

2009 REPORT

TABLE OF CONTENTS

I. Membership of Judicial Conference 1

II. Members of the Executive Committee 5

III. Overview of the Illinois Judicial Conference 7

IV. Agenda for Annual Meeting of the Illinois Judicial Conference 9

V. Report of the Annual Meeting of the Illinois Judicial Conference

(a) Address of Chief Justice Thomas R. Fitzgerald 11

(b) Consent Calendar

1. Memorials 15

2. Recognition of Retired Judges 47

3. Announcement of New Judges 54

(c) Report of the Alternative Dispute Resolution
Coordinating Committee 57

(d) Report of the Automation & Technology Committee 67

(e) Report of the Committee on Criminal Law & Probation
Administration 75

(f) Report of the Committee on Discovery Procedures 83

(g) Report of the Committee on Education 89

(h) Report of the Study Committee on Complex
Litigation 103

(i) Report of the Study Committee on Juvenile
Justice 109

VI. Judicial Conference Committee Charges and Rosters 115

2009 REPORT

ROSTER OF JUDICIAL CONFERENCE OF ILLINOIS

The following are members of the Judicial Conference of Illinois during the 2009 Conference year.

SUPREME COURT

Hon. Thomas R. Fitzgerald
Chief Justice
First Judicial District

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

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

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

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

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

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

Appellate Court

Hon. Patrick J. Quinn
Chairman, Executive Committee
First District Appellate Court

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

Hon. Kathryn E. Zenoff
Presiding Judge
Second District Appellate Court

Hon. James M. Wexstten
Presiding Judge
Fifth District Appellate Court

Hon. Mary K. O'Brien
Presiding Judge
Third District Appellate Court

APPOINTEES

Hon. Kenneth A. Abraham
Associate Judge
Eighteenth Judicial Circuit

Hon. Adrienne W. Albrecht
Circuit Judge
Twenty-First Judicial Circuit

Hon. Robert J. Anderson
Circuit Judge
Eighteenth Judicial Circuit

Hon. C. Stanley Austin
Associate Judge
Eighteenth Judicial Circuit

Hon. Patricia Banks
Circuit Judge
Circuit Court of Cook County

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

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

Hon. Ann Callis
Chief Judge
Third Judicial Circuit

Hon. Robert L. Carter
Appellate Court Judge
Third Appellate Court District

Hon. Mark H. Clarke
Chief 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. Maureen E. Connors
Circuit Judge
Circuit Court of Cook County

Hon. Stephen J. Culliton
Chief Judge
Eighteenth Judicial Circuit

Hon. Joy V. Cunningham
Appellate Court Judge
First Appellate Court District

Hon. Eugene P. Daugherty
Circuit Judge
Thirteenth Judicial Circuit

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

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

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

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

Hon. James R. Glenn
Circuit Judge
Fifth Judicial Circuit

Hon. Robert E. Gordon
Appellate Judge
First Appellate Court District

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

Hon. Daniel P. Guerin
Associate Judge
Eighteenth Judicial Circuit

Hon. Shelvin Louise Marie Hall
Appellate Court Judge
First Appellate Court District

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

Hon. Kimbara G. Harrell
Associate Judge
Second Judicial Circuit

Hon. Janet R. Holmgren
Chief Judge
Seventeenth Judicial Circuit

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

Hon. John C. Knight
Circuit Judge
Third Judicial Circuit

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

Hon. Diane M. Lagoski
Circuit Judge
Eighth Judicial Circuit

Hon. Paul G. Lawrence
Associate Judge
Eleventh Judicial Circuit

Hon. Charles McRae Leonhard
Associate Judge
Sixth Judicial Circuit

Hon. Vincent J. Lopinot
Associate Judge
Twentieth Judicial Circuit

Hon. Jerelyn D. Maher
Associate Judge
Tenth Judicial Circuit

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

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

Hon. Ralph J. Mendelsohn
Associate Judge
Third Judicial Circuit

Hon. James J. Mesich
Associate Judge
Fourteenth Judicial Circuit

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

Hon. Leonard Murray
Associate Judge
Circuit Court of Cook County

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. Jeffrey W. O'Connor
Chief Judge
Fourteenth Judicial Circuit

Hon. Stephen R. Pacey
Circuit Judge
Eleventh Judicial Circuit

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

Hon. Lance R. Peterson
Associate Judge
Thirteenth Judicial Circuit

Hon. M. Carol Pope
Appellate Court Judge
Fourth Appellate Court District

Hon. Kenneth L. Popejoy
Circuit Judge
Eighteenth Judicial Circuit

Hon. Carolyn Quinn
Associate Judge
Circuit Court of Cook County

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

Hon. Elizabeth A. Robb
Chief Judge
Eleventh Judicial Circuit

Hon. Mary S. Schostok
Appellate Court Judge
Second Appellate Court District

Hon. William G. Schwartz
Circuit Judge
First Judicial Circuit

Hon. Mitchell K. Shick
Circuit Judge
Fifth Judicial Circuit

Hon. Robert B. Spence
Circuit Judge
Sixteenth Judicial Circuit

Hon. Daniel J. Stack
Circuit Judge
Third Judicial Circuit

Hon. John O. Steele
Appellate Court Judge
First Appellate Court District

Hon. Domenica A. Stephenson
Associate Judge
Circuit Court of Cook County

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

Hon. Michael P. Toomin
Appellate Court Judge
First Appellate Court District

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

Hon. Carl Anthony Walker
Circuit Judge
Circuit Court of Cook County

Hon. Milton S. Wharton
Circuit Judge
Twentieth Judicial Circuit

Hon. Lisa Holder White
Circuit Judge
Sixth Judicial Circuit

Hon. Walter Williams
Circuit Judge
Circuit Court of Cook County

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

MEMBERS OF EXECUTIVE COMMITTEE

Hon. Thomas R. Fitzgerald, Chairman
Chief Justice
First Judicial District

Hon. Adrienne W. Albrecht
Circuit Judge
Twenty-First Judicial Circuit

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

Hon. Robert L. Carter
Appellate Court Judge
Third Appellate Court District

Hon. Stephen H. Peters
Circuit Judge
Sixth Judicial Circuit

Hon. Stephen J. Culliton
Chief Judge
Eighteenth Judicial Circuit

Hon. M. Carol Pope
Appellate Court Judge
Fourth Appellate Court District

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

Hon. Elizabeth A. Robb
Chief Judge
Eleventh Judicial Circuit

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

Hon. Robert B. Spence
Circuit Judge
Sixteenth Judicial Circuit

Hon. Shelvin Louise Marie Hall
Appellate Court Judge
First Appellate Court District

Hon. John O. Steele
Appellate Court Judge
First Appellate Court District

Hon. Robert K. Kilander
Circuit Judge
Eighteenth Judicial Circuit

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

Hon. John Knight
Circuit Judge
Third Judicial Circuit

Hon. Milton S. Wharton
Circuit Judge
Twentieth Judicial Circuit

2009 REPORT

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 Hotel
Chicago, Illinois**

AGENDA

Thursday, October 22, 2009

- 7:30 - 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 Thomas R. Fitzgerald, 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 Thomas R. Fitzgerald, 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. Timothy C. Evans, Hon. M. Carol Pope)*
- 4:30 p.m.** **Adjourn**

2009 REPORT

**2009 Annual Illinois Judicial Conference
Thursday, October 22, 2009
9:00 a.m.
Hilton Suites Chicago Magnificent Mile Hotel
Chicago, Illinois
Honorable Thomas R. Fitzgerald, Chief Justice**

Good morning, and welcome to the 56th Annual meeting of the Illinois Judicial Conference. On behalf of my colleagues on the Illinois Supreme Court, I would like to thank you all for being here. Before I proceed, I have a few introductions.

First, I would like to recognize my former colleague Justice Ben Miller.

And the current members of the court.

From the First District: Our senior member, Justice Charles Freeman, and our newest member, Justice Anne Burke.

From the Second District: Justice Bob Thomas.

From the Third District: Justice Tom Kilbride.

From the Fourth District: Justice Rita Garman.

And from the Fifth District: Justice Lloyd Karmeier.

It has been a pleasure serving as your chief for the past year.

I would also like to introduce Cynthia Cobbs, Director of the Administrative Office of the Illinois Courts. Once again, Cynthia, you and your staff have done an outstanding job in coordinating the work of the committees and preparing for the conference. Thank you for your tireless work for the Court, and all the courts in our State. Your efforts are truly remarkable.

Last year at this conference, I spoke about the importance of judicial independence. This year, I would like to speak about the importance of judicial scholarship.

Article 6, Section 17 of our State Constitution instructs the Court to “provide for an Annual Judicial Conference to consider the work of the courts and to suggest improvements in the administration of justice.” That is a serious directive. It asks nothing less of us than to provide a forum for the scholarly examination of our legal system.

In reading the annual reports from the various committees while preparing these remarks, I was struck by how often certain words were repeated time and again: study, consider, research, explore, examine, discuss, draft, and propose. These are learned words - words that describe the endeavors of a scholar. There is an important point to this scholarship, and that point is to make our state’s judiciary better. More efficient, more responsive, and more equipped to reach the correct result in every case. Let us examine the work by the committees this year to see the effect of this scholarship.

Later today, we will hear a report from the Criminal Law and Probation Administration Committee detailing its work over the last year. The Committee considered the possibility of instituting a criminal dispute resolution program in Illinois. In that regard, the Committee studied programs in other states, and concluded that such a program would be possible in Illinois, but only if it were a voluntary, mediation-type program limited to misdemeanors, petty offenses, and

ordinance violations.

The Committee also considered several options for felony diversion programs, and shock incarceration programs, and decided that such programs would run counter to the principles of Evidence Based Practices - essentially, the best practices in reducing recidivism rates. The Committee discussed ways to make the process of accepting guilty pleas more efficient, and drafted a form for written guilty pleas for inclusion in judicial education training materials.

The Committee on Discovery Procedures was also busy. The Discovery Committee drafted a proposal to amend Supreme Court Rule 212, giving a trial court the discretion to allow the use of a party's discovery deposition at trial. The Discovery Committee also reviewed the use of telephone depositions, and drafted a proposal to amend Rule 206, allowing electronic depositions without leave of court. This proposal would bring our rule in line with current practice. The Committee also continued its discussion of required expert witness disclosures under Rule 213.

We will also hear from the Automation and Technology Committee, which focused on two projects this past year. First, the Committee reviewed the Disaster Recovery Guide to determine how best to continue critical court functions during a disaster. In this regard, the Committee developed language highlighting special considerations for criminal and domestic violence cases. Second, the Committee conducted a conceptual analysis of the potential for using a secure website in trial courts. The Committee concluded that a secure website would be useful in informing trial judges about legislative amendments and other time-sensitive information, allowing judges to share forms and other organizational tools that they have developed and used, and distributing to judges reference and training materials. The Committee plans to analyze threats to court information technology systems over the next year.

The Committee on Complex Litigation, likewise, revisited two projects from last year. First, it reviewed the Education Committee's Criminal Law and Procedure Benchbook and the Manual on Complex Criminal Litigation to ensure that these two resources do not needlessly overlap. Second, it revised the ADR chapter in the Complex Civil Litigation manual, and drafted text on construction cases for that manual. Additionally, the Complex Litigation Committee began drafting a revised civil manual after concluding that the current manual had become more of a treatise, than a practical guide for judges. The Fourth Edition of the civil manual reportedly will be a more streamlined, user-friendly resource for judges.

The Alternative Dispute Resolution Coordinating Committee monitored court-annexed arbitration programs in 16 counties, as well as major civil case mediation programs in 11 judicial circuits. The ADR Committee gathered reference manuals from circuits with mandatory arbitration programs and drafted a uniform manual that includes the required, fundamental practices of mandatory arbitration. The Committee also developed a new arbitrator training outline and related training materials to be used in conjunction with the uniform manual. The ADR Committee recommended that Rules 87 and 756 be amended to allow arbitrators to waive compensation and accept *pro bono* credit instead. The Committee drafted a form to accompany its proposal to amend the rules. The Committee also studied the area of child custody mediation in accord with our rules regarding child custody proceedings.

The Committee on Juvenile Justice will later detail its work in updating Volume 1 of the Juvenile Justice Benchbook, which addresses proceedings in juvenile court involving allegations

of delinquency, addicted minors, minors requiring authoritative intervention, and truant minors in need of supervision. In this regard, the Committee researched statutory changes, and relevant caselaw. The Committee also studied and examined the efficacy of so-called “problem-solving courts” in managing juvenile cases, and concluded that programs in other states should be reviewed in establishing more effective juvenile drug courts in Illinois. The Committee studied the availability and adequacy of mental health services for juveniles.

Finally, I must mention the work of the Education Committee. The Education Committee presented the New Judge Seminar to 58 new judges last January. This week-long program provided intense training in substantive and procedural areas. The Committee has also reviewed and updated the curriculum for the next New Judge Seminar, to provide the most meaningful information to new judges. Additionally, the Education Committee’s focus on faculty development continues to be an important part of its work.

It is an important component of creating a better judiciary. Not all of us can be as eloquent as Learned Hand, but we can all be learned. As the dictionary will tell you, a scholar is simply a learned person.

In closing, I would like to reflect and comment upon an experience from my career.

United States Supreme Court Justice Anthony Kennedy once said that “The law makes a promise - neutrality. If the promise gets broken, the law as we know it ceases to exist.” If judges, and lawyers, turn their back on this neutrality, our system falls apart. When I was a young judge, there were rumors that a small number of judges and lawyers were under investigation by the federal government for fixing traffic and misdemeanor cases. I had trouble believing that these rumors were true. I knew some of these judges and lawyers, and I didn’t think it was possible that they could have done these things.

Well, the rumors led to indictments, and indictments led to convictions. Twenty-five years ago, in 1984, the first defendant charged and tried in what was known as Operation Greylord was convicted. In all, 92 officials were charged, including 17 judges, 48 lawyers, 8 police officers, 10 deputy sheriffs, 8 court employees, and even one state legislator. Nearly all were convicted, most after pleading guilty. They lost everything: their liberty, their property, and their good names, in some instances for nothing more than the price of a bar bill. The question that puzzled me then was, how could they have so violated the public’s trust? A possible answer came to me years later.

I believe what was lacking was a commitment to doing what was right. These judges were unwilling to disregard the wrongness of the criminal acts, and instead viewed them as no more than *de mittimus* violations that hurt no one. In fact, these people hurt everyone - by casting the neutrality of the judiciary into doubt.

Most of the men and women in this room are veteran judges. Some of you remember Greylord because you were there and, like I did, saw the events unfold from within. Others of you remember it because you heard the stories then, or have heard them since - passed down from now more than a generation ago. It has become your obligation, our obligation, to make certain that newer judges are aware of that terrible time in our history. We are all charged with the responsibility of ensuring that it Never Happens Again.

As Theodore Roosevelt observed, "Unless a person is honest, we have no right to keep that person in public life. It matters not how brilliant his (or her) capacity, it hardly matters how great his (or her) power of doing good service on certain lines may be. No one who is corrupt, no one who condones corruption in others, can possibly do his (or her) duty by the community." Rooting out corruption can be done after the fact, by federal prosecutors, or we can attempt to create a culture of morality within our profession. That begins with us.

When he became Chief Justice, my colleague and friend Bob Thomas was instrumental in getting the court to establish a Commission on Professionalism. The aim of the Commission is to foster increased civility, and professionalism among the lawyers, and judges, in the State. At that time, Chief Justice Thomas stated that the Commission would promote the notion that lawyers can be zealous advocates without resorting to aggressive, win-at-all costs activities.

Recently, the Commission issued its annual report for 2008. In that report, the Commission highlighted a watershed lawyer mentoring program in the 17th Judicial Circuit, which includes Winnebago and Boone counties. This program pairs every newly admitted attorney with a more experienced attorney for a year-long structured apprenticeship, designed to help young lawyers learn the skills, professional values, and judgment necessary to practice law in accordance with the highest ideals of the profession. Other circuits, including those in downstate Madison and McLean counties, are considering adopting similar programs. It is our hope, and belief, that such programs can be the cornerstone to improving the practice of law here in Illinois.

The Commission is designed to aid lawyers in becoming better professionals, and better people. And that is why I am mentioning it to you here today. The point is to treat all people with respect. If you do that, you'll have it just about right. Respect is the key.

Treating your colleagues, and others in your professional and personal lives, with respect is the best way to make them respect you. One person can and does make a difference. Choose to be that person.

Thank you, again.

CONSENT CALENDAR

The Consent Calendar includes memorials for deceased judges, biographies for retired judges and a listing of new judges for the period from August 1, 2008 through July 31, 2009.

2009 REPORT
RESOLUTION
IN MEMORY OF
THE HONORABLE HARRY B. ARON

The Honorable Harry B. Aron, former associate judge for the Circuit Court of Cook County, passed away November 5, 2008.

