

**REPORT  
OF THE  
ILLINOIS JUDICIAL  
CONFERENCE  
2010**

**2010 REPORT**

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## 2010 REPORT

**ROSTER OF JUDICIAL CONFERENCE OF ILLINOIS**

The following are members of the Judicial Conference of Illinois during the 2010 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. Michael J. Gallagher  
Chairman, Executive Committee  
First District Appellate Court

Hon. Sue E. Myerscough  
Presiding Judge  
Fourth District Appellate Court

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

Hon. Richard P. Goldenhersh  
Presiding Judge  
Fifth District Appellate Court

Hon. William E. Holdridge  
Presiding Judge  
Third District Appellate Court

**2010 REPORT**APPOINTEES

Hon. Robert J. Anderson  
Circuit Judge  
Eighteenth Judicial Circuit

Hon. Nancy Jo Arnold  
Circuit Judge  
Circuit Court of Cook County

Hon. C. Stanley Austin  
Associate Judge  
Eighteenth Judicial Circuit

Hon. Patricia Banks  
Circuit Judge  
Circuit Court of Cook County

William J. Becker  
Associate Judge  
Fourth Judicial Circuit

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

Hon. Liam C. Brennan  
Associate Judge  
Eighteenth Judicial Circuit

Hon. George Bridges  
Associate Judge  
Nineteenth Judicial Circuit

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

Hon. Ann Callis  
Chief Judge  
Third Judicial Circuit

Hon. Diane Gordon Cannon  
Circuit Judge  
Circuit Court of Cook County

Hon. John E. Childress  
Associate Judge  
Seventh Judicial Circuit

Hon. Mark H. Clarke  
Chief Judge  
First Judicial Circuit

Hon. LaGuina Clay-Clark  
Associate Judge  
Circuit Court of Cook County

Hon. Claudia Conlon  
Circuit Judge  
Circuit Court of Cook County

Hon. Maureen E. Connors  
Appellate Court Judge  
First Appellate Court District

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

Hon. Eugene P. Daugherty  
Circuit Judge  
Thirteenth Judicial Circuit

Hon. Frank R. Fuhr  
Circuit Judge  
Fourteenth Judicial Circuit

Hon. James R. Glenn  
Circuit Judge  
Fifth Judicial Circuit

Hon. Katherine Gorman Hubler  
Associate Judge  
Tenth Judicial Circuit

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

Hon. Daniel P. Guerin  
Circuit Judge  
Eighteenth Judicial Circuit

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. Kimberly G. Koester  
Circuit Judge  
Fourth Judicial Circuit

Hon. Diane M. Lagoski  
Circuit Judge  
Eighth Judicial Circuit

Hon. Paul G. Lawrence  
Circuit 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. Michael J. Murphy  
Appellate Court Judge  
First Appellate Court District

Hon. Leonard Murray  
Associate Judge  
Circuit Court of Cook County

Hon. Lewis Nixon  
Circuit Judge  
Circuit Court of Cook County

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

Hon. David K. Overstreet  
Circuit Judge  
Second 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  
Circuit Judge  
Thirteenth Judicial Circuit

Hon. Kenneth L. Popejoy  
Circuit Judge  
Eighteenth Judicial Circuit

Hon. Joan E. Powell  
Circuit Judge  
Circuit Court of Cook County

Hon. Carolyn Quinn  
Associate Judge  
Circuit Court of Cook County

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

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. Daniel J. Stack  
Circuit Judge  
Third Judicial Circuit

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

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

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

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

Hon. Stephen J. Culliton  
Chief Judge  
Eighteenth Judicial Circuit

Hon. Elizabeth A. Robb  
Chief Judge  
Eleventh Judicial Circuit

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

Hon. Robert B. Spence  
Circuit Judge  
Sixteenth Judicial Circuit

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

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

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

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

## 2010 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

Hyatt Regency Chicago Hotel  
Chicago, Illinois

## AGENDA

Thursday, October 21, 2010

- |                           |  |
|---------------------------|--|
| <b>7:30 - 9:00 a.m.</b>   | <b>Buffet Breakfast &amp; Registration</b>   |
| <b>9:00 - 10:30 a.m.</b>  | <b>Committee Meetings</b> <ul style="list-style-type: none"> <li>• <i>Alternative Dispute Resolution Coordinating Committee</i></li> <li>• <i>Automation and Technology Committee</i></li> <li>• <i>Committee on Criminal Law and Probation Administration</i></li> <li>• <i>Committee on Discovery Procedures</i></li> <li>• <i>Committee on Education</i></li> <li>• <i>Study Committee on Complex Litigation</i></li> <li>• <i>Study Committee on Juvenile Justice</i></li> </ul>   |
| <b>10:45 - 11:30 a.m.</b> | <b>Judicial Conference Address</b><br><i>Honorable Thomas R. Fitzgerald, Chief Justice, Supreme Court of Illinois</i>  |
| <b>11:30 - 12:30 p.m.</b> | <b>Luncheon</b>  |
| <b>12:30 - 4:30 p.m.</b>  | <b>Plenary Session</b> <ul style="list-style-type: none"> <li>• <i>Call to Order by Honorable Thomas R. Fitzgerald, Chief Justice</i></li> <li>• <i>Presentation of Consent Calendar</i></li> <li>• <i>Presentation of Committee Reports &amp; Discussion</i> <ul style="list-style-type: none"> <li><i>Study Committee on Complex Litigation</i></li> <li><i>Committee on Criminal Law and Probation Administration</i></li> <li><i>Study Committee on Juvenile Justice</i></li> <li><i>Committee on Education</i></li> </ul> </li> <li>• <i>Break; Committee Reports &amp; Discussion Resume</i> <ul style="list-style-type: none"> <li><i>Alternative Dispute Resolution Coordinating Committee</i></li> <li><i>Committee on Discovery Procedures</i></li> </ul> </li> </ul> <p style="margin-left: 40px;"><i>(Moderators: Hon. Robert L. Carter, Hon. Timothy C. Evans, Hon. Susan Fox Gillis, Hon. John Knight)</i></p> |
| <b>4:30 p.m.</b>          | <b>Adjourn</b>   |

