**

#### *Statement of Purpose:*

The Committee shall identify education needs for the Illinois judiciary and develop short and long term plans to address these needs.

#### *General Charge:*

The Committee shall develop and recommend a “core” judicial education curriculum for Illinois judges which identifies the key judicial education topics and issues to be addressed through the judicial education activities each Conference year. This will include identifying emerging legal, sociological, cultural, and technical issues that may impact decision making and court administration by Illinois judges. Based on the core curriculum, the Committee shall recommend and develop programs for new and experienced Illinois Judges. To do so, the Committee shall recommend topics and faculty for the annual New Judge Seminar and Seminar Series, and, in alternate years, the Education Conference and the Advanced Judicial Academy. The Committee will also assess the judicial education needs, expectations and program participation of Illinois judges. The Committee shall also review and recommend judicial education programs, offered by organizations and entities other than the Supreme Court, to be approved for the award of continuing judicial education credits.

### **COMMITTEE ROSTER**

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Hon. Lisa Holder White

#### **Advisors**

None

**COMMITTEE STAFF LIAISON: Lisa Jacobs**

## Study Committee on Complex Litigation

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### **CONFERENCE YEAR 2006**

#### *Statement of Purpose:*

The Study Committee shall make recommendations, through proposed rules or other procedures, to reduce the cost and delay attendant to lengthy civil and criminal trials with multiple parties or issues. The Committee shall provide yearly updates to its Manual for Complex Litigation (Civil and Criminal).

#### *General Charge:*

The Committee shall prepare revisions, updates, and new topics as necessary, for the Manual for Complex Litigation, including the maintenance of forms accurate to the Manual Appendix. Additionally, the Committee will study and make recommendations regarding the development of a forum for judges to disseminate information regarding practices and procedures that have successfully brought complex cases to fair and prompt disposition. The Committee shall study and make recommendations regarding the management of multiple overlapping litigation and other problems commonly associated with complex litigation.

### **COMMITTEE ROSTER**

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#### **Advisors**

Douglas W. Godfrey, Professor-Reporter

William R. Quinlan

**COMMITTEE STAFF LIAISON: Marcia M. Meis**

## Study Committee on Juvenile Justice

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### **CONFERENCE YEAR 2006**

#### *Statement of Purpose:*

The Study Committee on Juvenile Justice shall review and assess practices related to the processing of juvenile delinquency, abuse, neglect, and dependency cases. The Committee shall provide judges with current developments in the processing of juvenile court cases through up-dating and distributing the juvenile law benchbook (Volumes I and II).

#### *General Charge:*

The Committee shall study and make recommendations on the processing of juvenile delinquency, abuse, neglect, and dependency cases; prepare supplemental updates to the juvenile law benchbooks for distribution to judges reviewing proceedings brought in juvenile court; and, make recommendations regarding training for juvenile court judges on emerging issues of juvenile law identified during the course of the Committee's work on the benchbook or during Committee meetings.

### **COMMITTEE ROSTER**

#### **Conference Members**

Hon. C. Stanley Austin  
 Hon. Susan Fox Gillis  
 Hon. Diane M. Lagoski  
 Hon. John R. McClean, Jr.

Hon. Karen G. Shields  
 Hon. David W. Slater  
 Hon. George W. Timberlake  
 Hon. Lori M. Wolfson

#### **Associate Members**

None

#### **Advisors**

Hon. Patricia Martin Bishop

Lawrence Schlam, Professor-Reporter

**COMMITTEE STAFF LIAISON: Jan B. Zekich & Michelle Thielen**