Judge Aron was born May 1, 1919, in Chicago, Illinois. He received his law degree from DePaul University College of Law, and was admitted to the bar in 1947. Judge Aron became an associate judge for the Circuit Court of Cook County in 1980. He retired from the bench December 31, 1995.

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

RESOLUTION

IN MEMORY OF

THE HONORABLE JAMES McNABB BUMGARNER

The Honorable James McNabb Bumgarner, former circuit judge for the Tenth Judicial Circuit, passed away April 3, 2009.

Judge Bumgarner was born September 13, 1919, in Peru, Illinois. He received his law degree from the University of Illinois College of Law in 1946, and was admitted to the bar that same year. Judge Bumgarner was appointed a circuit judge March 1, 1979, and was elected to the position in 1980. He retired December 4, 1989, and was recalled to the bench from January 1, 1992 - December 6, 1992, and May 1, 1995 - August 15, 1995.

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

2009 REPORT
RESOLUTION
IN MEMORY OF
THE HONORABLE CHARLES A. COVEY

The Honorable Charles A. Covey, former associate judge for the Tenth Judicial Circuit, passed away July 19, 2009.

Judge Covey was born May 12, 1933, in Peoria, Illinois. He received his law degree from the University of Illinois College of Law in 1960, and was admitted to the bar that same year. Judge Covey served as an assistant State's Attorney, while also serving as the city attorney for Chillicothe from 1962 - 1964. He was appointed an associate judge for the Tenth Judicial Circuit in 1983, retiring from that position September 1, 1995. Judge Covey was recalled to the bench from October 1, 2001 - December 1, 2002.

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

RESOLUTION

IN MEMORY OF

THE HONORABLE DAVID DeDONCKER

The Honorable David DeDoncker, former circuit judge for the Fourteenth Judicial Circuit, passed away January 6, 2009.

Judge DeDoncker was born December 13, 1932. He became a circuit judge for the Fourteenth Judicial Circuit December 6, 1976. Judge DeDoncker retired December 4, 1988.

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

2009 REPORT
RESOLUTION
IN MEMORY OF
THE HONORABLE WILLIAM P. DENNY

The Honorable William P. Denny, former circuit judge for the Thirteenth Judicial Circuit, passed away October 7, 2008.

Judge Denny was born August 24, 1932, in Peru, Illinois. He received his law degree from The John Marshall Law School in 1960, and was admitted to the bar that same year. Judge Denny was an assistant state's attorney for LaSalle County from 1960 - 1965. He became a magistrate for the Thirteenth Judicial Circuit in 1965, and an associate judge in 1971. In 1972, Judge Denny was appointed a circuit judge, retiring from that position.

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

RESOLUTION

IN MEMORY OF

THE HONORABLE WILLIAM A. GINOS, JR.

The Honorable William A. Ginos, Jr., former circuit judge for the Fourth Judicial Circuit, passed away September 27, 2008.

Judge Ginos was born August 5, 1920, in Hillsboro, 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 Ginos was a county court judge in Montgomery County from 1950 - 1964, and became an associate judge for the Fourth Judicial Circuit in 1964. He became a circuit judge for the Fourth Circuit, retiring from that position December 3, 1978.

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

2009 REPORT
RESOLUTION
IN MEMORY OF
THE HONORABLE MYRON T. GOMBERG

The Honorable Myron T. Gomberg, former circuit judge for the Circuit Court of Cook County, passed away April 2, 2009.

Judge Gomberg was born April 21, 1929, in Chicago, Illinois. He received his law degree from DePaul University College of Law in 1952, and was admitted to the bar that same year. Judge Gomberg served mainly in the private sector before becoming an associate judge for the Circuit Court of Cook County in 1972. He was appointed a circuit judge in 1977, and was subsequently elected to that position in 1978. Judge Gomberg retired from the bench July 5, 1992.

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

RESOLUTION

IN MEMORY OF

THE HONORABLE FREDERICK S. GREEN

The Honorable Frederick S. Green, former appellate court judge for the Fourth District, passed away October 10, 2008.

Judge Green was born November 23, 1923, in Champaign, 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 Green was in private practice until 1956, when he became a county judge for Champaign County. He became a circuit judge for the Sixth Judicial Circuit in 1964, and remained in that position until 1974, when he was elected to the Fourth District Appellate Court. He retired from the bench December 6, 1998.

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

2009 REPORT
RESOLUTION
IN MEMORY OF
THE HONORABLE ROY O. GULLEY

The Honorable Roy O. Gully, former circuit judge for the Second Judicial Circuit, passed away August 8, 2008.

Judge Gulley was born July 2, 1924, in Sesser, Illinois. He received his law degree from the University of Illinois College of Law, and was admitted to the bar in 1948. Judge Gulley served as a county judge in Franklin County from 1950 - 1954, and served as a circuit judge for the Second Judicial Circuit from 1957 - 1967. He resigned from the bench December 31, 1967, to accept the appointment as Director of the Administrative Office of the Illinois Courts. He remained in that position until December 22, 1985.

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

RESOLUTION

IN MEMORY OF

THE HONORABLE JOHN J. HOGAN

The Honorable John J. Hogan, former associate judge for the Circuit Court of Cook County, passed away April 13, 2009.

Judge Hogan was born July 2, 1916, in Cedar Rapids, Iowa. He received his law degree from The John Marshall Law School in 1941, and was admitted to the bar that same year. Judge Hogan served in both the public and private sectors before becoming an associate judge for the Circuit Court of Cook County in 1972. He retired November 30, 1984.

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

2009 REPORT
RESOLUTION
IN MEMORY OF
THE HONORABLE RICHARD S. KELLY

The Honorable Richard S. Kelly, former associate judge for the Circuit Court of Cook County, passed away June 14, 2009.

Judge Kelly was born January 18, 1925, in Chicago, Illinois. He received his law degree from Northwestern University School of Law in 1951, and was admitted to the bar that same year. Judge Kelly served in both the public and private sectors prior to becoming an associate judge for the Circuit Court of Cook County in 1984. He retired September 30, 1999.

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

RESOLUTION

IN MEMORY OF

THE HONORABLE BYRON E. KOCH

The Honorable Byron E. Koch, former circuit judge for the Seventh Judicial Circuit, passed away May 17, 2009.

Judge Koch was born June 9, 1917, in Jacksonville, Illinois. He received his law degree from the University of Illinois College of Law, and was admitted to the bar in 1950. Judge Koch was a county judge for Scott County from 1950 to 1964, and became an associate judge for the Seventh Judicial Circuit in 1964. He retired as a circuit judge, December 4, 1978. Judge Koch was recalled to the bench from April 1, 1980 - June 20, 1980.

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

2009 REPORT
RESOLUTION
IN MEMORY OF
THE HONORABLE DELMAR O. KOEBEL

The Honorable Delmar O. Koebel, former circuit judge from the Twentieth Judicial Circuit, passed away February 11, 2009.

Judge Koebel was born January 30, 1926, in Lebanon, Illinois. He received his law degree from Washington University Law School in 1953, and was admitted to the bar that same year. Judge Koebel served mainly in the public sector before becoming a circuit judge in 1976. He resigned from the bench December 3, 1978.

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

RESOLUTION

IN MEMORY OF

THE HONORABLE JAMES P. McCOURT

The Honorable James P. McCourt, former associate judge for the Circuit Court of Cook County, passed away May 21, 2009.

Judge McCourt was born June 7, 1924, in Chicago, Illinois. He received his law degree from DePaul University College of Law in 1953, and was admitted to the bar that same year. Judge McCourt served in the House of Representatives for the Eleventh District from 1973 to 1981. He became an associate judge for the Circuit Court of Cook County in 1981, retiring from that position September 30, 1997.

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

2009 REPORT
RESOLUTION
IN MEMORY OF
THE HONORABLE JOHN J. NELLIGAN

The Honorable John J. Nelligan, former circuit judge for the Eighteenth Judicial Circuit, passed away September 24, 2008.

Judge Nelligan was born April 10, 1928, in Chicago, Illinois. He received his law degree from Loyola University Chicago School of Law in 1953, and was admitted to the bar that same year. Judge Nelligan served in both the public and private sectors before being appointed an associate judge for the Eighteenth Judicial Circuit, July 1, 1979. He was appointed a circuit judge December 5, 1988, and then elected to that position December 3, 1990. Judge Nelligan retired from the bench July 3, 1995. He was recalled to the bench from September 4, 2001 - February 28, 2002, and September 13, 2004 - March 11, 2006.

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

RESOLUTION

IN MEMORY OF

THE HONORABLE SANDRA R. OTAKA

The Honorable Sandra R. Otaka, former circuit judge for the Circuit Court of Cook County, passed away June 6, 2009.

Judge Otaka was born January 20, 1952, in California. She was admitted to the bar November 18, 1987. Judge Otaka was appointed a Cook County Circuit Judge in 2000, and elected to that position in 2002. She was the first Asian-American elected as a Cook County Judge.

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

2009 REPORT
RESOLUTION
IN MEMORY OF
THE HONORABLE WILLIAM P. PRENDERGAST

The Honorable William P. Prendergast, former circuit judge for the Circuit Court of Cook County, passed away August 24, 2008.

Judge Prendergast was born July 13, 1940, in Evergreen Park, Illinois. He received his law degree from IIT/Chicago-Kent College of Law in 1971, and was admitted to the bar that same year. Judge Prendergast was a patent attorney for Minor Enterprise, Inc. from 1970 - 1971 and served as an assistant State's Attorney for Cook County from 1970 - 1979. He served as an associate judge for the Circuit Court of Cook County from 1979 - 1984. He became a circuit judge in 1984, retiring from that position February 11, 2000.

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

RESOLUTION

IN MEMORY OF

THE HONORABLE JAMES F. QUETSCH

The Honorable James F. Quetsch, former appellate court judge for the Second District, passed away January 21, 2009.

Judge Quetsch was born November 13, 1933, in Oak Park, Illinois. He received his law degree from IIT/Chicago-Kent College of Law in 1959, and was admitted to the bar that same year. Judge Quetsch was appointed an associate judge for the Sixteenth Judicial Circuit in 1975. He was appointed a circuit judge in 1979, a position to which he was later elected. Judge Quetsch was appointed to the Second District Appellate Court, December 31, 1992, a position he remained in until his retirement December 4, 1994.

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

2009 REPORT
RESOLUTION
IN MEMORY OF
THE HONORABLE JERRY S. RHODES

The Honorable Jerry S. Rhodes, former circuit judge for the Seventh Judicial Circuit, passed away November 15, 2008.

Judge Rhodes was born August 21, 1932, in Sisterville, W. Virginia. He received his law degree from IIT/Chicago-Kent College of Law, and was admitted to the bar in 1962. Judge Rhodes became a magistrate for the Seventh Judicial Circuit in 1965, and an associate judge in 1971. He was appointed a circuit judge in 1981. Judge Rhodes retired September 30, 1987.

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

RESOLUTION

IN MEMORY OF

THE HONORABLE BRADNER C. RIGGS

The Honorable Bradner C. Riggs, former circuit judge for the Seventeenth Judicial Circuit, passed away October 23, 2008.

Judge Riggs was born May 2, 1924, in Jersey City, New Jersey. He received his law degree from George Washington University, in Washington, D.C. in 1952. He was admitted to the Illinois bar in 1974. From 1952 to 1974, Judge Riggs was a special agent with the Federal Bureau of Investigation. From 1974 to 1978, he was an assistant State's Attorney in Winnebago County. He became an associate judge for the Seventeenth Judicial Circuit in 1978, retired from that position December 30, 1988, and was recalled to the bench October 1, 1990 - December 15, 1990. He was appointed a circuit judge in 1995, and retired from that position December 1, 1996.

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

2009 REPORT
RESOLUTION
IN MEMORY OF
THE HONORABLE HOWARD C. RYAN

The Honorable Howard C. Ryan, former Illinois Supreme Court Justice for the Third District, passed away December 10, 2008.

Justice Ryan was born June 17, 1916, in Tonica, Illinois. He received his law degree from the University of Illinois College of Law in 1942, and was admitted to the bar that same year. Justice Ryan served in both the public and private sectors prior to joining the bench as a county judge for LaSalle County in 1954. He then became a circuit judge for the Thirteenth Judicial Circuit in 1957, and was elected an appellate judge for the Third District in 1968. He served as a Supreme Court Justice from 1970 until his retirement December 2, 1990.

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

RESOLUTION

IN MEMORY OF

THE HONORABLE JOSEPH SCHNEIDER

The Honorable Joseph Schneider, former circuit judge for the Circuit Court of Cook County, passed away May 18, 2009.

Judge Schneider was born January 11, 1922, in St. Louis, Missouri. He received his law degree from The John Marshall Law School in 1956, and was admitted to the bar that same year. Judge Schneider served as a magistrate for the Circuit Court of Cook County, later becoming an associate judge in 1971. In 1973, he became a circuit judge, and retired March 15, 1992.

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

2009 REPORT
RESOLUTION
IN MEMORY OF
THE HONORABLE GLENN K. SEIDENFELD

The Honorable Glenn K. Seidenfeld, former appellate court judge for the Second District, passed away September 4, 2008.

Judge Seidenfeld was born February 24, 1914, in Waukegan, Illinois. He received his law degree from the University of Michigan Law School in 1938, and was admitted to the bar that same year. Judge Seidenfeld served mainly in the public sector prior to becoming a circuit judge for the Nineteenth Judicial Circuit in 1963. He served as chief judge for the Nineteenth Circuit from 1964 - 1967. Judge Seidenfeld was assigned to the Second District Appellate Court in 1967, and appointed in 1973. Judge Seidenfeld retired December 2, 1984.

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

RESOLUTION

IN MEMORY OF

THE HONORABLE ROBERT S. SMITH, JR.

The Honorable Robert S. Smith, Jr., former associate judge for the Nineteenth Judicial Circuit, passed away November 10, 2008.

Judge Smith was born May 20, 1944. He received his law degree from Loyola University Chicago School of Law in 1971, and was admitted to the bar that same year. Judge Smith served as an assistant State's Attorney for Lake County from 1972 - 1976. Prior to being appointed an associate judge for the Nineteenth Judicial Circuit in 2007, he was in private practice.

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

2009 REPORT
RESOLUTION
IN MEMORY OF
THE HONORABLE JOSEPH R. SPITZ

The Honorable Joseph R. Spitz, former appellate judge for the Fourth District, passed away May 9, 2009.

Judge Spitz was born May 26, 1924, in Mattoon, 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 Spitz served as a justice of the peace for Coles County from 1960 - 1965. In 1977, he was appointed a circuit judge for the Fifth Judicial Circuit. Judge Spitz was assigned to the Fourth District Appellate Court in 1985, and retired from that position September 30, 1991.

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

RESOLUTION

IN MEMORY OF

THE HONORABLE EARL E. STRAYHORN

The Honorable Earl E. Strayhorn, former circuit judge for the Circuit Court of Cook County, passed away February 15, 2009.

Judge Strayhorn was born April 24, 1918, in Columbus, Mississippi. During World War II, Judge Strayhorn was an artillery officer with the famed Tuskegee Airmen. He received his law degree from DePaul University College of Law in 1948, and was admitted to the bar that same year. He served mainly in the public sector until becoming a circuit judge for the Circuit Court of Cook County in 1970. He retired from the bench December 6, 1998.

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

2009 REPORT
RESOLUTION
IN MEMORY OF
THE HONORABLE FRED G. SURIA, JR.

The Honorable Fred G. Suria, Jr., former circuit judge for the Circuit Court of Cook County, passed away July 11, 2009.

Judge Suria was born September 16, 1927, in Chicago, Illinois. He was admitted to the bar in 1953. Judge Suria became an associate judge for the Circuit Court of Cook County in 1964. He was appointed a circuit judge in 1977, and elected to that position in 1982. He spent forty-four years on the bench, beginning his career in 1962, as a justice of the peace in Midlothian, Illinois. He became known as "Fair Fred." Judge Suria retired from the bench July 31, 2006.

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

RESOLUTION

IN MEMORY OF

THE HONORABLE J. SCOTT SWAIM

The Honorable J. Scott Swaim, former associate judge for the Twenty-First Judicial Circuit, passed away February 22, 2009.

Judge Swaim was born November 3, 1946, in Rensselear, Indiana. He received his law degree from Tulane University Law School, and was admitted to the bar in 1972. Judge Swaim was in private practice from 1972 until 2002. He was appointed an associate judge for the Twenty-First Judicial Circuit in 2003.

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

2009 REPORT
RESOLUTION
IN MEMORY OF
THE HONORABLE JOHN V. VIRGILIO

The Honorable John V. Virgilio, former circuit judge for the Circuit Court of Cook County, passed away April 4, 2009.

Judge Virgilio was born December 28, 1938, in Chicago, Illinois. He received his law degree from DePaul University College of Law, and was admitted to the bar in 1966. Judge Virgilio served mainly in the public sector until becoming an associate judge for the Circuit Court of Cook County in 1977. He became a circuit judge in 1980, and remained in that position until his retirement December 6, 1998.