## 2010 REPORT

**2010 Annual Illinois Judicial Conference**  
**Thursday, October 21, 2010**  
**10:45 a.m.**  
**Hyatt Regency Chicago**  
**Chicago, Illinois**  
**Honorable Thomas R. Fitzgerald, Chief Justice**

Good morning, welcome to the 57th Annual Illinois Judicial Conference. On behalf of my colleagues, I thank you.

A few introductions before we begin. Generally when people are making introductions, they tell you don't applaud until the other 150 people are introduced.

For the Supreme Court Justices, I would think we could give them a special applause. With that then, let me first of all acknowledge my dear friend and former colleague, Justice Philip Rarick. And there are two justices from Chicago, Cook County, the Senior Judge in our court, Justice Charles Freeman, and we are also joined by Justice Anne Burke, who is no longer going to be the youngest judge on the bench. The youngest in appearance, almost. Rita Garman just ties her just perfectly. Justice Bob Thomas can't be with us today, but I ask that we acknowledge him anyway. And the same is true of our next Justice, Tom Kilbride, who will be our next Chief Justice, if we could acknowledge him as well. From the Fourth District, another applause is to Justice Garman, and finally, Justice Lloyd Karmeier.

Let me recognize the members of the Executive Committee as well as the chairs and members of the other various committees. If you would rise now, we'd acknowledge, that may be everybody in the room, that's fine. So if we could have the Executive Committee, the chairs and the members of the committees stand up.

Traditionally at this gathering of our state judges, the Chief Justice of the Supreme Court addresses the Conference to highlight the annual reports from the committees. But if it's all right with you, in light of my status as a soon-to-be former chief justice, I would like to talk a little bit about something more personal. And if I have your permission, I would like to give you a short recess of my career, a short review of my career. I'd like a recess from it too as well.

My purpose is to establish the fact that I have been so fortunate to be in this job and not that I did it somewhat better than anybody, because I didn't. With apologies to Lou Gehrig and without the echo, a short review. For the past two months you have been reading that I received a bad break, yet today I consider myself the luckiest man in the State of Illinois. What establishes that is the fact that I've been so fortunate in the positions that I've held over the past 30 years or so, and I would like to talk to you about them a little bit. It's my experiences as a lawyer and a judge in the state that have been so rewarding, and left me with a lifetime's worth of fond memories.

I began my career in the office of Cook County State's Attorney. It was located then in a building on the point corner of Roosevelt Road and Western Avenue. It was a building that might have been built in the 19th century. I don't know that literally to be true, but I think it may have been. But it was my first assignment in the Cook County State's Attorney's Office to that court. The day I was there, this may be urban legend, the day I was there, somebody was pushed down an elevator shaft the first day I was there. I don't know if that's true or not true, but that's what they

said at the time. The thing that was really remarkable about the Cook County State's Attorney's Office at the time that I was in it, was that there was no long wait to try the big case. You got your chance early on and there were some remarkable people that did that, and I would point to one case of some significance and the lawyers on that case. Richard Speck, you will all remember. The prosecutors in that case, the first and second chair, Bill Martin was the first chair and George Murtaugh was the second chair. One of them had three years in the office, one of them had 18 months in the office. They were joined by people who were less senior in the office, but some special learning in the self-defense area. Joel Flaum, a name you may have heard, former Chief Judge of the 7th Circuit, present member of the 7th Circuit Court of Appeals, and Jim ZageI, who has a pretty big trial coming up. All of these people were short in experience, but trying the big case. Indeed, I was elected to the Circuit Court of Cook County in 1976. At the time I was elected, I wasn't the youngest elected ever, I was the youngest at the time and two years later, by the way, I was joined by another pretty good lawyer, Donald O'Connell, who was not senior to me, so there we go.