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

RESOLUTION

IN MEMORY OF

THE HONORABLE ALBERT G. WEBBER, III

The Honorable Albert G. Webber, III, former appellate judge for the Fourth District, passed away February 12, 2009.

Judge Webber was born March 15, 1921, in Decatur, Illinois. He received his law degree from the University of Michigan Law School, and was admitted to the bar in 1949. Judge Webber became a circuit judge for the Sixth Judicial Circuit in 1966. He was assigned to the Fourth District Appellate Court September 1, 1977. Judge Webber resigned December 31, 1986.

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

2009 REPORT
RESOLUTION
IN MEMORY OF
THE HONORABLE THOMAS J. WYNN

The Honorable Thomas J. Wynn, former associate judge for the Circuit Court of Cook County, passed away September 3, 2008.

Judge Wynn was born August 30, 1918, in Chicago, Illinois. He received his law degree from DePaul University College of Law in 1942, and was admitted to the bar that same year. Judge Wynn was appointed an associate judge for the Circuit Court of Cook County in 1979. He retired June 30, 1995, and was recalled to the bench July 1, 1995 - December 11, 1996.

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

RECOGNITION OF RETIRED JUDGES

ALLING, Kathleen M. was born June 7, 1950, in Connecticut. She received her law degree from the University of Notre Dame Law School, and was admitted to the Illinois bar in 1977. For the eight years prior to becoming a judge, she was the Jefferson County State's Attorney in Mt. Vernon, Illinois. In 1991, she became an associate judge for the Second Judicial Circuit. Judge Alling retired from the bench November 30, 2008.

BAKER, Reginald H. was born June 29, 1947, in Chicago, Illinois. He received his law degree from Howard University School of Law, and was admitted to the bar in 1979. From 1979 - 1982, Judge Baker worked as a military lawyer with the United States Marine Corps. From 1982 - 1988, he served as an assistant State's Attorney for Cook County. He was appointed an associate judge for the Circuit Court of Cook County in 1988. He retained that position until his retirement December 12, 2008.

BARRA, John A. was born February 18, 1949. He received his law degree from St. Louis University School of Law in 1974, and was admitted to the bar that same year. Judge Barra served as an assistant State's Attorney for Peoria County from 1974 - 1980, and served as the Peoria County State's Attorney from 1980 - 1988, when he was elected a circuit judge for the Tenth Judicial Circuit. He served as the chief judge for the Tenth Circuit from August 2001, until his term ended in 2006. Judge Barra retired from the bench January 2, 2009.

BEDOYA-WITT, Consuelo was born March 24, 1949, in Lima, Peru. She received her law degree from DePaul University College of Law, and was admitted to the bar in 1977. Judge Bedoya-Witt served mainly in the private sector, until 1988, when she became the first Hispanic woman in the State of Illinois to become a judge. She served as an associate judge for the Circuit Court of Cook County until retiring from the bench November 7, 2008.

BERNARDI, Donald D. was born May 8, 1951, in Spring Valley, Illinois. He received his law degree from Western New England College School of Law in Springfield, Massachusetts in 1978, and was admitted to the bar that same year. Judge Bernardi served as an assistant State's Attorney for Livingston County from 1978 - 1982, and from 1982 - 1991, he was the State's Attorney for Livingston County. He became an associate judge for the Eleventh Judicial Circuit in 1991. In 1996, he became a circuit judge, and retained that position until his retirement November 30, 2008.

BYRON, Nicholas G. was born October 28, 1929, in Lansing, Michigan. He received his law degree from Washington University School of Law in 1958, and was admitted to the Illinois Bar in 1964. Judge Byron was in private practice until 1972, when he became the Madison County State's Attorney. He became an associate judge for the Third Judicial Circuit in 1981, and a circuit judge in 1989. Judge Byron retired November 30, 2008.

CAMPBELL, Calvin C. was born August 20, 1924. He became a circuit judge for the Circuit Court of Cook County in 1977. He joined the First District Appellate Court in 1978. Judge Campbell retired November 30, 2008.

COOGAN, David L. was born January 9, 1943, in Lincoln, Illinois. He received his law degree from the University of Illinois College of Law, and was admitted to the bar in 1968. Judge Coogan served in both the public and private sectors prior to joining the bench in 1985, as an associate judge for the Eleventh Judicial Circuit. He was elected a circuit judge in 1998, and remained in that position until his retirement November 30, 2008.

COOK, Robert W. was born November 6, 1943, in Springfield, Illinois. He received his law degree from the University of Illinois College of Law, and was admitted to the bar in 1967. Judge Cook served solely in the private sector until becoming a circuit judge in 1983, for the Eighth Judicial Circuit. He was appointed to the Fourth District Appellate Court in 1991, and retained that position until his retirement November 30, 2008.

CUNNINGHAM, Abishi C. was born July 15, 1947 in Welch, West Virginia. He received his law degree from the Northwestern University School of Law, and was admitted to the bar in 1973. Prior to becoming a judge he was in private practice and served as the Cook County State's Attorney. He joined the bench as an associate judge for the Circuit Court of Cook County in 1986, and remained in that position until his retirement March 31, 2009.

DERNBACH, Dennis A. was born April 29, 1942, in Chicago, Illinois. He received his law degree from Loyola University Chicago School of Law, and was admitted to the bar in 1974. Immediately prior to becoming a judge he worked as an assistant State's Attorney for Cook County. He was appointed an associate judge for the Circuit Court of Cook County in 1988, and remained in that position until his retirement December 8, 2008.

DOLAN, Francis J. was born March 12, 1947, in Chicago, Illinois. He received his law degree from DePaul University College of Law in 1972, and was admitted to the bar that same year. Judge Dolan served in both the public and private sectors until being appointed a circuit judge for the Circuit Court of Cook County in 1999. He retained that position until his retirement January 30, 2009.

FABIAN, Donald J. was born October 30, 1947, in Chicago, Illinois. He received his law degree from the University of Illinois College of Law in 1975, and was admitted to the bar that same year. Judge Fabian served solely in the private sector prior to joining the bench in 1989, as an associate judge for the Sixteenth Judicial Circuit. He became a circuit judge in 1998, and retained that position until his retirement January 29, 2009.

FERGUSON, Edward C. was born January 12, 1944, in Boston, Massachusetts. He received his law degree from the University of Illinois College of Law, and was admitted to the bar in 1968. Judge Ferguson served in both the public and private sectors until joining the bench in 1974, as an associate judge for the Third Judicial Circuit. He became a circuit judge in 1989, and retained that position until his retirement November 4, 2008.

FOSTER, Don A. was born March 2, 1932, in Ridgeway, Illinois. He received his law degree from Vanderbilt University Law School, and was admitted to the Illinois bar in 1962. Judge Foster served as a Gallatin County Judge, became an associate judge for the Second Judicial Circuit in 1966, and a circuit judge in 1972. He retired from the bench November 30, 2008.

FOSTER, Terry J. was born October 2, 1948, in Eldorado, Illinois. He received his law degree from the University of Illinois College of Law in 1972, and was admitted to the bar that same year. Judge Foster served solely in the private sector until 1982, when he was appointed an associate judge for the First Judicial Circuit. He became a circuit judge in 1988, and also served as chief judge for the First Judicial Circuit. Judge Foster retired November 30, 2008.

GILL, Timothy R. was born June 15, 1947, in Rockford, Illinois. He received his law degree from Marquette University Law School, and was admitted to the bar in 1972. Judge Gill served entirely in the private sector until 1989, when he was appointed an associate judge for the Seventeenth Judicial Circuit. He became a circuit judge in 2000, and remained in that position until his retirement November 30, 2008.

GILLERAN-JOHNSON, Barbara was born September 30, 1952. She received her law degree from IIT/Chicago-Kent College of Law in 1978, and was admitted to the bar that same year. Judge Gilleran-Johnson has worked for the Illinois Attorney General's Office and as an assistant Lake County State's Attorney. Immediately prior to becoming a judge, she was engaged in private practice. She was appointed an associate judge for the Nineteenth Judicial Circuit in 1987, and became a circuit judge in 1996. She was the first female judge in the Lake County Juvenile Court. In 2002, she was elected to the Second District Appellate Court. She remained in the position until her retirement August 13, 2008.

GLOWACKI, Francis W. was born June 6, 1928. He served as an associate judge for the Circuit Court of Cook County from 1971 - 1978. He became a circuit judge in 1978, and remained in that position until his retirement November 30, 2008.

GRAMLICH, Charles J. was born July 20, 1938, in Springfield, Illinois. He received his law degree from The John Marshall Law School, and was admitted to the bar in 1967. Judge Gramlich served with both the Sangamon County and Edgar County State's Attorney's offices, and as an assistant Public Defender for Sangamon County. He was in private practice immediately prior to being appointed an associate judge for the Seventh Judicial Circuit in 1999. He retained that position until his retirement April 17, 2009.

GREIMAN, Alan J. was born December 29, 1931, in Chicago, Illinois. He received his law degree from the University of Illinois College of Law, and was admitted to the bar in 1955. Judge Greiman served in the Illinois General Assembly for fourteen years. He served as the Skokie Village prosecutor during the 1960's. He was appointed a circuit judge for the Circuit Court of Cook County in 1987, and later elected in 1988. In January 1991, he was assigned to the First District Appellate Court, a position he remained in until his retirement November 30, 2008.

GROMETER, R. Peter was born February 19, 1946, in Aurora, Illinois. He received his law degree from the University of Illinois College of Law in 1973, and was admitted to the bar that same year. Judge Grometer served solely in the private sector prior to being appointed an associate judge for the Sixteenth Judicial Circuit in 1985. He was appointed a circuit judge in 1993, and also served two years as chief judge of the Sixteenth Circuit. He was assigned to the Second District Appellate Court in 2001, and remained in that position until his retirement January 7, 2009.

HAYES, Marsha D. was born November 5, 1947. She received her law degree from The John Marshall Law School in 1985, and was admitted to the bar that same year. Judge Hayes served mainly in the public sector prior to joining the bench as a circuit judge for the Circuit Court of Cook County in 1994. She retained her position until her retirement August 31, 2008.

KAVITT, Richard A. was born September 6, 1947, in St. Paul, Minnesota. He received his law degree from IIT/Chicago-Kent College of Law in 1973, and was admitted to the bar that same year. Judge Kavitt spent his entire legal career as an assistant Public Defender for Cook County. In 1983, he was appointed an associate judge for the Circuit Court of Cook County. He became a circuit judge in 2006, and remained in that position until his retirement November 30, 2008.

KENNEDY, John Todd was born November 7, 1945. He received his law degree from the University of Illinois College of Law in 1972, and was admitted to the bar that same year. Judge Kennedy served as an assistant State's Attorney for Winnebago County, and immediately prior to becoming a judge was in private practice. In 1989, he joined the bench as an associate judge for the Seventeenth Judicial Circuit. He became a circuit judge in 2006, and remained in that position until his retirement November 30, 2008.

LARSON, Richard J. was born February 27, 1935, in Earlville, Illinois. He received his law degree from the University of Illinois College of Law, and was admitted to the bar in 1961. Judge Larson served solely in the private sector until 1991, when he became an associate judge for the Sixteenth Judicial Circuit. He became a circuit judge in 2006, and remained in the position until his retirement November 30, 2008.

LECHWAR, Rodney B. was born February 11, 1946, in Chicago, Illinois. He received his law degree from The John Marshall Law School in 1973, and was admitted to the bar that same year. Judge Lechwar was first assistant Will County State's Attorney until 1985, when he became an

associate judge for the Twelfth Judicial Circuit. He became a circuit judge in 1990, and also served a two-year term as chief judge. Judge Lechwar retired from the bench November 30, 2008.

LEWIS, Loren P. was born March 2, 1942, in Berwyn , Illinois. He received his law degree from the University of Illinois College of Law in 1967, and was admitted to the bar that same year. Judge Lewis was special deputy to the Chief Counsel of the U.S. Army Missile Command in Huntsville, Alabama in 1968. In 1969, he served as prosecution and defense counsel for the General Courts Martial by the U.S. Army in Vietnam. From 1972 - 1976, he was Franklin County State's Attorney. Judge Lewis was appointed a circuit judge for the Second Judicial Circuit in 1978. He retired November 30, 2008.

LIPINSKI, Marcella C. was born June 20, 1942, in Chicago, Illinois. She received her law degree from The John Marshall Law School in 1980, and was admitted to the bar that same year. Judge Lipinski was in private practice from 1980 - 1986, and worked as an assistant Public Defender for Cook County from 1986 - 2000. She was elected a circuit judge for the Circuit Court of Cook County in December of 2000, and remained in that position until her retirement December 31, 2008.

LORZ, Robert C. was born July 7, 1950, in Pittsburgh, Pennsylvania. He received his law degree from Northwestern University School of Law in 1975, and was admitted to the bar that same year. Judge Lorz served in both the public and private sectors until becoming an associate judge for the Twelfth Judicial Circuit in 1987. He became a circuit judge in 2007, and remained in that position until his retirement November 30, 2008.

MEACHAM, Clifford L. was born February 18, 1945, in Des Plaines, Illinois. He received his law degree from The John Marshall Law School, and was admitted to the bar in 1977. Judge Meacham was an assistant Attorney General from 1977 - 1982, and from 1982 - 1988 was an attorney with the U. S. Department of Justice. He joined the bench as an associate judge for the Circuit Court of Cook County in 1989. He remained in that position until his retirement November 14, 2008.

O'MALLEY, Denise M. was born March 15, 1940, in Chicago, Illinois. She received her law degree from The John Marshall Law School in 1981, and was admitted to the bar that same year. Judge O'Malley served in both the public and private sectors until becoming a circuit judge for the Circuit Court of Cook County in 1992. In November 2002, she was elected to the First District Appellate Court. Judge O'Malley retired July 31, 2009.

O'MALLEY, William P. was born January 26, 1944. He received his law degree from IIT/Chicago-Kent College of Law in 1972, and was admitted to the bar that same year. Judge O'Malley served an assistant Public Defender for Cook County from 1972 - 1975, and from 1975 - 1991 was a criminal defense attorney. He was appointed a circuit judge for the Circuit Court of Cook County in 1991, and retained that position until his retirement November 7, 2008.

OTIS-LEWIS, Alexis D. was born July 9, 1951, in St. Louis, Missouri. She received her law degree from Washington University School of Law, and was admitted to the Illinois bar in 1984. She has served as an assistant State's Attorney for St. Clair County, and immediately prior to becoming a judge was in private practice. Judge Otis-Lewis joined the bench in 1992, as an associate judge for the Twentieth Judicial Circuit. She retired from the bench December 31, 2008.

PANICHI, Thomas P. was born November 4, 1948, in Chicago Heights, Illinois. He received his law degree from IIT/Chicago-Kent College of Law in 1973, and was admitted to the bar that same year. Judge Panichi was in private practice for 21 years prior to being elected a circuit judge for the Circuit Court of Cook County in 1994. He retained that position until his retirement December 1, 2008.

QUINLIVAN, Robert was born November 24, 1943. He received his law degree from The John Marshall Law School, and was admitted to the bar in 1972. Judge Quinlivan served mainly in the public sector until becoming a circuit judge for the Circuit Court of Cook County in 2000. He retired July 1, 2009.

RILEY, Ronald C. was born March 18, 1949. He received his law degree from Northwestern University School of Law, and was admitted to the bar in 1977. Judge Riley was an assistant State's Attorney for Cook County, and immediately prior to becoming a judge was an assistant Illinois Attorney General. In 1988, he became a circuit judge for the Circuit Court of Cook County. He retained that position until his retirement January 29, 2009.

SESSOMS, Furmin D. was born January 9, 1949. He received his law degree from Georgetown University Law Center, and was admitted to the bar in 1990. Judge Sessoms served in both the public and private sectors. He was appointed a circuit judge in 2007, for the Circuit Court of Cook County. He retired January 9, 2009.

SHIELDS, Karen G. was born September 24, 1952, in Tampa, Florida. She received her law degree from DePaul University College of Law in 1980, and was admitted to the bar that same year. Judge Shields served in both the public and private sectors prior to being appointed an associate judge for the Circuit Court of Cook County in 1995. She returned to the private sector in 1996, and was reappointed an associate judge in 1997. She remained in that position until her retirement November 24, 2008.

SOUTH, Leslie was born January 4, 1949, in Chicago, Illinois. She received her law degree from Northwestern University School of Law, and was admitted to the bar in 1978. Judge South was an assistant State's Attorney for Cook County from 1978 - 1982, in private practice from 1982 - 1983, and staff attorney for the Chicago Transit Authority from 1984 - 1988. In 1988, she was appointed an associate judge for the Circuit Court of Cook County, and became a circuit judge in 1992. In 1996, she was elected an appellate judge for the First District Appellate Court. Judge South retained that position until her retirement July 15, 2009.

VANDERSNICK, Larry S. was born June 30, 1951, in Geneseo, Illinois. He received his law degree from The John Marshall Law School, and was admitted to the bar in 1977. Judge Vandersnick served as an assistant State's Attorney for Henry County from 1977 - 1982, and then was appointed to the position of State's Attorney, a position he retained until 1994. He was elected a circuit judge for the Fourteenth Judicial Circuit in 1994, and remained in that position until his retirement November 30, 2008.

WALLER, Jane D. was born January 27, 1946, in Rapid City, South Dakota. She received her law degree from the University of Illinois College of Law in 1973, and was admitted to the bar that same year. Judge Waller served solely in the private sector until joining the bench in 1981, as the first female associate judge for the Nineteenth Judicial Circuit. Judge Waller also has the distinction of being the first female circuit judge, and the first female chief circuit judge, for the Nineteenth Circuit. She retired from the bench November 30, 2008.

WEBER, Don W. was born October 19, 1948. He received his law degree from St. Louis University School of Law, and was admitted to the Illinois bar in 1975. Judge Weber served as Madison County State's Attorney from 1980 - 1984. He was appointed a circuit judge for the Third Judicial Circuit November 2, 2005. Judge Weber retired October 19, 2008.

WEIR, William H. was born March 16, 1947, in East Orange, New Jersey. He received his law degree from The John Marshall Law School in 1977, and was admitted to the bar that same year. Judge Weir served solely in the private sector until being appointed an associate judge for the Sixteenth Judicial Circuit in 2003. He retired March 16, 2009.

WILSON, William H., Jr. was born May 17, 1949, in Herrin, Illinois. He received his law degree from DePaul University College of Law in 1974, and was admitted to the bar that same year. Judge Wilson served solely in the private sector until December 1988, when he became an associate judge for the First Judicial Circuit. He retired from the bench July 6, 2009.

NEW JUDGES

Araujo, Mauricio — Circuit Judge, Circuit Court of Cook County
Ball-Richard, Patrice — Associate Judge, Circuit Court of Cook County
Barrett, Brian E. — Circuit Judge, Twelfth Judicial Circuit
Bender, Michael Ian — Circuit Judge, Circuit Court of Cook County
Bollinger, Robert C. — Associate Judge, Sixth Judicial Circuit
Brannan, Thomas J. — Associate Judge, Eighth Judicial Circuit
Brennan, Liam C. — Associate Judge, Eighteenth Judicial Circuit
Bryan, Garry W. — Circuit Judge, Sixth Judicial Circuit
Byrne, Thomas J. — Circuit Judge, Circuit Court of Cook County
Carney, M. Thomas — Associate Judge, Twelfth Judicial Circuit
Cavanagh, Peter C. — Circuit Judge, Seventh Judicial Circuit
Cerne, Neal W. — Associate Judge, Eighteenth Judicial Circuit
Collins Dole, Ann, Circuit Judge, Circuit Court of Cook County
Cooper, Donna L. — Circuit Judge, Circuit Court of Cook County
Cruse, Zina Renea — Associate Judge, Twentieth Judicial Circuit
Demacopoulos, Anna Helen — Circuit Judge, Circuit Court of Cook County
Fabiano, Lisa R. — Circuit Judge, Seventeenth Judicial Circuit
Foster, Thomas J. — Circuit Judge, Second Judicial Circuit
Funk, Thomas W. — Associate Judge, Eleventh Judicial Circuit
Gilles, Mark E. — Associate Judge, Tenth Judicial Circuit
Green, Mary Linn — Associate Judge, Seventeenth Judicial Circuit
Gulley, Gwyn — Circuit Judge, Seventeenth Judicial Circuit
Harmening, Edward — Circuit Judge, Circuit Court of Cook County
Hill, Lee Ann S. — Associate Judge, Eleventh Judicial Circuit
Hooks, William H. — Circuit Judge, Circuit Court of Cook County
Huff, John L. — Associate Judge, Circuit Court of Cook County
Hull, Thomas Clinton III — Associate Judge, Sixteenth Judicial Circuit
Jackson, Joseph Jay — Circuit Judge, First Judicial Circuit
Jackson, William R. Jr. — Circuit Judge, Circuit Court of Cook County
Kenworthy, Diana L. — Circuit Judge, Circuit Court of Cook County
Kull, Geary W. — Circuit Judge, Circuit Court of Cook County
Lebovits, Yehuda — Circuit Judge, Circuit Court of Cook County
Leshen, Kenneth A. — Associate Judge, Twenty-First Judicial Circuit
Levy, Elizabeth — Associate Judge, Third Judicial Circuit
Lewis, Brian D. — Associate Judge, First Judicial Circuit
Loza, Pamela E. — Circuit Judge, Circuit Court of Cook County
Lyons, Thomas V., II — Circuit Judge, Circuit Court of Cook County
Malone, Daniel B. — Circuit Judge, Circuit Court of Cook County
Mandeltort, Ellen Beth — Associate Judge, Circuit Court of Cook County
Matekaitis, R. — Associate Judge, Sixteenth Judicial Circuit
Mitchell, Raymond W. — Circuit Judge, Circuit Court of Cook County
Murphy, James R. — Circuit Judge, Sixteenth Judicial Circuit
Neubauer, Timothy R. — Associate Judge, Second Judicial Circuit
Noverini, John A. — Circuit Judge, Sixteenth Judicial Circuit
O'Donnell, Ann — Circuit Judge, Circuit Court of Cook County
O'Neill Burke, Eileen — Circuit Judge, Circuit Court of Cook County

Ostling, Peter W. — Associate Judge, Eighteenth Judicial Circuit
Panter, Michael R. — Associate Judge, Circuit Court of Cook County
Perrin, C. — Associate Judge, Seventh Judicial Circuit
Portman, Jackie M. — Circuit Judge, Circuit Court of Cook County
Rogers, Patrick T. — Circuit Judge, Circuit Court of Cook County
Ross, Dominique C. — Circuit Judge, Circuit Court of Cook County
Russo, Richard D. — Associate Judge, Eighteenth Judicial
Ruth, Dennis R. — Circuit Judge, Third Judicial Circuit
Ryan, Kristyna C. — Circuit Judge, Circuit Court of Cook County
Scully, George, Jr. — Circuit Judge, Circuit Court of Cook County
Scully, John J. — Associate Judge, Nineteenth Judicial Circuit
Tedeschi, Thomas Joseph — Circuit Judge, Second Judicial Circuit
Ukena, Jay W. — Circuit Judge, Nineteenth Judicial Circuit
Vazquez, Gregory P. — Associate Judge, Circuit Court of Cook County
Vorderstrasse, Donna-Jo — Associate Judge, Nineteenth Judicial Circuit
Walker, Debra B. — Circuit Judge, Circuit Court of Cook County
Walowski, Ursula — Circuit Judge, Circuit Court of Cook County

2009 REPORT

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

Hon. Patricia Banks, Chair

Hon. Harris H. Agnew, Ret.
Hon. John P. Coady
Hon. Claudia Conlon
Hon. Robert E. Gordon
Hon. David E. Haracz
Hon. Michael D. Kramer

Hon. John G. Laurie, Ret.
Mr. Kent Lawrence, Esq.
Hon. Ralph J. Mendelsohn
Hon. Stephen R. Pacey
Hon. Lance R. Peterson
Hon. John O. Steele

Hon. Carl Anthony Walker

October 2009

I. STATEMENT ON COMMITTEE CONTINUATION

Since the 2008 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 2009.

As part of the Committee's charge, court-annexed mandatory arbitration programs, operating in sixteen counties, continued to be monitored throughout the Conference year. Madison County, in the Third Judicial Circuit, which commenced an arbitration program in July 2007, is the last county to request authorization to operate such a program under the auspices of the Supreme Court.

In the area of mediation, the Committee continued to monitor the activities of the court-annexed major civil case mediation programs operating in eleven judicial circuits. During the 2010 Conference year, it is anticipated that 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 also will continue to work on the projects and priorities delineated by the Court and stand ready to accept new projects for Conference Year 2010.

Because the Committee continues to provide service to arbitration practitioners, make recommendations on mediation and arbitration program improvements, facilitate 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 in excess of twenty-two 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 sixteen 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 remain in the court system. Court-annexed mandatory arbitration continues to be 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.¹ A complete statistical analysis for each circuit is contained in the annual report. The Committee emphasizes that it is best to evaluate the success of a program by the percentage of cases resolved before trial through the arbitration process, rather than focusing on the rejection rate of arbitration awards.

The following is a statement of Committee activities since the 2008 Annual Meeting of the Illinois Judicial Conference concerning court-annexed mandatory arbitration.

Projects and Priorities Prescribed by the Supreme Court

The Court prescribed several projects and priorities for the Committee to consider in Conference Year 2009, as well as meet the dictates of the Committee's general charge, and continue projects delineated in Conference Year 2008. The Committee reviewed the list of projects/priorities from 2008 and 2009, and formulated a plan to address those projects. The Committee elected to create workgroups to study each of the projects. As part of the plan, each workgroup will study a specific project and make a recommendation to the Committee to consider as a whole. Below are the projects/priorities the Committee addressed in Conference Year 2009.

Continued Conference Year 2008 Projects and Priorities

Training of Arbitrators

The 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." The Committee gathered arbitrator reference manuals from every judicial circuit in the state of Illinois that has a mandatory arbitration program. The Committee subsequently developed a draft of a uniform manual that includes the required, fundamental practices of mandatory arbitration. It is hoped that a uniform arbitrator reference manual will assist judicial circuits with mandatory arbitration in providing materials and training to address the requisite

¹The AOIC's Court-Annexed Mandatory Arbitration Fiscal Year 2009 Annual Report will be available on the Supreme Court website (www.state.il.us/court) in January 2010.

skill set needed to be an effective arbitrator in the state of Illinois. The Committee completed the manual in Conference Year 2008 and sent it to the Administrative Director for consideration.

During Conference Year 2009, the Committee developed a new arbitrator training outline and related training materials. The outline includes handouts, arbitration issues, arbitration case filings and scheduling for arbitration hearings, arbitration hearing procedures, and a proceedings checklist. The aforementioned training manual will be used in conjunction with the training outline for new arbitrators so as to provide uniform arbitrator training on a statewide basis. The Committee forwarded the arbitrator training outline and related training materials to the Administrative Director. The Committee also is contemplating training related curriculum for new arbitrator trainers.

Arbitrator Pro Bono Service Credit

The Court requested that the Committee "review arbitrator services in the context of *pro bono* services, as defined by the Court." The Committee considered whether to make a recommendation to the Court to allow arbitrators the opportunity to waive the \$100 compensation associated with service as an arbitrator and accept *pro bono* credit in its stead. After deliberation, the Committee was in favor of the concept and recognized that Supreme Court Rules 87 and 756 would have to be amended. As proposed, the amendments would allow arbitrators to waive the set compensation rate of \$100 per arbitration hearing in exchange for *pro bono* legal service credit. In the Committee's consideration of this matter, it was determined that Supreme Court Rule 87 (e) would have to be amended and a new subsection (f)(1)(e) would have to be created under Supreme Court Rule 756. The Committee supports this amendment as it believes that service to the legal system as an arbitrator is a community service. Further, if an arbitrator is willing to provide service *pro bono* and waive his or her fee, service as an arbitrator should be equivalent to other service to the system wherein *pro bono* credit is recognized. The Committee also realized that, for reporting purposes to the Supreme Court, a form would have to be created to prove that the attorney served as an arbitrator and opted for *pro bono* credit for the service.

During Conference Year 2009, the Committee drafted a form which would allow an arbitrator to waive the \$100 compensation for an arbitration hearing and accept *pro bono* legal service credit in its stead. Since the proposal may have a fiscal impact, the proposal to amend Supreme Court Rules 87 and 756, along with said form, was sent to the Administrative Office for consideration.

Supreme Court Rule 91

The Court requested that the Committee "reconsider proposed Supreme Court Rule 91 (Absence of a Party at Hearing)." The Committee originally submitted this proposal to the Supreme Court Rules Committee in September 2005. The original proposal would have required parties to an accident to be at the arbitration hearing in subrogation cases. It is the opinion of the Committee that the concept of good faith participation requires the major participants in cases to be present at arbitration. Their appearance and participation allows the arbitrators to properly evaluate all aspects of a dispute including witness credibility, thereby insuring the integrity of the arbitration process.

In a traditional subrogation case, the plaintiff is the insurance company, not the driver of the plaintiff's car. Thus, Supreme Court Rule 237 does not apply, nor do discovery rules allow for a fair inquiry prior to the hearing. The proposed rule change to Supreme Court Rule 91 would have put the driver of the plaintiff's car or the insured into the category of a "party," making them subject to discovery and requiring their appearance at arbitration with or without a Rule 237 notice. This rule change was intended to require of a plaintiff at arbitration, that which would be required at trial.

During Conference Year 2009, the Committee gathered mandatory arbitration rules from other states in an attempt to ascertain whether the proposed requirement exists in other jurisdictions and what impact it has on arbitration hearings. The Committee concluded its research and determined that no evidence exists to change its position originally submitted in 2005. The Committee shared the proposed amendment to Supreme Court Rule 91 with arbitration administrators and supervising judges. Upon consideration of the feedback, the Committee plans to resubmit Supreme Court Rule 91 to the Supreme Court Rules Committee for reconsideration.

Jurisdictional Dollar Limits for Arbitration Programs

As part of its projects and priorities for Conference Year 2008, the Court asked the Committee to "examine the current jurisdictional dollar limits for arbitration programs and determine if an increase is viable." The Committee dialogued on this issue and determined that increasing the jurisdictional limit would not significantly increase the number of cases assigned to arbitration and would, consequently, funnel cases into arbitration that may be too complex in nature for the arbitration process. The Committee noted that a mechanism is currently available via Supreme Court Rule 86 to petition the Court to authorize an increase in the monetary limits. Ultimately, the Committee elected not to make a recommendation to the Court

on this issue and reemphasized the current process in place for requesting an increase to monetary limits related to arbitration programs.

Participant Satisfaction Survey

The Committee was charged with "surveying program practitioners and identifying reliable measures of participant satisfaction with ADR processes." During Conference Year 2009, the Committee collected survey instruments from arbitration jurisdictions that conducted program participant satisfaction surveys in the past. The Committee reviewed the survey instruments and related data, and began to identify which information is most useful for improving the arbitration program. The Committee developed a few surveys and plans, to narrow the scope of those surveys, to meet the objective of this project. Once complete, it is planned that the survey will be issued for statewide dissemination for a planned period of time to gather data for analysis. Upon data tabulation and compilation, the Committee will formulate a report for the Court.

Conference Year 2009 Projects and Priorities

Supreme Court Rule 87

The Court requested that the Committee "review Supreme Court Rule 87 (Appointment, Qualification and Compensation of Arbitrators) with respect to arbitrator chair qualifications and determine the appropriate criteria." Supreme Court Rule 87 directs that a panel of arbitrators "shall be chaired by a member of the bar who has engaged in trial practice for at least three years or by a retired judge." The Committee believes that Rule 87 adequately prescribes a minimum requirement for chair qualifications and, noted that, local rules may have requirements beyond the minimum. For example, in the Nineteenth Judicial Circuit, Local Rule 17.02(c) requires that "every panel of arbitrators shall be chaired by a member of the bar who has been engaged in trial practice for at least five years within the preceding ten years of the filing of the application, or a retired judge." Recognizing that retired judges serve as arbitrators and are chair-eligible, the Committee recently submitted a proposal to the Supreme Court Rules Committee to require that a retired judge who wishes to serve as an arbitrator be subject to the mandatory continuing legal education requirements. It is the Committee's opinion that Rule 87 is sufficient; therefore, the Committee elected not to suggest a change at this time.

Settlement Data Initiative

The Court requested that the Committee “review and discuss the Fourteenth Judicial Circuit’s settlement data initiative and determine whether or not the data collected has merit for consideration of statewide implementation.”¹ The initiative is a collection of settlement data captured in a format that has a utility for arbitrators and attorneys wherein arbitration awards and jury verdicts are tracked and offered as a tool to assist in settling cases. A predetermined form is provided to all attorneys and information is provided on a voluntary basis. Once an attorney submits information to the arbitration administrator, it is entered in a database. The information in the database is then distributed monthly to arbitrators and attorneys within the circuit. In theory, cases are assigned a value using settlement data and serve as a tool for settling cases. The data is used to educate unrealistic expectations by clients, educate insurance adjusters, and educate arbitrators who may not necessarily have practice expertise in personal injury cases.

The Committee is in dialogue with the Fourteenth Judicial Circuit regarding this initiative. While some data has been collected, it is hoped that the database will continue to grow. The Fourteenth Judicial Circuit is currently exploring alternate reporting options to achieve that outcome. A workgroup specifically assigned with the task of reviewing the settlement data has begun its work. The workgroup plans to continue its study and report to the Committee on the value of the information being collected and the feasibility of implementing the settlement data project on a statewide basis.

Arbitration Program Statistical Data

For Conference Year 2009, the Court asked the Committee to “review the current collection methods of arbitration statistics to determine if the data is accurately capturing the results of the program as intended when arbitration was implemented in 1987.” The workgroup assigned with this task has begun to review the court-annexed mandatory arbitration annual report and related statistics. Upon its review, the workgroup plans to make recommendations to the Committee concerning its findings.