This particular assignment lasted about ten years. The job had been to do the work of the trial judge, preside over trials, impose sentences and attempt to do the best to be fair to both sides. I assumed that this work in the trial court of the criminal division would be my life, and I was perfectly happy with it. I was delighted with it, as a matter of fact. But random events often produce realities that you do not expect. At this time sitting in my courtroom at 26th and California, I began to hear rumors of a federal investigation. When I heard the rumors myself and was told the names of some of the people involved, I chose to disbelieve it. I just didn't believe it could be so, and yet those rumors were followed by indictments and those indictments were followed by convictions. As it turned out this group of people gave up everything. Everything. Their liberty, their property, their good name, and they did it in some instances for what was the cost of a bar bill.

I suggest that we not bury Greylord, but that we remind people of Greylord. There should be a constant repeated promise to yourself that this will never happen again, and I think it helps if the younger judges actually know a little bit about it. Know that it did in fact happen, and know that it was people that were pretty much like them. The only difference was whether you made the commitment to do the right thing or whether you didn't. So I think that if I leave you with nothing else today, it's a reminder. It's awful, it happened, but it's within the course of our memory and we shouldn't forget it. In that investigation 92 officials were charged, including 17 judges and 48 lawyers. No women. Could it be the same today? We're going to talk just a little bit in that area later on. In the wake of the Greylord investigation and the convictions, I was assigned to be the supervising judge in the traffic court. I knew in some vague way I was supposed to straighten things out up there, kind of the way it came down there. And I made a decision that the way to avoid corruption was to be the lawyers that we were supposed to be, to do things like lawyers and not permit, which is an open invitation for corruption, random dismissals of cases which was going on there.

I can remember the first day that I walked back into traffic court. Remember, I'd been there earlier as an Assistant State's Attorney, but I went up to see what the movie was all about. We later looked to do a treatment-type court for these cases too, and I'll talk a little bit about that in a minute. But the solution to the problem of too many cases was to have a short traffic safety film that was displayed to the defendants, and once they completed watching the movie, they were discharged. In theory, not bad at all. But here's what I saw. I walked up with the deputy sheriff, up into the back of the room that they were showing the movie. Nobody was sitting down. There was a line of people walking through the room and I realized later that these were the people that were being

discharged. Their sentence was to walk through the room that the movie was in while the movie was on, not to sit down and watch the movie, but just to walk through it and dispose of a lot of cases that way. But it wasn't what they were supposed to be doing. The thing that I, and I remember this vividly, I realized that day that there were virtually no assistant corporation counsels assigned to the traffic court. So there was nobody representing the City of Chicago at that time in those courts, and the judge was left to do it on his or her own. His own. I've established that. And it was just a mistake. You cannot change the rules. If the rule is call the case and listen to the evidence and make a decision, it's pretty simple. It doesn't say walk through the room while the movie is on. I called Judson Minor, the corporation counsel, and I told him that if by a certain day, and I picked whatever the day it was, a week to two in the future, there were no assistant corporation counsel and there was a courtroom without an assistant corporation counsel prepared to prosecute the case, we would dismiss the case for want of prosecution. The judges would do that. He was delighted to have an opportunity to come back into the court, and that was one of the first efforts we made in trying to change the culture.

We didn't give up on traffic safety. We went to the Northwestern University Traffic Safety School and had them develop a four-hour program for us that's in some similar manner still there at the traffic court. It's now been online. It's very high tech. But at the time that we did this, it looked more like a court. And I think that what we get, what we offered, the four-hour traffic safety program, was no walk in the park, so to speak.

Since that time tens of thousands of people have been through the traffic safety school. Now, the fact is the traffic safety school actually was about traffic safety and there are, I think, people probably alive who attended this class if they followed the directions. I remember just something I put in my own driving repertoire the school taught, was that if you were faced with a head-on accident you should turn to the right, because the chances are that the car coming towards you would turn to the right as well. It was a serious business. It wasn't just administrative.

The other thing that strikes me about the memorable traffic court event is in order to help change the culture, I was sent the whole class of associate judges at one time. So I had almost 13 associate judges, and they were all here at the same time learning the same thing and treating the cases the same way. They didn't know, for example, that they could get through a call or not get through a call in the time allotted. They just took it on faith that they could, and they went upstairs and they did it.

You know, really nice things happen to you along the way. This group of judges later on told me that they had given a name for themselves. They called themselves Fitz's 13. And they all have had distinguished careers, and I'm very proud of them and honored by their recognition.

After 18 months, I returned to my professional home, 26th and California, to become the presiding judge of the criminal division. This was for us, the center of the criminal law universe. And I remained in that position, at that court in an administrative position for many years, and I think it's roughly broken down into ten-year segments. And this would include the traffic court for a ten-year period.

Another little statement, little story, about the time that we did the narcotics court at 26th and California. That was a treatment-like court, that's what you'd call it today. It was a court that permitted a lesser sentence if you took training. And in order to enhance that training, the experts put together a class for my new 13 judges on addiction. And as I said to my friend John Brady, many of you know John. He was a wonderful man and a dear friend, did something that was pretty

cool. He came away from the first week of training with the doc's about the addiction and what it was and a realization that there were legal drugs that were taken that were still the same type of addiction as the illegal drugs, specifically smoking. John came up to me and he said, "Fitz, I got to quit smoking." I said, "Yes, you should quit smoking, John." He said, "No. No. I'm going to send people to jail because of their adherence to their addiction. I can't send people to jail when I'm doing the same thing they are." And he quit smoking. And I just remember that as just a meaningful, meaningful day.