Other Initiatives

The Court charged the Committee, generally, with “undertaking any such other projects or initiatives that are consistent with the Committee’s charge.” During Conference Year 2009, the Committee considered other initiatives such as an amendment to Supreme Court Rule 87 which would require that a retired judge be in active status with the Attorney

Registration and Disciplinary Commission (ARDC) thereby being subject to the mandatory continuing legal education requirements. The Committee also studied areas such as the \$200 rejection fee related to mandatory arbitration as a recoverable cost, judicial orders increasing arbitration monetary limits thereby exceeding judicial authority, rejection fee refund issue, and consideration on the optimal period of time for retraining an arbitrator.

Mediation

Presently, court-annexed civil mediation programs operate in the First, Third, 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-annexed mediation programs have been successful and well received, and resulted in a quicker resolution of many cases. It is important to recognize that the benefits of major civil case mediation cannot be calculated solely by the number of cases settled. Because these cases are major civil cases by definition, early resolution of a 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 disposes of potential counterclaims, third-party complaints and, of course, eliminates the possibility of an appeal. Finally, court-annexed 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 also continues to study the area of child custody mediation in accord with the Supreme Court's Article IX Rules with respect to child custody proceedings. Specifically, the 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 Court's adoption of the Article IX Rules with respect to child custody proceedings. As part of the Article IX Rules and Supreme Court Rule 99, judicial circuits must develop a mechanism for reporting to the Court on the mediation program. During Conference Year 2007 and continuing into Conference Year 2008, the Committee dialogued with the Conference of Chief Circuit Judges regarding development of an instrument to standardize the collection of statistics for child custody and visitation mediation, which are most reliable in ascertaining the effectiveness of such mediation. Subsequently, a letter was sent to all chief judges by the Administrative Office

requesting standardized statistics related to Court-authorized mediation programs. The Administrative Office is compiling said data.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

The Committee requests to continue its work toward completing the projects and priorities outlined for Conference Year 2009, as well as the projects that remained from Conference Year 2008. Those projects include consideration of arbitrator training, examining child custody mediation, reviewing the Fourteenth Judicial Circuit's settlement data initiative, developing a statewide arbitration program participant satisfaction survey, reviewing the current collection methods and reliability of arbitration statistics, and other initiatives as directed by the Court.

During the 2010 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 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 is making no recommendations to the Conference at this time.

2009 REPORT

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

Hon. Kenneth A. Abraham, Chair

Hon. Adrienne W. Albrecht

Hon. William G. Schwartz

Hon. Francis J. Dolan

October 2009

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.

The Committee's charge includes 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 also will research and recommend response protocols to resolve security issues, which may affect the use of technology.

The Automation and Technology Committee requests that it be continued in the 2010 Conference Year.

II. SUMMARY OF COMMITTEE ACTIVITIES

The Automation and Technology Committee was assigned two projects for the 2009 Conference year. The Committee was assigned with reviewing the Disaster Recovery Guide regarding the alternatives to continue critical court functions and the time sensitive aspects of criminal proceedings, along with analyzing the security-related issues to a court during a disaster. The Committee also was to conduct a conceptual analysis that identified the potential uses of a secure website and how such technology might be used within the trial courts.

The Automation and Technology Committee completed the review of the Disaster Recovery Guide with regard to critical court functions, drafting language to be added to the section titled 'Defining Critical Services and Functions' of the Disaster Recovery Guide of 2006. The Committee's analysis focused on the need for an interdependent relationship between the Criminal Court and the Sheriff during a disaster.

The Committee also analyzed the potential features of a secure website for use throughout the judiciary, documenting benefits, potential uses, and recommends such a technology as an efficient and effective alternative to list serv and e-mail.

A description of the Committee's activities is summarized below.

A. Critical Court Services - Criminal Courts - Disaster Recovery Guide

The Automation and Technology Committee completed its analysis of critical court functions specific to criminal courts during a disaster. The Committee has developed language highlighting special considerations for the criminal courts and for domestic violence cases during a disaster.

The relationship between the criminal court and the sheriff should be considered when planning for a disaster. As the level of the disaster increases (as defined in the Disaster Recovery Guide), this dependency increases as does that with county officials and emergency management personnel, who all make key decisions regarding the well-being of those incarcerated. After considering the life and health of prisoners, the focus should be turned upon the Constitution and statutory rights of those previously incarcerated as well as those arrested during a disaster. Plans should include the ability to contact court staff, including the State's Attorney, Public Defender, circuit clerk, court reporters, and possibly interpreters, as arrangements are made for hearings. In addition to contacting court staff, a temporary facility needs to be identified to conduct hearings. Consideration should be given to its security capabilities, the transportation of prisoners, and the ability to access court records. Consideration also should be given to the criminal justice system when the populace acts in a violent, criminal manner during a disaster. Finally, speedy trial considerations may need to be addressed for Category 3 and 4 disasters, where it may be impossible to seat a jury during a regional disaster.

B. Conceptual Analysis / Use of a Secure Website

The Automation and Technology Committee has completed its conceptual analysis of the potential uses of a secure website in the trial courts. As a result of the Committee's work and member's informal polling of judges at Court-sponsored seminars, the potential uses and benefits of a secure web forum were grouped into four general categories.

1. Time Sensitive Information - Legislation

Frequently, the General Assembly adopts legislation that has an effective date before the default date of January 1, or in the area of criminal law, is often effective immediately upon signing. Without timely notifications of new legislation or rules, trial court reversible errors are likely. Similarly, a secure website could provide an alternative to post judicial announcements and time sensitive notices throughout the judiciary.

2. Education

Over the years, judges have created forms, spreadsheets, templates and many organizational tools to assist them with their research, organization and analysis of court-related information. As well, access to recordings of educational seminars and presentations can be of great value to assist judges (new and existing) in their education. Video recordings of seminars and digital reference material can be secured and available for a judge's access at convenient times.

3. Collaboration and Exchanging Ideas

Collaboration and the ability to post questions, comments, and share ideas with colleagues using a bulletin board or blogging function would be a benefit within a secure website. The posted comments or blogs could be available to all judges or isolated to a specific group of judges, *i.e.*, within a circuit or district. Online discussions and posting comments provide a mechanism to read and participate in past and ongoing discussions as each person is available.

4. Efficiency and Economy in Distribution of Information

A secure website would provide an alternative to distributing voluminous reference manuals, training and presentation material and general mailings, reducing postage and storage costs. As well, a standard Internet connection and a secure website provides a common location where mobile judges can access secured information when traveling to multiple courthouses or away from their primary office.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

For the 2010 Conference Year, the Automation and Technology Committee proposes the following projects be assigned.

- ◆ An analysis of security related issues and potential threats to computer systems and information technology systems. The analysis will identify current security risks, common threats, and recommendations to trial court users to preventing and protecting computing systems from viruses, "phishing" threats, spyware, and unauthorized access.
- ◆ Continue the analysis and review of the Disaster Recovery Guide for potential changes in planning, technology, and the collaboration of local entities relative to maintaining a functioning judicial system. In addition, the Committee

requests to further identify security-related problems to the court system during a disaster.

- ◆ Continue identifying uses and benefits to a secure website for the trial court. Although the Committee has identified benefits of a secure website and recommends its development, new features and capabilities may be identified that expand the utility of a secure website.

- ◆ The Committee is receptive to any other assignments from the Court.

IV. RECOMMENDATIONS

A. The Automation and Technology Committee recommends that the section titled 'Defining Critical Services and Functions' of the Disaster Recovery Guide of 2006, be modified with the following language.

Defining Critical Services and Functions.

Identify the most critical services and functions and the priorities that need to be addressed immediately.

c. Special Consideration for the Criminal Courts During a Disaster.

Any disaster highlights the symbiotic relationship of the Criminal Court and the Sheriff. As the level of the disaster increases from Category 1 to Category 4 the relationship also increases based upon the needs and the requirements placed on the criminal justice system. During disaster planning, this relationship should be at the forefront of consideration because it is this relationship, in consultation with county officials and emergency management personnel, that will make critical decisions regarding the health and well-being of incarcerated individuals. Aside from Constitutional and statutory requirements, the very lives of prisoners may be put in jeopardy as a result of a disaster.

The following matters should be considered initially for incarcerated prisoners and secondarily for individuals coming into the facility for incarceration after the disaster. Planning should include:

- facilities - this would include all facilities other than the actual cell blocks;
- housing - this refers to the actual cell blocks;
- lighting;
- heating and air conditioning;
- water;
- food;
- medical care; and,
- psychological needs.

After the life, health and welfare of prisoners has been considered, focus should turn to consideration of the Constitutional and statutory rights of those previously incarcerated and those arrested during the disaster. The first step in this planning concerns personnel. Plans should be developed for contacting and arranging for the presence of court staff, the Circuit Clerk, court reporters and perhaps interpreters. The State's Attorney will need to be present for all proceedings and the Public Defender may need to be present for some proceedings.

The second step concerns locating facilities for conducting hearings. Plans should be made for alternate locations. A Category 1 disaster would not likely pose a significant difficulty due to the minimal amount of time of disruption to the Criminal Court. The primary consideration would be to locate a facility for conducting initial Court appearances (bond hearings) and emergency orders of protection. Categories 2, 3 and 4 disasters pose increasingly more difficult scenarios due to the length of time the disaster continues. When considering alternate facilities, the following factors may be applicable:

- transport of prisoners;
- security of the temporary location;
- availability of records; and,
- nature of the proceedings - bond hearings, preliminary hearings, trials.

Planners should consider the difference between a disaster when the populace responds in an orderly, lawful manner and a disaster when a segment of the population acts in a violent, criminal manner. The difference in the reaction of the public will place widely varied demands and stresses on the criminal justice system and the facilities used by that system.

Speedy trial considerations may need to be addressed for Category 3 disasters and will need to be addressed for Category 4 disasters. Such a disaster has the potential of overwhelming the capacity of the Court to meet the deadlines in a severely stricken county. Even if the facilities of the Court are able to be relocated, it may be impossible to seat a jury from the severely stricken county due to the situation of the individual residents (the prime example is Orleans Parish after Katrina).

d. Special Consideration for Domestic Violence Cases During a Disaster.

Cases involving domestic violence require special consideration when planning for a disaster. Petitions for orders of protection have statutory priority especially with respect to emergency petitions. The priority status makes planning for hearings concerning emergency orders of protection immediate even for a Category 1 disaster. Facilities, files and security are the primary considerations for disaster planning for domestic violence cases.

Trial courts should keep in mind that there are likely to be outstanding emergency orders of protection and civil no contact orders, which have an expiration date that may coincide with a disruption of service to the courthouse. Contingencies for handling these orders should be included in a comprehensive emergency response plan, where clear and timely notification of alternative arrangements should be provided so that all parties have notice of the time and place of hearings. In addition, provisions should be made for providing a proper record of the proceedings.

B. The Automation and Technology Committee recommends the development of a secure website for use in the trial courts. A secure website would provide a common forum to collaborate and exchange ideas and information with judges using disparate computing systems throughout the state.

2009 REPORT

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

Hon. Mary S. Schostok, Chair

Hon. Kathy Bradshaw Elliott
Hon. Ann Callis
Hon. Daniel P. Guerin
Hon. Janet R. Holmgren
Hon. John Knight
Hon. Paul G. Lawrence
Hon. Charles McRae Leonhard
Hon. Leonard Murray

Hon. Steven H. Nardulli
Hon. Lewis M. Nixon
Hon. Patrick J. Quinn
Hon. James L. Rhodes
Hon. Mitchell K. Shick
Hon. Domenica A. Stephenson
Hon. Michael P. Toomin
Hon. Walter Williams

October 2009

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 recommendations on matters affecting the administration of criminal law and to 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. The Committee is also charged with reviewing and commenting on changes to Illinois Supreme Court Rules which affect the administration of criminal law and/or the probation system. Since the Committee’s inception, a number of critical issues related to criminal law and probation administration have been addressed. Over the years this Committee has been instrumental in sponsoring amendments to Supreme Court Rules, which were then adopted by the Supreme Court, including Rule 604(d), Rule 605(a), and Rule 605(b). The Committee has made recommendations for the enacting of new rules, specifically Rule 402A, which was adopted by the Court. The Committee also has prepared and presented to the Conference a report entitled *The Efficacy and Trends of Specialty Courts* and a detailed inventory of “Problem Solving Courts” was developed. The Committee also has prepared and presented to the Conference a “Pre-Sentence Investigation Report” format incorporating the principles of Evidence Based Practices (EBP). The Committee also prepared and presented to the Conference a one page EBP bench guide and a similar one created for use by probation officers, supervisors, and managers.

This Conference year, the Committee completed the charge of examining the feasibility of a criminal alternative dispute resolution program in Illinois. The Committee also completed the charge of improving the efficiency of accepting guilty pleas. At the request of the Court, the Committee examined and commented on a final draft of a proposed Supreme Court Rule 430 which, if adopted, would provide guidance on the use of restraints upon criminal defendants inside the courtroom. At the request of the Supreme Court Rules Committee, the Committee also examined Proposal 08-01, which would become a proposed rule governing attorney conduct when, during a privileged communication, information is received that discloses the guilt of another party to a crime in which another has been found guilty and sentenced for that crime. Finally, at the request of the Court, the Committee has received a charge to review the Impact Statement prepared by the Judicial Conference Committee on Automation and Technology that analyzes and evaluates the use of video conferencing and its impact on court proceedings. The Committee has been asked to determine whether the Court’s approval for the use of video technology is necessary in certain types of proceedings and to identify any statutes

or rules that might be impacted should the use of video technology be utilized in certain criminal proceedings.

The Committee is dedicated to serving the Court in meeting its assigned projects and priorities, and producing quality information and products. The Committee therefore is requesting to continue addressing the matters affecting criminal law and procedure and the administration of probation services.

II. SUMMARY OF COMMITTEE ACTIVITIES

Conference Year 2009 Continued Projects/Priorities

Project:: Analyze and make recommendations concerning the use of video conferencing in the context of criminal proceedings.

In 2008, the Judicial Conference Committee on Automation and Technology was charged by the Court to analyze and evaluate the use of video conferencing and its impact on court proceedings. The result of the work done by the Committee on Automation and Technology on this issue yielded an Impact Statement, which sets forth in detail the benefits and burdens of the use of video technology in both civil and criminal cases. With respect to criminal court proceedings, the Impact Statement detailed the types of proceedings in which this technology is currently in use and suggestions for the broadening of the use of this technology in criminal cases. The Impact Statement also contains cautions about how use of video technology impacts a criminal defendant's statutory and constitutional protections. The Impact Statement concludes with recommendations to the Court concerning how the Supreme Court rules relating to procedures in criminal cases might be modified to permit a criminal defendant's court appearance by video conferencing. A copy of the Impact Statement was presented to the Court in Conference Year 2008.

During Conference Year 2009, the Court requested that the Criminal Law and Probation Committee review the Impact Statement and provide analysis and recommendation concerning the use of video conferencing in criminal proceedings and identify any statutes and/or rules that might be impacted should video conferencing be utilized in criminal proceedings. This project remains pending with the Committee.

Conference Year 2008 Continued Projects/Priorities:***Project 1: Study and consider the utility of a criminal dispute resolution program for Illinois.***

In 2007, a subcommittee was formed to examine this charge. To address this charge, information on criminal dispute resolution programs were obtained from the Colorado's Fourth Judicial Circuit, New York, North Carolina, and Ohio for review and comment by the full Committee. Based on the information received from other states, the Committee reached a tentative conclusion that a criminal dispute resolution program would be possible in Illinois but that the program would have to be a mediation type program and limited to misdemeanors, petty offenses, business offenses, and ordinance violations.

In 2008, the Committee was given a presentation by Ms. Sally Wolf, Statewide Coordinator for the Illinois Balanced and Restorative Justice Project on different types of criminal dispute resolution programs in Illinois, which could be considered as potential models for determining the viability of a criminal alternative dispute resolution program in Illinois.

In 2009, Ms. Cassie Lively of the Center for Conflict Resolution gave a presentation to the Committee concerning its criminal dispute resolution program. Ms. Lively detailed for the Committee the history of the Center for Conflict Resolution, its funding sources, nature and extent of volunteer mediator training, the backgrounds of the volunteer mediators, the types of criminal cases taken for mediation, how those cases are referred for mediation, detailed a typical mediation session, explained how if the mediation is successful a written agreement is drafted and signed by the parties, the court is notified of the successful mediation and the charges are dismissed as a result, and how if the mediation is not successful then the case is returned to the referring court for further proceedings.

Based on the information received and reviewed from other states, the presentations by Ms. Wolf and Ms. Lively, review of scholarly articles and treatises on this issue and discussion by the membership, the Committee finds the following:

1. A criminal dispute resolution program is feasible in Illinois.
2. Any criminal dispute resolution program should be limited to misdemeanors, petty offenses, business offenses, and ordinance violations. However, cases in which a weapon is involved should be excluded.
3. Charges of Domestic Violence should never be referred to any type of criminal dispute resolution program.