There are many stories about 26th Street, but that's not what I'm doing today. I've done a brief review. I was honored by the people and that's the truth of the matter. It was the people that were there that made it wonderful. I saw Joe Urso over there. Joe Urso was there. There were just so many wonderful people there. To this day, I think of them with great affection. And then that became my life again and I said, I guess, well, this is it. This will be the high water mark. This will be where I'm going to go. This will be the best I'm going to do.

And then I decided in 2000, actually before 2000, 1999 or something like that, that I would offer my name as a candidate for the Supreme Court. And in a very difficult election, I was successful and won that election and went to the Supreme Court. I'll tell you about the Supreme Court. The first time I went there was with Ben Miller during the summer, after it looked like I was elected and with nobody running against me at that point. There was no one that I had to concern myself with, but I went to the court with Ben Miller, and he invited me to sit in the chief's chair. I said, "I'm not going to do it." He said, "Sure, you will be there someday." I said, "I'm not going to do that." And he finally talked me into doing it and I had chills. That's how I reacted to it. And I looked at the murals and I said to Ben, "We've got to do something about that," and then Anne Burke came along and she's going to do something about it. And as time went by and it became something regular for me to do, walk into the Supreme Court following Charles, I had chills every time I did it.

And lastly, afterwards the people mingled around and congratulated the man who had just been made a judge. And I was talking to Mary Jane, Mary Jane Theis, and somebody came up to me and mentioned that Mary Jane was now going to be going on the Supreme Court. I couldn't help it. I had chills for her.

So when I say to you that I'm the luckiest man in Illinois, I mean it. I've had the opportunity to live a dream. What could ever be better than being a trial court judge? You have to ask yourself that question if you're on a trial court, what's better than this? I get to be a lawyer. I get to make rational decisions over cases, and the king of my own kingdom. And yet it's not the Supreme Court. And I've had the experience given to me by my fellow citizens to serve on that court for ten years. That would be greedy to ask for more. The work of the court has been described by members of the court as 50 percent administrative and 50 percent lawyer. The work of the lawyer, the part of the work that's the lawyer in us, is glorious work. It's where we write and we discuss and we argue and we try to put it through this churn that is called the review of a case and come out with something worthwhile. And we do that in an effort to make it collegial throughout and it's not easy, because you like to defend your own position. But it's to be cherished by those of us, the few of us who, through one way or another end up with the experience.

I personally was honored when the constitution required that I serve by presiding over the Governor Blagojevich impeachment trial. And it was, I don't know how, I want to say fortunate. It's not like I was getting some pleasure out of it, but it was just so interesting to be presiding judge. And I was so proud of the way the Senate conducted themselves during the trial. It became for me

the highlight of the trial. And I think that the trial, the Senate and I, did the best we could with the evidence that was available to us. So it's the impeachment trial that I look to as a highlight maybe, but not alone.

Last week, in a two-year period, a special committee of the court finished work on an evidence code. And that code is now available, or will be more available as it gets to work, as a code of evidence for the State of Illinois that's based upon a codification of common law. And I think of the people who worked on that committee and the wonderful work that they did. I am just so proud to have been part of it. Not just that day, but part of this whole thing, this whole process. I am so proud to be part of this Conference and to be with you as we do what we're doing under the constitution.

To those people who work on the committees, it's extraordinary. We'll listen to it this afternoon, and we'll find as we listen to it that hundreds of hours of work was put into doing this with people who believe deeply that it was the right thing to do. We've talked about Greylord. I'm not going to beat that drum any longer for today, but I think that it might be interesting to look at a couple of heroic stories that had nothing to do with me except that I knew and loved the people involved. And I'm just going to call attention to them because they're both worth knowing about and remembering it now.

Many years ago, a young lawyer named Mary Ann McMorrow was employed by the Cook County State's Attorney's Office. And she was, as things will happen, involved in a case. It was her case, in which the Supreme Court must have granted a PLA because the case was going to the Supreme Court. And Mary Ann went in to discuss with her bosses the strategy that she should use in arguing the case before the Supreme Court. I assume it was a man, said to her, "We don't let women argue cases before the Supreme Court. We leave that for the men." Words to that effect. Every time I tell this story, I wonder how she got through it. Such a bitter thing to have happened to her, but she did precisely the right thing. She went about her business, and she did what came next, and she got elected to the Circuit Court, and then she got elected to the Appellate Court, and then she became a Chief Justice of a court that she was not allowed to argue before.

I think the greatest change as I observe society, and I am no expert, and we have marvelous, incredible things going on with people moving forward with whatever it is, with great achievements that make everybody proud. But I think that the change in the place of women within our society has been the greatest change in my life. We have now almost 300 judges who are women in our state. That's a wow figure. This is in a real short time that that has happened. Well, I have four daughters, so I'm all for it.

Yet to keep it focused, if you like, if you want to do something that's really great, commit yourself to being on the square. Commit yourself to doing what is right, what is honest and what is fair. Convince yourself that if you treat other people with respect, they'll treat you with respect. Recognize what might be going on in front of you. Don't disregard it, but follow the law. You don't get a pass on the law because you give a sad story. You get a pass on the law because the law permits you to do so. But if you just do what you do, if you just love it as much as I do, and I think you do, it's such a wonderful job to have. Why would you ever do anything but commit to do it the way it has to be done, to be noble and good. And that's to do it right.

And with that then, thank you. I've waited and waited a long time to make that speech. God bless you all and good luck in the future. Thank you.

## 2010 REPORT

## **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, 2009 through July 31, 2010.*

**2010 REPORT**  
**RESOLUTION**  
**IN MEMORY OF**  
**THE HONORABLE CHARLES I. BARISH**

The Honorable Charles I. Barish, former associate judge for the Circuit Court of Cook County, passed away September 11, 2009.

Judge Barish was born August 14, 1930, in Chicago, Illinois. He received his law degree from The John Marshall Law School in 1956, and was admitted to the bar that same year. Judge Barish served in both the public and private sectors before becoming an associate judge in 1981, for the Circuit Court of Cook County. He retained that position until his retirement in 1996.

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

**RESOLUTION**

**IN MEMORY OF**

**THE HONORABLE ROBERT G. COPLAN**

The Honorable Robert G. Coplan, former circuit judge for the Seventeenth Judicial Circuit, passed away November 9, 2009.

Judge Coplan was born June 1, 1936, in Taylorville, Illinois. He received his law degree from the University of Illinois College of Law in 1961, and was admitted to the bar that same year.

Judge Coplan served in both the public and private sectors until becoming a Magistrate in 1965, a position he held for three years. He was in private practice from 1968 to 1986, when he became an associate judge for the Seventeenth Judicial Circuit, and a circuit judge in 1990. Judge Coplan retired November 1998, was recalled in 2002, and subsequently was reinstated as an associate judge in 2003, where he remained until his retirement December 2004.

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

**2010 REPORT**  
**RESOLUTION**  
**IN MEMORY OF**  
**THE HONORABLE JOHN J. DIVANE**

The Honorable John J. Divane, former associate judge for the Circuit Court of Cook County, passed away February 15, 2010.

Judge Divane was born December 3, 1936, in Chicago, Illinois. He received his law degree from DePaul University College of Law in 1965, and was admitted to the bar that same year. Judge Divane was an assistant State's Attorney for Cook County from 1965 to 1975. He was in private practice prior to becoming an associate judge for the Circuit Court of Cook County in 1979. Judge Divane retired November 30, 2000.

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

**RESOLUTION**

**IN MEMORY OF**

**THE HONORABLE PAUL F. ELWARD**

The Honorable Paul F. Elward, former circuit judge for the Circuit Court of Cook County, passed away August 9, 2009.

Judge Elward was born April 19, 1926, in Chicago, Illinois. He received his law degree from DePaul University College of Law, and was admitted to the bar in 1952. Judge Elward served in the House of Representatives from 1956 to 1970. He became an associate judge for the Circuit Court of Cook County in 1970, and a circuit judge in 1971. He retained that position until his retirement December 4, 1994.

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

**2010 REPORT**  
**RESOLUTION**  
**IN MEMORY OF**  
**THE HONORABLE RICHARD J. FITZGERALD**

The Honorable Richard J. Fitzgerald, former circuit judge for the Circuit Court of Cook County, passed away April 17, 2010.

Judge Fitzgerald was born January 23, 1914, in Hammond, Indiana. He received his law degree from St. Louis University School of Law, and was admitted to the bar in 1940. Judge Fitzgerald served in the Armed Forces from 1941 to 1945. From 1946 to 1954, he was the City Attorney for Calumet City and its City Prosecutor from 1953 to 1954. He was in private practice when he was elected a circuit judge for the Circuit Court of Cook County in 1964. Judge Fitzgerald retired January 16, 1989.

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

**RESOLUTION**

**IN MEMORY OF**

**THE HONORABLE THOMAS R. FLOOD**

The Honorable Thomas R. Flood, former circuit judge for the Thirteenth Judicial Circuit, passed away January 17, 2010.

Judge Flood was born January 27, 1926, in Bridgewater, Iowa. He received his law degree from Loyola University Chicago School of Law in 1949, and was admitted to the bar that same year. Judge Flood served mainly in the public sector until being appointed a circuit judge for the Thirteenth Judicial Circuit in 1973. He retired August 31, 1990.

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

**2010 REPORT  
RESOLUTION  
IN MEMORY OF  
THE HONORABLE MARVIN E. GAVIN**

The Honorable Marvin E. Gavin, former associate judge for the Circuit Court of Cook County, passed away August 20, 2009.

Judge Gavin was born July 4, 1931, in Chicago Heights, Illinois. He received his law degree from Harvard Law School in 1955, and was admitted to the bar that same year. Judge Gavin served in both the public and private sectors until being appointed an associate judge for the Circuit Court of Cook County in 1980. He retired August 10, 2001.