4. The program should be a mediation type rather than an arbitration type.
5. Referrals to a criminal dispute resolution program should be recommended by the prosecutor's office with the concurrence of the presiding judge.
6. All mediators should be trained and qualified in accordance with rules promulgated by each circuit.
7. Participation by a circuit court in any criminal dispute resolution program should be voluntary rather than mandatory.

If the Supreme Court wishes, the Committee is willing to continue to examine this issue for the purpose of providing specific recommendations.

Project 2: Study and consider the feasibility for improving court efficiency in the acceptance of guilty pleas.

The Committee continued to discuss and analyze this charge in 2009. The Committee continued to examine multiple different types of written guilty pleas used in other states and by some judges in Cook County. These written guilty pleas are used as an acknowledgment of various waivers and stipulations by the defendant and defendant's counsel. After much discussion and debate, the Committee reinforced its previous conclusion that there are potential benefits to the use of a written guilty plea in that such a written guilty plea could potentially reduce ineffective assistance of counsel claims; however, a statewide mandate is not necessary. The Committee suggests that a statewide mandate is not necessary since certain enumerated verbal admonishments are required by Supreme Court Rules 402 and Rule 402A in the taking of guilty pleas as well as case law and the aforementioned admonishments must be placed on the record. However, the Committee believes that each individual judge should have the option of using a written guilty plea form. The Committee has drafted such a form for possible inclusion in judicial education training materials, which will be forwarded to the Administrative Director.

Conference Year 2009 Projects/Priorities

Project 1: Explore the need for a first offender diversion program for those convicted of certain class 3 or class 4 felonies.

The Committee discussed several options for diversion programs for those convicted of different types of class 3 or class 4 felonies. Based on these discussions, the Committee concluded that the effect of the various diversion programs would be in conflict with the Court implemented principles of Evidence Based Practices. Therefore, the Committee requests that exploration of this charge be discontinued.

Project 2: Explore the use of “Shock Incarceration” to the Illinois Department of Corrections for certain offenders as part of the terms and conditions of probation.

The Committee examined the “shock incarceration” programs of Missouri and Indiana as well as other materials. Based upon the information received concerning those programs, the Committee has concluded that the principles of “shock incarceration” are in direct conflict with the Court implemented principles of Evidence Based Practices. Therefore, the Committee requests that exploration of this charge be discontinued.

Project 3: Study, examine and report on Supreme Court Rules as they relate to criminal procedure and court process.

In Conference Year 2008, the Committee gave consideration to proposed Supreme Court Rule 430 to reflect the Supreme Court’s rulings regarding the use of restraints on criminal defendants as detailed in *People v. Boose*, 66 Ill.2d 261 (1977) and *People v. Allen*, 222 Ill.2d 340 (2006). During this Conference year, the Court requested that the Committee review the final draft of a proposed rule to determine if it was substantively complete to address any potential due process issues, which could arise because of the use of restraints during the course of a criminal trial. The Committee determined that the final draft was substantively complete and did address possible due process issues. The Committee submitted a letter outlining these findings to the Court.

During Conference Year 2009, the Supreme Court Rules Committee submitted to the Committee for review a proposed rule that would authorize an attorney, who learns of the conviction for a crime and the lawyer is reasonably certain the person convicted is innocent because of facts disclosed to the lawyer in a privileged communication, to disclose this information to the proper authorities. The Committee determined that the draft rule, as submitted, potentially violates the United State’s Constitution’s Fifth Amendment right against self-incrimination. The Committee also determined that a Supreme Court Rule was not the correct forum to address the issue presented in the proposed rule; but rather, discussion to amend the Rules of Professional Conduct was the more appropriate forum. The Committee forwarded its conclusions to the Supreme Court Rules Committee.

Project 4: Continue to monitor the impact of Crawford v. Washington 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 on the Illinois courts.

Project 5: Undertake any such other projects or initiatives that are consistent with the Committee charge.

In prior Conference years, the Committee was charged with studying, examining and reporting on the efficacy of "Problem Solving Courts" in the management of criminal felony and misdemeanor cases that culminated in the submission of a Problem Solving Courts Survey. During this Conference year, the Committee received information concerning the formation of new specialty courts aimed at assisting veterans charged with crimes in Cook County, Madison County and Rock Island County. The purpose behind these specialty courts is to provide veterans with the resources to address underlying issues that could be a factor for the veteran's criminal behavior. Such underlying factors include abuse of alcohol and/or abuse of drugs and/or post-traumatic stress disorder. The Honorable Ann Callis, Chief Judge of the Third Judicial Circuit, is keeping the Committee apprised of the start up and operation of the Madison County Veteran's Court.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

The Court requested that the Committee review the Impact Statement presented in Conference Year 2008 by the Judicial Conference Committee on Automation & Technology. Specifically, the Committee is to provide analysis and recommendations concerning the use of video conferencing in criminal proceedings and identify any statutes and/or rules that might be impacted should video conferencing become utilized in criminal proceedings. This project remains pending with the Committee.

The Committee continued its consideration of the utility of a criminal dispute resolution program in Illinois. After examining programs from other states, reviewing and discussing scholarly treatises and articles on this issue, and hearing presentations from persons involved in existing Illinois dispute resolution programs, the Committee's report outlines its findings on this project.

The Committee also requests to update the 2007 Specialty Courts Survey since new specialty courts have arisen since 2007. More importantly, an update will provide an improved understanding of the efficacy of the various specialty courts in Illinois.

IV. RECOMMENDATIONS

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

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

Hon. Mary Anne Mason, Chair

Hon. Maureen E. Connors
Hon. Deborah Mary Dooling
Hon. James R. Glenn
Hon. John B. Grogan
Hon. Kimbara G. Harrell

Hon. James J. Mesich
Hon. Jeffrey W. O'Connor
Hon. Kenneth L. Popejoy
Mr. David B. Mueller, Esq.
Mr. Eugene I. Pavalon, Esq.

Mr. Paul E. Root, Esq.

October 2009

I. STATEMENT ON COMMITTEE CONTINUATION

The purpose of the Committee on Discovery Procedures (Committee) is to review and assess discovery devices used in Illinois. It is the goal of the Committee to propose recommendations that expedite discovery and eliminate any abuses of the discovery process. To accomplish this goal, the Committee researches significant discovery issues and responds to discovery-related inquiries. The Committee therefore believes that it provides valuable expertise in the area of civil discovery. For this reason, the Committee requests that it be permitted to continue its work in Conference Year 2010.

II. SUMMARY OF COMMITTEE ACTIVITIES

A. Committee Charge

The Committee is charged with studying and making recommendations on the discovery devices used in Illinois. 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 encourage civility among attorneys. Finally, the Committee's charge includes reviewing and making recommendations on proposals concerning discovery matters submitted by the Supreme Court Rules Committee, other committees, or other sources.

Supreme Court Rule 212(a)(5)

In conjunction with its charge, the Committee drafted a proposal to amend Supreme Court Rule 212(a)(5) (Purposes for Which Discovery Depositions May Be Used), which currently provides that discovery depositions may be used as evidence at trial if the court finds that the deponent is neither a controlled expert witness nor a party, the deponent's evidence deposition has not been taken, and the deponent is unable to attend or testify because of death or infirmity. In discussing the current rule, which precludes the use at trial of a party's discovery deposition in all circumstances, the Committee concluded that in limited cases the current rule is unfair. Specifically, the Committee was prompted to examine this issue by a Fifth District Appellate Court opinion (*Berry v. American Standard, Inc.*, 382 Ill. App.3d 895 (5th Dist. 2008)), which affirmed a trial court's decision precluding the use of plaintiff's discovery deposition as evidence at trial.

In *Berry*, plaintiff's attorney, knowing that plaintiff was suffering from terminal mesothelioma and had a short life expectancy, noticed plaintiff's evidence deposition.

Defendants, asbestos manufacturers, distributors and end users, objected to plaintiff's evidence deposition preceding his discovery deposition. The trial court allowed the discovery deposition to proceed and given the number of defendants (47), the deposition spanned many days over several months. Soon after the deposition was completed, plaintiff was admitted to the hospital and died shortly thereafter. Plaintiff's evidence deposition was never taken. On defendant's *motion-in-limine*, the trial court found that Supreme Court Rule 212(a)(5), without exception, barred the use of a party's discovery deposition at trial. Due to the lack of plaintiff's testimony, his estate could not prevail at trial and summary judgment was granted, a result that was affirmed on appeal.

In response to what the Committee perceived to be a harsh result, the Committee concluded that there can arise rare but compelling circumstances under which a party's discovery deposition should be permitted to be used at trial. The Committee therefore drafted an amendment to Supreme Court Rule 212(a)(5) to give the trial court discretion to permit the use of a party's discovery deposition at trial. The Committee, however, decided not to include a controlled expert's discovery deposition in its proposed amendment because, unlike a party, a controlled expert can be replaced. Pursuant to Supreme Court Rule 3, the Committee forwarded its proposal to the Supreme Court Rules Committee.

B. Conference Year 2009 Projects/Priorities

The following subjects represent the projects/priorities assigned by the Court to the Committee for consideration in Conference Year 2009, some of which were extended from the prior Conference Year.

During the past Conference year, the Committee reviewed the use of depositions by telephone under Supreme Court Rule 206(h) (Remote Electronic Means Depositions). Members of the Committee indicated that current practice has been the acceptance of telephonic and other remote electronic depositions such that there is no need to require a party to obtain a court order. The Committee therefore adopted a proposal to amend Supreme Court Rule 206(h) to permit electronic depositions on notice without leave of court. Specifically, a party may take a deposition by telephone, video conference or other remote electronic means by stating in the notice the specific electronic means to be used for the deposition. Pursuant to Supreme Court Rule 3, the Committee forwarded its proposal to the Supreme Court Rules Committee.

Next, the Committee considered and rejected various projects. First, the Committee considered whether to define work product and privilege for purposes of objecting to discovery under Supreme Court Rule 201(b)(2) (Scope of Discovery). After substantial debate, the Committee agreed that a more detailed definition would not be useful and that the issue should

be addressed on a case by case basis.

The Committee also considered whether general objections to interrogatories/requests to produce should be prohibited. Specifically, Committee members noted a wide spread practice to include several pages of "General Objections" in discovery responses (*e.g.*, "to the extent that plaintiff seeks information protected by the attorney client and/or work product privileges, defendant objects") in addition to objections to specific requests. Although the Committee's consensus was that such boilerplate objections are bothersome and generally non-productive, a ban on their use was not deemed appropriate.

Finally, the Committee explored and rejected the feasibility of contention discovery as recognized under the federal rules. It was the Committee's position that Illinois case law will not recognize contention discovery because it potentially invades the area of work product.

The Committee also considered several projects, which remain under discussion. The Committee discussed whether Supreme Court Rule 210 (Depositions on Written Questions) can be used in conjunction with Supreme Court Rule 204(c) (Depositions of Physicians) to permit the formulation of questions addressed to nonparty physicians prior to deciding whether to take their depositions. The Committee attempted to create a limited number of standard routine questions that would be sent to any nonparty physician to answer in writing under oath within 28 days. The Committee expressed interest in saving time and money by not deposing a doctor who has not seen the patient recently and has no opinion on the care/treatment relating to the accident. The consensus of the Committee, however, was that, particularly in the present litigation climate, doctors will not cooperate in answering such questions and that compensation for answering any questions will become an issue. The Committee therefore left open for discussion whether such questions should be drafted in a different format or should be limited to certain cases.

The Committee also left open to consider whether business records obtained during discovery should be presumptively admissible without requiring foundation testimony. While this did not seem to be an issue in most cases, the Committee noted potential issues with third party records.

Likewise, the Committee continued its discussion of required expert witness disclosures under Supreme Court Rule 213(f)(Identity and Testimony of Witnesses). The Committee did not identify any problem with requiring disclosure under Supreme Court Rule 213(f) to include a list of any other case in which the witness has testified as an expert within the preceding four years. The Committee, however, expressed concern with requiring a party under Rule 213(f) to provide copies of any and all correspondences or communications between counsel and the expert. The Committee noted that such correspondence and communications may include discussions of counsel's theory of the case.

As a final matter, the Committee deferred discussion on any Supreme Court Rule

changes relating to e-Discovery and the feasibility of mandatory disclosure of relevant documents following the Court's consideration of the Committee's e-Discovery Report, which remains pending with the Court.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During the 2010 Conference year, the Committee requests that it be permitted to address pending projects continued from the prior Conference year. The Committee also requests that, following direction from the Court, it be permitted to address any Supreme Court Rule changes relating to e-Discovery and mandatory disclosure of relevant documents. 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.

2009 REPORT

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

Hon. M. Carol Pope, Chair

Hon. Robert J. Anderson

Hon. Andrew Berman

Hon. James K. Borbely

Hon. Elizabeth M. Budzinski

Hon. Mark H. Clarke

Hon. Joy V. Cunningham

Hon. Craig H. DeArmond

Hon. James R. Epstein

Hon. Shelvin Louise Marie Hall

Hon. Susan F. Hutchinson

Hon. Nancy J. Katz

Hon. Kathleen O. Kauffmann

Hon. Vincent J. Lopinot

Hon. Jerelyn D. Maher

Hon. Katherine M. McCarthy

Hon. Gregory K. McClintock

Hon. Michael J. Murphy

Hon. Mary K. O'Brien

Hon. William Timothy O'Brien

Hon. Stuart E. Palmer

Hon. Tracy W. Resch

Hon. Daniel B. Shanes

Hon. Scott A. Shore

Hon. Ronald D. Spears

Hon. Jane Louise Stuart

Hon. Mary Jane Theis

Hon. Lisa Holder White

October 2009

I. STATEMENT ON COMMITTEE CONTINUATION

Consistent with the purpose and provisions of the Supreme Court's *Comprehensive Judicial Education Plan for Illinois Judges*, the Committee on Education was established to identify education needs for the Illinois judiciary and develop short and long term plans to address these needs. In Conference Year 2009, the Committee received a charge to develop and recommend a "core" judicial education curriculum for Illinois judges that identifies the key judicial education topics and issues to be addressed through the judicial education activities each year. This curriculum was to include identifying emerging legal, sociological, cultural, and technical issues that may impact decision making and court administration by Illinois judges. In coordination with the Administrative Office, the Committee was charged with assessing judicial education needs, expectations and program participation of Illinois judges, as well as reviewing and recommending educational programs offered by non-Judicial Conference organizations for the award of continuing judicial education credit.

In conjunction with the general charge for the Committee, the Court provided the following list of 2009 projects and priorities:

- Design, deliver and evaluate the 2009 New Judge Seminar.
- Design, deliver and evaluate the Mini and Regional Seminars for the 2008-2009 Seminar Series.
- Assist in the delivery and assessment of the 2009 DUI Seminar consistent with the goals and objectives contained in the training grant awarded to the AOIC by the Illinois Department of Transportation.
- Design, deliver, and evaluate the 2009 Advanced Judicial Academy, "Judging in a Democratic Society," to be held June 15-19, 2009.
- Plan and propose a schedule of Mini and Regional Seminars for the 2009-2010 Seminar Series.
- Design, plan and prepare for thirty (30) hours of continuing judicial education to be offered through two sessions at Education Conference 2010.
- Review and propose, as appropriate, amendments and modifications to the Supreme Court's Comprehensive Judicial Education Plan for Illinois Judges.
- Review and submit recommendations to amend and/or expand, as needed, the content and frequency of the Faculty Development Workshop.
- Complete the writing of, and submit for editing and indexing, the Criminal Benchbook for print and digital publication and distribution.

- Undertake any other such projects or initiatives that are consistent with the Committee charge.

II. SUMMARY OF COMMITTEE ACTIVITIES

New Judge Seminar

The annual New Judge Seminar was presented to 58 new judges in January, 2009. The week long program provided intensive education and training to new judges in substantive legal and procedural areas, and courtroom management. An in-depth introduction to judicial ethics and conduct was provided, and upon the Court's request, issues of judicial attendance, timeliness, and other conduct that promotes public confidence in the courts were incorporated throughout the week. The seminar received an average evaluation score of 4.8 out of 5 in terms of overall quality, as well as performance of faculty members. This is the fifth consecutive presentation to receive an overall score of 4.8/5.0.

Planning for the 2009 New Judge Seminar, to take place December 7-11, 2009 in Chicago, is currently underway. All faculty, including new members, have been approved to teach at the seminar and the week's agenda also has been approved by the Court. Consistent with the Court's priorities to identify and incorporate emerging legal issues, the curriculum will be reviewed and updated as necessary to provide the most meaningful information to the new judges, and will highlight the Court's Statement of Expectations for Illinois Judges. Faculty will continue to utilize a "skills-based" approach to assist new judges in developing the skills of successful, effective jurists while maintaining sessions on substantive law on key topics. Seminar faculty work with the new judges to identify the key information and knowledge new judges need, and focus on critical skills new judges need to develop. This curriculum approach encourages faculty to include interaction, question and answer sessions, role playing and problem solving scenarios whenever possible. The use of the Turning Point audience response system will be a new addition to the New Judge Seminar as a valuable teaching and learning tool.