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

RESOLUTION

IN MEMORY OF

**THE HONORABLE THOMAS W. HANEY**

The Honorable Thomas W. Haney, former circuit judge for the First Judicial Circuit, passed away August 6, 2009.

Judge Haney was born January 27, 1937, in Herrin, Illinois. He received his law degree from DePaul University College of Law in 1962, and was admitted to the bar that same year. Judge Haney served as an assistant State's Attorney for Williamson County from 1963 to 1964, and special assistant Attorney General from 1969 to 1975. He became an associate judge for the First Judicial Circuit in 1976, and a circuit judge in 1978. Judge Haney retired December 6, 1992.

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

**2010 REPORT**  
**RESOLUTION**  
**IN MEMORY OF**  
**THE HONORABLE WILLIAM E. JOHNSON**

The Honorable William E. Johnson, former circuit judge for the Third Judicial Circuit, passed away February 5, 2010.

Judge Johnson was born July 8, 1930, in Mt. Olive, Illinois. He received his law degree from St. Louis University School of Law, and was admitted to the bar in 1962. Judge Johnson was a Magistrate from 1965 to 1975. In 1976, he became an associate judge for the Third Judicial Circuit, and a circuit judge in 1978. He retained that position until his retirement June 3, 1986.

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

**RESOLUTION**

**IN MEMORY OF**

**THE HONORABLE EDWARD W. KOWAL**

The Honorable Edward W. Kowal, former circuit judge for the Eighteenth Judicial Circuit, passed away January 26, 2010.

Judge Kowal was born October 13, 1924, in Chicago, Illinois. He received his law degree from The John Marshall Law School in 1951, and was admitted to the bar that same year. Judge Kowal served mainly in the public sector until being appointed an associate judge for the Eighteenth Judicial Circuit in 1975. He became a circuit judge in 1984, and remained in that position until his retirement December 5, 1995.

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

**2010 REPORT  
RESOLUTION  
IN MEMORY OF  
THE HONORABLE RONALD W. OLSON**

The Honorable Ronald W. Olson, former circuit judge for the Circuit Court of Cook County, passed away January 17, 2010.

Judge Olson was born October 29, 1931, in Chicago, Illinois. He received his law degree from Northwestern University School of Law, and was admitted to the bar in 1956. Judge Olson holds the rank of Captain, JAG Corps, USNR-Retired. He served in both the public and private sectors prior to becoming an associate judge in 1982, for the Circuit Court of Cook County. He became a circuit judge in 1995, retiring from that position December 27, 2000.

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

**RESOLUTION**

**IN MEMORY OF**

**THE HONORABLE MICHAEL A. ORENIC**

The Honorable Michael A. Orenic, former circuit court judge for the Twelfth Judicial Circuit, passed away April 16, 2010.

Judge Orenic was born November 1, 1924. He received his law degree from DePaul University College of Law in 1950, and was admitted to the bar that same year. Judge Orenic was an assistant State's Attorney for Will County from 1957 - 1964. He became a circuit judge for the Twelfth Judicial Circuit in 1964, and served as supervising judge of Will County from 1964 - 1976. He was elected Chief Judge of the Twelfth Judicial Circuit in 1976, and served as chief judge until 1982, and again from 1984 until 1986. He retired from the bench in 1990.

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

**2010 REPORT**  
**RESOLUTION**  
**IN MEMORY OF**  
**THE HONORABLE PETER J. PAOLUCCI**

The Honorable Peter J. Paolucci, former circuit judge for the Tenth Judicial Circuit, passed away July 13, 2010.

Judge Paolucci was born July 13, 1926, in Ladd, Illinois. He received his law degree from St. Louis University School of Law in 1955, and was admitted to the bar that same year. Judge Paolucci served as State's Attorney for Marshall County from 1964 to 1972. He became an associate judge for the Tenth Judicial Circuit in 1975, and a circuit judge in 1982. Judge Paolucci retired July 31, 1987.

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

**RESOLUTION**

**IN MEMORY OF**

**THE HONORABLE SIMON S. PORTER**

The Honorable Simon S. Porter, former associate judge for the Circuit Court of Cook County, passed away August 13, 2009.

Judge Porter was born June 16, 1924, in Chicago, Illinois. He received his law degree from the University of Miami School of Law, and was admitted to the bar in 1953. Judge Porter, a former Justice of the Peace, became a Magistrate in 1965. He became an associate judge for the Circuit Court of Cook County in 1979. Judge Porter retired December 28, 1989.

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

**2010 REPORT**  
**RESOLUTION**  
**IN MEMORY OF**  
**THE HONORABLE WILLIAM L. RANDOLPH**

The Honorable William L. Randolph, former circuit judge for the Ninth Judicial Circuit, passed away December 23, 2009.

Judge Randolph was born June 14, 1925, in Macomb, Illinois. He received his law degree from the University of Illinois College of Law in 1953, and was admitted to the bar that same year. Judge Randolph served as State's Attorney for McDonough County from 1956 to 1964. He was appointed a circuit judge for the Ninth Judicial Circuit in 1975. Judge Randolph retired April 2, 1990.

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

**RESOLUTION**

**IN MEMORY OF**

**THE HONORABLE JOHN W. RAPP, JR.**

The Honorable John W. Rapp, Jr., former appellate court judge for the Second District, passed away February 26, 2010.

Judge Rapp was born December 12, 1940, in Oak Park, Illinois. He received his law degree from Loyola University Chicago School of Law in 1965, and was admitted to the bar that same year. Judge Rapp served solely in the private sector until becoming an associate judge for the Fifteenth Judicial Circuit in 1970. In 1972, he became a circuit judge, serving as chief judge from 1982 until 1998. He was assigned an appellate court judge for the Second Appellate District in 1998, and remained in that position until his retirement November 30, 2001.

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

**2010 REPORT**  
**RESOLUTION**  
**IN MEMORY OF**  
**THE HONORABLE WILBURN “BRUCE” SAXE**

The Honorable Wilburn “Bruce” Saxe, former circuit judge for the Second Judicial Circuit, passed away March 10, 2010.

Judge Saxe was born February 4, 1928, in Albion, Illinois. He received his law degree from the University of Missouri School of Law, and was admitted to the bar in 1955. Judge Saxe served as the States' Attorney for Edward County from 1956 to 1964. He became an associate judge for the Second Judicial Circuit in 1966, and a circuit judge in 1971. Judge Saxe remained in that position until his retirement December 2, 1984.

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

**RESOLUTION**

**IN MEMORY OF**

**THE HONORABLE HAROLD W. SULLIVAN**

The Honorable Harold W. Sullivan, former circuit judge for the Circuit Court of Cook County, passed away March 22, 2010.

Judge Sullivan was born April 17, 1926, in Chicago, Illinois. He received his law degree from DePaul University College of Law in 1951, and was admitted to the bar that same year. Judge Sullivan served in both the public and private sectors until becoming an associate judge for the Circuit Court of Cook County in 1960, and a circuit judge in 1971. He remained in that position until his retirement July 1, 1999.

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

**2010 REPORT  
RESOLUTION  
IN MEMORY OF  
THE HONORABLE ANTON J. VALUKAS**

The Honorable Anton J. Valukas, former circuit judge for the Circuit Court of Cook County, passed away November 6, 2009.

Judge Valukas was born January 6, 1920, in Chicago, Illinois. He received his law degree from DePaul University College of Law in 1943, and was admitted to the bar that same year. Judge Valukas became an associate judge for the Circuit Court of Cook County in 1981, and was elected a circuit judge in 1986. He retired December 31, 1993.

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

**RECOGNITION OF RETIRED JUDGES**

**ABRAHAM, Kenneth A.** was born September 30, 1945, in Chicago, Illinois. He received his law degree from DePaul University College of Law in 1970, and was admitted to the bar that same year. During his career, Judge Abraham served as an assistant Attorney General for DuPage County in the Consumer Fraud & Protection Division and with the Illinois State Toll Highway Authority. Judge Abraham was in private practice immediately prior to being appointed an associate judge in 1994 for the Eighteenth Judicial Circuit. Judge Abraham remained in that position until his retirement August 31, 2009.

**ANTONIETTI, Edward A.** was born November 28, 1939, in Chicago, Illinois. He received his law degree from Marquette University Law School in 1964, and was admitted to the bar that same year. Judge Antonietti served solely in the private sector. He was appointed a circuit judge for the Circuit Court of Cook County in 1994, and served until 1996. He later was appointed an associate judge in 1999, and remained in that position until his retirement December 31, 2009.

**BORBELY, James K.** was born April 21, 1947, in East Chicago, Indiana. He received his law degree from the University of Illinois College of Law in 1972, and was admitted to the bar that same year. Immediately prior to becoming a judge, he was in private practice. Judge Borbely became an associate judge for the Fifth Judicial Circuit in 1991, and remained in that position until his retirement October 31, 2009.

**BROWNFIELD, Gary L.** was born August 25, 1949, in Peoria, Illinois. He received his law degree from Loyola University Chicago School of Law in 1974, and was admitted to the bar that same year. Judge Brownfield served as an assistant Cook County Public Defender from 1974 - 1989. He became an associate judge for the Circuit Court of Cook County in 1989, and remained in that position until his retirement August 31, 2009.

**BRUNTON, Diane L.** was born July 12, 1947, in Litchfield, Illinois. She received her law degree from Washington University School of Law, and was admitted to the bar in 1973. Judge Brunton served in the private sector while also serving as an assistant State's Attorney for Macoupin County. She joined the Seventh Judicial Circuit as an associate judge in 1988. She remained in that position until her retirement February 28, 2010.

**CHIOLA, Thomas R.** was born March 18, 1952, in Springfield, Illinois. He received his law degree from the University of Illinois College of Law in 1977, and was admitted to the bar that same year. Judge Chiola was a prosecutor with the Attorney General's Office, and was with the Illinois Department of Professional Regulation. He was elected to the Circuit Court of Cook County in 1994, a position he retained until his retirement December 31, 2009.