At the end of most days, informational "kiosks" are held to provide practical information in short sessions that the new judge might not find elsewhere. Topics include Wedding Issues, SOJ Motions, Completion of Travel Vouchers, How to Avoid Reversal, and Sealing Court Files.

2008-2009 Seminar Series

The 2008-2009 Seminar Series, composed of six mini and regional seminars, three of which were presented twice, provided highly regarded educational opportunities to the over 300

Illinois judges who attended. Appendix 4 provides the list of seminars, the full attendance report, and the overall evaluation scores for each seminar, which were excellent and ranged from 4.3 to 5.0 out of 5. These seminars were offered in locations throughout the state and covered a wide range of subject matter, allowing for relevant and meaningful learning opportunities to judges with various levels of experience and all areas of bench assignment.

2009-2010 Seminar Series

The Court has approved initial plans developed and submitted by the Committee on Education for several upcoming seminars. The 2009-2010 Seminar Series will be condensed into three seminars due to the expansive and comprehensive educational opportunities that Education Conference 2010 will provide to the Illinois judiciary. In October, 2009, the mini seminar, Handling Mental Health Commitments, will be conducted in Springfield. In November, 2009, the regional seminar, Challenging Issues for the Juvenile Court Judge, will be delivered in Springfield. It is anticipated the grant- funded DUI seminar will be offered in the Spring of 2010.

Advanced Judicial Academy

The design and delivery of the Advanced Judicial Academy, “Judicial Decision Making in a Democratic Society” was a success. Evaluation scores for the overall seminar quality were 4.5 out of 5. The week long seminar was held at the University of Illinois Law School in Champaign, and 78 judges from Illinois had the opportunity to participate. Nationally-renowned experts from various disciplines engaged and challenged the judges to consider and increase their understanding of the internal and external factors that influence their judicial decision making. Turning Point, a recently acquired technology that captures audience responses and immediately provides a visual report through PowerPoint using audience response cards, was used extensively at this event with very favorable feedback from the faculty and participants. The entire week of the Advanced Judicial Academy was recorded, and will be available on DVD for viewing by Illinois judges who were unable to attend.

Faculty Development

The provision of quality training opportunities to enhance the teaching skills of the judicial faculty members, who continue to make the educational seminars a success, remains a priority of the Committee on Education. Fifty-eight Illinois judges appointed to teach at upcoming seminars attended a Faculty Development seminar on May 28, 2009, in Oak Brook, focusing on adult learning and communication strategies. In addition, many attended

workshops to learn and/or improve their skills in producing and using PowerPoint presentations as teaching tools. For many of these judicial faculty members, the upcoming seminars will be their first teaching experience for the Illinois Judicial Conference, and the Committee on Education looks forward to supporting them through this rewarding experience.

The Illinois Judicial Benchbook Series

The Project Benchbook Editorial Board of the Committee on Education continued their work on the drafting, reviewing, and updating of the Judicial Benchbooks. The Illinois Judicial Benchbooks have proven to be valuable educational resources for judges' use, especially for quick reference at the bench or in chambers. Feedback has been extremely favorable from the judges who have taken advantage of this excellent product. Illinois Judicial Benchbooks have been completed on the following topics: Domestic Violence, Civil Law and Procedures, DUI/Traffic, Evidence, and Family Law and Procedure. These benchbooks have all been made available in hard copies, as well as CD's, and have been very popular among the many judges who have ordered and received them. In all, over 2,700 copies have been distributed by the AOIC. Updates are currently underway for these benchbooks, and the Committee's goal is to continue providing updates on an annual basis. At the time of this writing, the Illinois Judicial Benchbook on Criminal Law is near completion. A total of 566 requests have been submitted by Illinois judges for this resource.

Resource Lending Library

Usage Report for State Fiscal Year 2009

During State Fiscal Year 2009, 459 judges requested one or more items from the library, exclusive of the newly available five Judicial Benchbooks. Items consisted of permanent use items or items on loan. Of this number, 30% (138) were from Cook County, 69% (312) were from downstate, comprising 99% (450) patronage from trial judges, and 1% (9) patronage from appellate and supreme court justices. Nine-hundred twelve permanent use items were shipped to 447 judges, including, but not limited to, seminar reading materials, manuals and other materials. The total number of loan and permanent use items distributed to judges in State Fiscal Year 2009 was 924.

Non-Judicial Conference Judicial Education Programs and Providers

Several programs and education providers were added to the list of non-Judicial Conference judicial education opportunities available for attendance by Illinois judges and for

the awarding of continuing judicial education credit. These programs and providers were evaluated by the Committee using the criteria set forth in the Comprehensive Education Plan. Based on each program or provider's consistency with these criteria, the Committee provided recommendations to the Court. The programs reviewed by the Committee, which were subsequently approved by the Court, are listed in Appendix B. A workgroup of the Committee continues to receive and review requests for approval of programs and providers submitted by judges and sponsoring organizations.

Technology

The integration and expanded use of technology has been a priority for the Committee on Education in its preparation and delivery of educational opportunities. The use of a detailed database of previous judicial faculty members and new teaching volunteers has allowed for the selection of those judges who are experienced and skilled in educating their colleagues to continue teaching. It also allows the Committee to continually refresh the faculty pool with new faces and those with passions for continuing education. While all seminars have incorporated the use of technology to some degree, *Cyber Issues: Traditional Rules and Modern Technology*, a regional seminar presented twice, focused exclusively on the increasing use of technology and its impact and intersection with the law. Seminar resource materials and the *Judicial Benchbooks* are available on CD, in addition to hard copy form. Communications among planning workgroups are facilitated through e-mail list serves, and future seminars will have on-line registration. In addition, the *Judicial Resource Lending Library* is anticipated to be available online in the near future.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

The Committee requests that its work to develop ongoing judicial education resources for Illinois judges be continued in Conference Year 2010. This work would assist in the transition of new judges to the bench and continue providing challenging, meaningful judicial education resources to the entire Illinois judiciary through the implementation of the Court's Minimum Continuing Judicial Education provisions and through optional programs and resources. Specifically, the Committee on Education requests that the Court and the Illinois Judicial Conference continue to support its work in planning and delivering the 2009-2010 Seminar Series, the Education Conference 2010, the New Judge Seminar, the updating of the Illinois *Judicial Benchbooks*, and the revision of the Comprehensive Judicial Education Plan for Illinois Judges. In addition, the Committee asks for approval to begin preliminary planning for *Advanced Judicial Academy 2011*.

Education Conference 2010

A substantial amount of dedication and effort have been devoted by the Committee to the coordination and preparation of Education Conference 2010, which will be held in Chicago, February 1-5, 2010, and April 19-23, 2010. A fifteen member workgroup, divided into four smaller topical sections covering each core curriculum area, has completed the essential “behind the scenes” work developing the curriculum and recruiting faculty to teach 50 different courses. A review of the Education Conference 2008 evaluations, brainstorming among the Committee and the AOIC, and the results of a survey distributed to a sample of Illinois judges seeking feedback on proposed session topics were all invaluable in selecting the topics for Education Conference 2010. The Court has approved a full schedule with 50 different sessions, several of which will be offered twice. The schedule has been carefully organized to accommodate the varying needs and interests of our state's judiciary. This schedule will offer increased flexibility in scheduling and reaching the 30-hour education requirement. Judges will have the option of beginning on Monday with “pre-conference” sessions, and may choose up to two “early bird” sessions during the week.

An impressive group of almost 100 judges representing diversity in culture, gender, age and experience, geographical location, and assignment have been appointed by the Court as faculty for this extensive and comprehensive educational event. Each faculty group has been provided with a description of their session that was prepared by the workgroup, as well as assigned liaisons from the Committee and the AOIC to assist in the development of each session. The planning of each session and the corresponding written materials are currently underway. Appendix C provides a preliminary list of the session titles in each track.

New Judge Seminar

The Committee on Education plans to design and deliver a New Judge Seminar in January, 2011 for all judges taking the bench in the prior year. The Committee will continue to evaluate and refine the curriculum to ensure the smoothest possible transition for new judges to the bench. It is our hope that the Illinois Judicial Benchbooks will be utilized as reference material throughout the seminar, as well as original written materials and judicial resources for use on the bench.

2010-2011 Seminar Series

The Committee will plan and propose a schedule of Mini and Regional Seminars for the 2010-2011 Seminar Series. Consideration will be given to the content of Education Conference 2010 to provide unique and relevant opportunities for learning that may devote more significant

lengths of time to a particular topic. Faculty will be recommended by the Committee to the Court for approval, considering experienced faculty, as well as new judicial faculty volunteers.

Comprehensive Judicial Education Plan for Illinois Judges

The Committee on Education is in the process of reviewing the Illinois Supreme Court's Comprehensive Judicial Education Plan for Illinois Judges. Revisions and updates are being completed in order to submit a recommendation to the Court that will incorporate up-to-date information consistent with current practice and new policies.

Illinois Judicial Benchbooks

The Project Benchbook Editorial Board of the Committee on Education will continue its ongoing work on the publication and updating of the six Illinois Judicial Benchbooks for use as valuable judicial reference resources.

IV. RECOMMENDATIONS

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

2009 REPORT

Appendix A

Appendix A**Summary of the Illinois Judicial Conference Seminar Series 2008 - 2009**

Seminar Title	Date	Location	Rating (out of 5)	Enrollment
A Judge's Roadmap to Presiding Over Property-Related Litigation from Foreclosure to Tax Deeds and Stops in Between	October 7-8, 2008	Oak Brook	4.6	
	November 6-7, 2008	Springfield	4.7	
The Hidden Traps of Sentencing	November 20, 2008	Springfield	4.6	
	March 5, 2009	Chicago	4.5	
Tort Immunities	February 19, 2009	Matteson	4.6	
Cyber Issues: Traditional Rules and Modern Technology	March 19-20, 2009	Oak Brook	4.8	47
	May 21-22, 2009	Chicago	4.3	21
Practical Approaches to Substance Abuse Issues: DUI Offenders in State Courts	April 2-3, 2009	Chicago	4.5	
Literature and the Law Powerful Innocence: The Conflicting Promise of Protection for the Young	April 23-24, 2009	Springfield	5.0	

2009 REPORT

Appendix B

APPENDIX B**Approved non-Judicial Conference Judicial Education Programs**

The programs below were approved by the Court and added to the list of educational opportunities available for attendance and awarding of continuing judicial education credit for Illinois judges.

National Association of Women Judges

Midwestern Regional Leadership Conference held August 27-28, 2008, in Chicago

Northwestern Law's Judicial Education Program

Week Two of the Economic Institute for Judges held on May 12-16, 2008

Allerton Conference 2008: Civility Initiatives for Civil Litigation

Presented by the Illinois State Bar Association

National Association of Drug Court Professionals

14th Annual Training Conference held in St. Louis on May 28-31, 2008

George Mason University's School of Law's Law and Economics Center

2009 Programs for Judges

The Founders and Their Constitution, April 17-23, 2009

A Fresh Start Country, April 23-26, 2009

Discover Your Inner Economist, July 12-15, 2009

Mill on Liberty, October 15-18, 2009

Lincoln as President, October 18-21, 2009

The Strategic Constitution, October 21-24, 2009

Economic Analysis of Law, November 6-12, 2009

Science and the Law, November 30-December 6, 2009

American Institute for Justice, Inc.

Realities of Judging, November 9-14, 2008

Evidence, February 1-6, 2009

Science & the Law, May 10-15, 2009

Fact Finding Process, June 21-26, 2009

Documents and Rules of Evidence, July 25-30, 2009

Supreme Court & Trends, September 12-17, 2009

Realities of Judging, May 29-June 3, 2010

Appendix C

Appendix C**Titles of Sessions to be Presented at Education Conference 2010 by Track**

Judicial Conduct, Professionalism and Ethics	
Opening Plenary on Diversity and Professionalism in the Courts Disabilities in the Courtroom Literature and the Law: Cultural Differences in the Courtroom Judicial Campaign Issues Stress Management Legal and Ethical Issues in <i>Pro Se</i> Litigation	Jury Representation Judicial Ethics of Ex Parte Communication Judicial Inquiry Board Disqualification and Recusal News Media and the Courts Day in the Life of a Judge Faculty Development
Civil Law and Procedure	
Updates and Hot Topics When Civil Rulings May and Should be Appealed Skill Building for Settlement Conferences Civil Law: The "Big Three" Evidentiary Issues in Auto Tort Cases	Civil Motions Survey Class Pretrial Civil Discovery, Electronic Discovery, and Case Management Issues Injunctions Civil Evidentiary Issues at Trial Declaratory Judgments
Criminal Law and Procedure	
Search & Seizure Criminal Law Updates and Hot Topics Anatomy of a Criminal Case D.O.C. Programs Updates in Domestic Violence The Three Stages of Post Conviction Petitions Sexually Violent Persons in the Courtroom Cyber Issues in Criminal Law Handling Drug Cases: The Real World Guilty Pleas - The Bread and Butter of Criminal Law	You Sentenced the Defendant to do What? Statutory Rules of Evidence in Criminal Cases How can Evidence-Based Practices Help Make Me a Better Judge? Part I: Introduction/Refresher on the Principles of EBP Part II: Mock Hearing on the Pre-Sentence Investigation Report DUI Issues and Demonstrations Fitness Mental Health Court/Veterans Courts
Family Law and Procedure	
Mental Health Issues Affecting Children Family Law Updates Hot Topics in Family Law: The Martial Residence Visitation and Custody The Decision to Hold a Minor in Custody: Are There Better Alternatives? Conducting the Effective Child Interview	Financial Issues or Valuation Issues in Family Law Mediation and Other Supreme Court Rule 900 Issues Juvenile Law Updates and Hot Topics Adoption and Guardianship Updates

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

Hon. Eugene P. Daugherty, Chair

Hon. Mary Ellen Coghlan
Hon. Stephen J. Culliton
Hon. Michael J. Gallagher
Hon. John T. McCullough
Professor Martha A. Pagliari

Hon. Carolyn Quinn
Mr. William R. Quinlan, Sr., Esq.
Hon. Daniel J. Stack
Hon. James M. Wexstten
Hon. Kathryn E. Zenoff

October 2009

I. STATEMENT ON COMMITTEE CONTINUATION

The members of the Illinois Judicial Conference Study Committee on Complex Litigation include circuit court and appellate court judges from across the state who possess significant experience in presiding over civil and/or criminal complex litigation cases. The Committee is charged with making 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. In past Conference years, the Committee has endeavored to create and maintain the *Illinois Manual for Complex Civil Litigation* and the *Illinois Manual for Complex Criminal Litigation* by providing yearly updates and supplements to both volumes. The Committee also has studied and made recommendations on rules, policies and procedures involving complex litigation as requested by the Supreme Court.

For Conference Year 2009, the Court's charge to the Committee contained two continued projects/priorities from Conference Year 2008. First, the Committee was asked to review the IJC Committee on Education *Criminal Law and Procedure Benchbook* and to consider appropriate revisions to the *Manual on Complex Criminal Litigation* so that the two resources remain unique and do not significantly overlap in information. This project was carried over from 2008 and reassigned for Conference Year 2009 as the Committee awaited completion of the Criminal Law and Procedure Benchbook. Additionally, the Committee was asked to revise the ADR chapter in the Civil Manual to add text regarding declaratory judgment cases.

With respect to projects/priorities identified for the current Conference Year, the Committee was charged with (1) drafting text on construction cases for inclusion in the Civil Manual, (2) drafting a Fourth Edition of the Civil Manual, and (3) undertaking any such other projects or initiatives that are consistent with the Committee charge.

The Committee believes that its work continues to be of value to the mission of the Conference and that the Complex Litigation Manuals provide a unique reference for Illinois judges who hear complex cases. As such, the Committee respectfully requests that it be continued as a full standing committee of the Illinois Judicial Conference in order to complete its work on the aforementioned projects.

II. SUMMARY OF COMMITTEE ACTIVITIES

The following offers a brief summary of the Committee's work on those projects/priorities added in Conference Year 2009, as well as the status of projects/priorities carried over from Conference Year 2008.

A. Conference Year 2009 Projects/Priorities**1. Draft text on construction cases for inclusion in the Civil Manual**

The Committee engaged in discussions on construction cases and determined this subject would be included in the new edition of the Civil Manual, as discussed below. The Committee concluded that organization and drafting of the new Civil Manual would be the primary focus of the 2009 Conference Year.

2. Draft a 4th Edition of the Civil Manual

At the beginning of the 2009 Conference Year, the Committee reviewed its prior discussions on the need for a new edition of the Civil Manual on how best to approach this project. The Committee members agreed that, after several years of compiled updates and supplements, the Manual had developed into more of a treatise of substantive law, as opposed to a practical “how to” guide for judges, which was the intent of the original drafters. The members therefore committed to drafting a new edition that redirected the Manual to the original focus. As such, the Fourth Edition will be more condensed, and much of the older informational text, along with some of the substantive discussions on law and procedure considered to be routine today, will be eliminated. For example, the Committee concluded that the current chapter on summary judgment contained very basic information which was not necessary for a complex litigation manual. The Committee agreed that the Manual should assume some level of knowledge on the part of the judge and, in addition, the intent and focus of the Manual should be to provide a unique resource for Illinois complex litigation.

Consistent with its charge, the Committee determined to include a chapter on construction cases, as well as new discussion in the Alternative Dispute Resolution chapter with respect to declaratory judgments. The Committee agreed that the Civil Manual was not lacking in any major subject areas or issues, but the members noted that some sections should be reorganized so that the information flowed more logically.

With respect to planning and process, the Committee determined that the members initially would embark on a collaborative effort to create and finalize a detailed outline for the Manual. Thereafter, subjects from the Civil Manual - and new subjects consistent with the Committee charge - were assigned to each member for outline development. Upon full Committee approval of the proposed chapter outlines, the Professor/Reporter was requested to draft the initial text for the various chapters and forward them to the assigned members for review and editing. The revisions, if any, would then be returned to the Professor/Reporter for inclusion in the draft text. The full Committee would provide a final review to the revised text and, after including any additional changes, the chapter would be finalized.

As part of this discussion, the members considered certain new features which would be helpful to a judge utilizing this type of practical guide when navigating a complex case. The Committee determined that including form orders, which could be downloaded for use by judges, should be included within the chapter pertinent to that subject matter, as opposed to the current use of an appendix. The members also agreed to utilize an “essential elements” section or checklist for the various topics in the Manual, which a judge could review and fill in on a particular case. Additionally, the Committee decided to curtail, or even eliminate completely, the use of footnotes. It was the consensus of the Committee that these new drafting mechanisms would result in a more streamlined, user friendly resource which would allow a judge to more quickly locate and reference information.

As of the drafting of this Report, the Committee had reviewed and approved the draft text of Chapter 1 of the new Civil Manual concerning preliminary problems and pre-trial procedures. The new Chapter 1 conflates and streamlines information currently contained in Chapters 1, 2 and 3 of the 3rd Edition. The Professor/Reporter currently is drafting the next chapter on discovery. The Committee hopes to complete much of the Civil Manual during Conference Year 2010.

B. Conference Year 2008 Continued Projects/Priorities

1. Review the *Criminal Law and Procedure Benchbook* created by the IJC Committee on Education and consider appropriate revisions to the Criminal Manual

As part of the Continued Projects/Priorities from Conference Year 2008, the Committee was asked to review the *Criminal Law and Procedure Benchbook* created by the IJC Committee on Education and to consider appropriate revisions to the Criminal Manual. At the initial meeting of this Conference year, the Committee had confirmed that the *Criminal Law and Procedure Benchbook* was still being finalized. As such, the Committee determined that this project would have to be put over to the next Conference year.

2. Revise the ADR Chapter in the Civil Manual to Address Declaratory Judgment Cases

The Committee also was charged with revising the ADR chapter in the Civil Manual to add text regarding declaratory judgment cases. The Committee reviewed the ADR chapter in this regard and determined that it would include the requested text in the revised edition of the Civil Manual discussed above.

In previous years, the Committee was charged with the continuing task to revise and update both the Civil and Criminal Manuals and review the forms contained in the appendixes to both manuals to determine that they are current and remain good law. In light of the fact that the Committee is drafting a new edition of the Civil Manual, no updates were created during Conference Year 2009.

With respect to the Criminal Manual, the Committee anticipates that the IJC Committee on Education *Criminal Law and Procedure Benchbook* will be finalized in the near future and available for review. Upon completion, the Committee will review the benchbook and determine what revisions to the Criminal Manual are necessary to avoid overlap and assure that the Manual remains a unique product. As such, no updates or supplements were created for the Criminal Manual during Conference Year 2009.

Both the Civil and Criminal Manuals will continue to be available in CD-ROM format, which affords users the convenience of downloading with hyperlink and search capabilities.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During the next Conference year, the Committee will continue to draft, review and approve chapters on various civil complex litigation issues in order to produce the new Fourth Edition of the Civil Manual. The Committee also anticipates review of the final Committee on Education *Criminal Law and Procedure Benchbook*, when available, in order to make necessary changes to the Criminal Manual and thereby assure that it remains a unique reference for complex criminal litigation, *ie.* a “how to” guide for judges managing complex criminal cases.

The Committee’s new edition of the Civil Manual will include form orders for each chapter and, where appropriate, create uniform orders for use throughout the state. Anticipated revisions to the Criminal Manual also may include creation of uniform orders for utilization statewide.

IV. RECOMMENDATION

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

2009 REPORT

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

Hon. John R. McClean Jr., Chair

Hon. C. Stanley Austin
Hon. Susan Fox Gillis
Hon. Diane M. Lagoski
Hon. Patricia M. Martin

Hon. Elizabeth A. Robb
Prof. Lawrence Schlam, Reporter
Hon. Milton S. Wharton
Hon. Lori M. Wolfson

October 2009

I. STATEMENT ON COMMITTEE CONTINUATION

It is the function of the Study Committee on Juvenile Justice (Committee) to review and assess practices related to the processing of juvenile delinquency, abuse, neglect, and dependence cases. The Committee's stated purpose is to provide judges with current developments in the processing of juvenile court cases through up-dating and distributing the *Illinois Juvenile Law Benchbook*.

The Juvenile Law Benchbook, which consists of Volumes I and II, is designed to provide judges with a practical and convenient guide to procedural, evidentiary, and substantive issues arising in juvenile court proceedings. Each volume is organized by transaction, 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 ends with post-disposition matters such as termination of parental rights proceedings, termination of wardship, and appeal. 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 a particular county/circuit. Each volume is intended to provide judges with an overview of juvenile court proceedings, to direct them to relevant statutory provisions and case law, to highlight recent amendments, and to identify areas that present special challenges. Historically, the Committee has focused its attention on creating and updating this benchbook, each volume of which is updated every other year.

The Committee therefore believes that its work in providing instruction on the continually developing area of juvenile law is a valuable source of information for judges, who preside over juvenile matters in Illinois. For this reason, the Committee requests that it be permitted to continue its work in Conference Year 2010.

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. The Committee also is charged with preparing supplemental updates to the Juvenile Law Benchbook for distribution to judges presiding over juvenile proceedings. Finally, the Committee's charge includes 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.

Consistent with its charge, during this Conference year, the Committee will complete its update of Volume I of the Juvenile Law Benchbook. Volume I, published in 2000 and most recently updated in 2007, addresses proceedings brought in juvenile court that involve allegations of delinquency, addicted minors, minors requiring authoritative intervention (MRAI) and truant minors in need of supervision. It also addresses confidentiality and juvenile court records. In preparing the update to Volume I, the Committee researched statutory changes and relevant case law through June, 2009. In particular, the Committee has been tracking the status of House Bills 1129, 2298, and 2627, which propose amendments to the Juvenile Court Act concerning the admissibility of evidence, the vacating of a delinquency finding, and the detaining of a minor. The Committee reasonably anticipates that its update to Volume I will be available for the New Judge Seminar in December, 2009. Through its work on the benchbook, along with member participation in various juvenile law seminars, the Committee remains interested in the education of judges in juvenile issues.

B. Conference Year 2008 Continued Projects/Priorities

The following subjects represent the projects/priorities assigned by the Court to the Committee for consideration in Conference Year 2008, which were extended into Conference Year 2009.

1. "Problem Solving Courts"

The Court requested that the Committee study, examine and report on the efficacy of "Problem-Solving Courts" in the management of juvenile delinquency, abuse, neglect, and dependency cases, including the creation of standards and conformity for data collection. In Conference Year 2008, the Committee studied and reported to the Court about juvenile drug courts in Cook, Kane, Peoria and Will counties. As the Committee discovered this Conference year, however, each of the programs utilizes different criteria and collects limited statistics as to the program's effectiveness. In particular, there appear to be no analytical data, such as recidivism rates for those successfully completing the program, to measure the effectiveness of the program. For example, the statistics for Peoria County's Juvenile Drug Court indicate that from 2008 through April 2009, there were 17 participants with 9 graduating, 1 unsuccessful completion, 6 pending in the program and 1 on warrant status. The Committee therefore concluded that other states' standards and data collection should be studied to gain insight on establishing more effective juvenile drug courts in Illinois.

2. Mental Health Services

The Committee was assigned the project of examining the availability and adequacy of mental health evaluations and services for juveniles in Illinois, including researching the issue in other states in order to gain insight on practices that might prove beneficial in Illinois. In Conference Year 2008, the Committee outlined for the Court the results of a survey administered to the judicial circuits in Illinois. The survey results indicated that there is a lack of mental health services available to juveniles in various regions of Illinois primarily due to scarcity of providers and funding.

During the past Conference year, the Committee's research focused on the Models for Change, which is a long-term national initiative funded by the MacArthur Foundation to accelerate reform of juvenile systems across the country. The Initiative is based on an evidence-based approach to juvenile justice reform, and promotes a variety of systems reform models that are grounded in the core principles of fundamental fairness; developmental differences between youth and adults; individual strengths and needs; youth potential; responsibility; and safety. By focusing its resources in a small number of key states, the Initiative seeks to create successful and replicable models for juvenile justice reform, including the area of mental health. The goal of the Initiative with respect to mental health for juveniles is that professionals in the fields of juvenile justice, child welfare, mental health, substance abuse, and education would work collaboratively to meet the mental health needs of youth without unnecessary juvenile justice system involvement. Specifically, the Initiative seeks to respond to the mental health needs of juveniles through early identification of youth with mental health needs, diversion from the system where appropriate, and timely access to appropriate treatment.

Following the Initiative's launch in Pennsylvania in 2004, the Initiative expanded to Illinois in 2005, to Louisiana in 2006 and to Washington in 2007. Pennsylvania and Washington have focused on improving access to mental health programs and services for juveniles. In particular, the Committee found the Initiative's work in Pennsylvania to be instructive with respect to encouraging collaboration among diverse groups to provide mental health services for juveniles. For example, Pennsylvania has outlined the following strategies to improve the coordination of and access to juvenile mental health services: (1) collaborations at the state and county levels among the agencies responsible for juveniles with mental health problems in the child welfare and juvenile justice systems; (2) creation of interagency teams to expedite placement of juveniles into appropriate programs; (3) adoption of a single multi-system screening and assessment instrument for all young offenders; (4) promulgation of policies to reduce contact with the juvenile justice system for juveniles with mental health needs and divert them into community-based programs; (5) development of blended or integrated funding

strategies; and (6) delivery of evidence-based practices and programs. Although adopting similar strategies in Illinois would appear to be beneficial, the Committee expressed frustration in recommending such efforts given the lack of funding available. The Committee therefore concluded that, given the limited resources available, it was necessary to look outside traditional resources for providing mental health services to juveniles.

C. Conferences Year 2009 Projects/Priorities

The Court requested that the Committee explore the applicability of the two varying standards used in guardianship cases: (1) the best interests of the minor standard arising from the Juvenile Court Act and (2) the superior rights standard arising from the Probate Act. In discussing the two standards, the Committee has been monitoring the status of pending legislation, which may resolve the issue of the standard appropriate in guardianship cases. Senate Bill 1430 seeks to amend the Probate Act to provide that a guardianship shall not be terminated by a court unless the court finds, based upon clear and convincing evidence, that there has been a material change in circumstances since the guardianship was created and that termination is in the minor's best interest. The Committee noted that the intent of the amendment seems to be to bring the Probate Act in conformity with the Juvenile Court Act. As of this writing, the bill remains pending in the House.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During the 2010 Conference Year, the Committee seeks to update Volume II of the *Illinois Juvenile Law Benchbook*, which addresses juvenile court proceedings involving allegations of abused, neglected and dependent minors. The Committee requests that it be permitted to continue its work with juvenile drug courts by studying other states with the hope of gaining suggestions on appropriate standards and data collection. Lastly, the Committee would like to continue its work with juvenile mental health services by studying programs in other states to obtain suggestions on better providing such services to juveniles in Illinois.

IV. RECOMMENDATIONS

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

2009 REPORT

Alternative Dispute Resolution Coordinating Committee

CONFERENCE YEAR 2009

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

Hon. Patricia Banks	Hon. Michael D. Kramer
Hon. John P. Coady	Hon. Ralph J. Mendelsohn
Hon. Claudia Conlon	Hon. Stephen R. Pacey
Hon. Robert E. Gordon	Hon. Lance R. Peterson
Hon. David E. Haracz	Hon. John O. Steele
Hon. Carl Anthony Walker	

Associate Members

None

Advisors

Hon. Harris H. Agnew, Ret.	Mr. Kent Lawrence, Esq.
Hon. John G. Laurie, Ret.	

COMMITTEE STAFF LIAISON: Anthony Trapani

Automation and Technology Committee

CONFERENCE YEAR 2009

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.

COMMITTEE ROSTER

Conference Members

Hon. Kenneth A. Abraham

Hon. Adrienne W. Albrecht

Hon. William G. Schwartz

Associate Members

Hon. Francis J. Dolan

Advisors

None

COMMITTEE STAFF LIAISON: Skip Robertson

Committee on Criminal Law and Probation Administration

CONFERENCE YEAR 2009

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

Conference Members

Hon. Ann Callis	Hon. Steven H. Nardulli
Hon. Kathy Bradshaw Elliott	Hon. Lewis M. Nixon
Hon. Daniel P. Guerin	Hon. Patrick J. Quinn
Hon. Janet R. Holmgren	Hon. James L. Rhodes
Hon. John Knight	Hon. Mary S. Schostok
Hon. Paul G. Lawrence	Hon. Mitchell K. Shick
Hon. Charles McRae Leonard	Hon. Domenica A. Stephenson
Hon. Leonard Murray	Hon. Michael P. Toomin

Hon. Walter Williams

Associate Members

None

Advisors

None

COMMITTEE STAFF LIAISONS: Cheryl Barrett & B. Paul Taylor

Committee on Discovery Procedures

CONFERENCE YEAR 2009

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

Hon. Maureen E. Connors	Hon. Kimbara G. Harrell
Hon. Deborah Mary Dooling	Hon. Mary Anne Mason
Hon. James R. Glenn	Hon. James J. Mesich
Hon. John B. Grogan	Hon. Jeffrey W. O'Connor
Hon. Kenneth L. Popejoy	

Associate Members

None

Advisors

Mr. David B. Mueller, Esq.	Mr. Eugene I. Pavalon, Esq.
Mr. Paul E. Root, Esq.	

COMMITTEE STAFF LIAISON: Jan B. Zekich

Committee on Education

CONFERENCE YEAR 2009

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

Conference Members

Hon. Robert J. Anderson	Hon. Jerelyn D. Maher
Hon. Elizabeth M. Budzinski	Hon. Michael J. Murphy
Hon. Mark H. Clarke	Hon. Mary K. O'Brien
Hon. Joy V. Cunningham	Hon. Stuart E. Palmer
Hon. Shelvin Louise Marie Hall	Hon. M. Carol Pope
Hon. Susan F. Hutchinson	Hon. Jane Louise Stuart
Hon. Vincent J. Lopinot	Hon. Lisa Holder White

Associate Members

Hon. Andrew Berman	Hon. Gregory K. McClintock
Hon. James K. Borbely	Hon. William T. O'Brien
Hon. Craig H. DeArmond	Hon. Tracy W. Resch
Hon. James R. Epstein	Hon. Daniel B. Shanes
Hon. Nancy J. Katz	Hon. Scott A. Shore
Hon. Kathleen O. Kauffmann	Hon. Ronald D. Spears
Hon. Katherine M. McCarthy	Hon. Mary Jane Theis

Advisors

None

COMMITTEE STAFF LIAISON: Michael J. Tardy

Study Committee on Complex Litigation

CONFERENCE YEAR 2009

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

Conference Members

Hon. Mary Ellen Coghlan
 Hon. Stephen J. Culliton
 Hon. Eugene P. Daugherty
 Hon. Michael J. Gallagher

Hon. John T. McCullough
 Hon. Carolyn Quinn
 Hon. Daniel J. Stack
 Hon. James M. Wexstten

Hon. Kathryn E. Zenoff

Associate Members

None

Advisors

Mr. William R. Quinlan, Sr., Esq.
 Professor Martha A. Pagliari, Professor-Reporter

COMMITTEE STAFF LIAISON: Marcia M. Meis

Study Committee on Juvenile Justice

CONFERENCE YEAR 2009

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 updating 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 such 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. Elizabeth A. Robb
Hon. Milton S. Wharton

Hon. Lori M. Wolfson

Associate Members

None

Advisors

Hon. Patricia M. Martin
Professor Lawrence Schlam, Professor-Reporter

COMMITTEE STAFF LIAISON: Jan B. Zekich

2009 REPORT