**CLERKIN, John R.** was born July 27, 1951, in Chicago, Illinois. He received his law degree from The John Marshall Law School, and was admitted to the bar in 1977. Judge Clerkin was an assistant McDonough County State's Attorney from 1977-1979, and was State's Attorney from 1979-1989. He became an associate judge for the Ninth Judicial Circuit in 1989, and remained in that position until his retirement July 2, 2010.

**COADY, John P.** was born July 21, 1952, in Taylorville, Illinois. He received his law degree from Ohio State University College of Law in 1977, and was admitted to the bar that same year. Judge Coady was a Public Defender in the Fourth Judicial Circuit from 1977 - 1980. From 1980 - 1984, he was a part-time assistant State's Attorney for Christian County and also in private practice. He served as the Christian County State's Attorney from 1984 - 1987. He became an associate judge for the Fourth Judicial Circuit in 1987, and became a circuit judge in 1993. He retained that position until his retirement October 2, 2009.

**DeBONI, Frank** was born May 17, 1949, in Oak Park, Illinois. He received his law degree from DePaul University College of Law in 1974, and was admitted to the bar that same year. Judge DeBoni spent his entire legal career with the Cook County State's Attorney's Office. He was appointed an associate judge for the Circuit Court of Cook County in 1988. He retained that position until his retirement July 12, 2010.

**DOCKERY, Peter Joseph** was born July 19, 1950, 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 Dockery was an assistant State's Attorney for DuPage County from 1976-1984. He was in private practice for one year, then in 1985 he became an assistant Public Defender for DuPage County. In 1989, Judge Dockery joined the Eighteenth Judicial Circuit as an associate judge, and also served as a circuit judge from 1991 - 1992. He once again served as an associate judge from 1992 -2008. In 2008, he became a circuit judge and remained in that position until his retirement December 29, 2009.

**DWYER, Mark W.** was born November 28, 1950, in Chicago, Illinois. He received his law degree from DePaul University College of Law in 1975, and was admitted to the bar that same year. Judge Dwyer served in both the public and private sectors until being appointed an associate judge for the Eighteenth Judicial Circuit in 1995. He remained in that position until his retirement October 30, 2009.

**FOX, Lawrence P.** was born August 31, 1949, in Chicago, Illinois. He received his law degree from Loyola University Chicago School of Law in 1975, and was admitted to the bar that same year. Judge Fox was an assistant Cook County Public Defender from 1975 - 1983, and in private practice from 1983 - 1986. In 1986, he was appointed an associate judge for the Circuit Court of Cook County. He remained in that position until his retirement July 7, 2010.

**GEMBALA, Bettina** was born July 31, 1947, in Chicago, Illinois. She received her law degree from IIT/Chicago-Kent College of Law, and was admitted to the bar in 1981. Judge Gembala served in the private sector and with the circuit clerk's office prior to being appointed a circuit judge for the Circuit Court of Cook County in 2005. Judge Gembala retired December 6, 2009.

**HALL, Robert T.** was born in 1952, in St. Louis, Missouri. He received his law degree from Southern Illinois University School of Law in 1980, and was admitted to the bar that same year. Judge Hall was a law clerk for the Supreme Court from 1980 - 1982. He served in the private sector and simultaneously with the Public Defender's office in Sangamon County, until joining the Seventh Judicial Circuit as an associate judge in 1995. Judge Hall retired July 6, 2010.

**HITPAS, Patrick J.** was born November 4, 1947, in St. Louis, Missouri. He received his law degree from St. Louis University School of Law in 1972, and was admitted to the bar that same year. Judge Hitpas served in both the public and private sectors until being appointed a circuit judge for the Fourth Judicial Circuit in 1992. He was subsequently elected to that position and remained until his retirement January 22, 2010.

**HOLMES, Roger W.** was born May 5, 1951, in Chicago, Illinois. He received his law degree from the University of Illinois College of Law in 1976, and was admitted to the bar that same year. Judge Holmes served solely in the private sector prior to becoming an associate judge for the Seventh Judicial Circuit in 1988. He retained that position until his retirement November 30, 2009.

**KENNEDY, James W.** was born January 13, 1938. He received his law degree from Loyola University Chicago School of Law in 1965, and was admitted to the bar that same year. Judge Kennedy began his legal career in private practice, but served mainly in the public sector before being appointed a circuit judge for the Circuit Court of Cook County in 1991. He was subsequently elected and remained in that position until his retirement January 22, 2010.

**LAWLER, Patrick N.** was born March 15, 1948, in Waukegan, Illinois. He received his law degree from The John Marshall Law School in 1974, and was admitted to the bar that same year. From 1974 to 1976, he served as an assistant State's Attorney for Lake County, and from 1976 to 1978 was the city prosecutor in Waukegan. Judge Lawler was in private practice prior to joining the Nineteenth Judicial Circuit as an associate judge in 1992. He remained in that position until his retirement December 18, 2009.

**LOCALLO, Daniel M.** was born October 28, 1952, in Chicago, Illinois. He received his law degree from The John Marshall Law School in 1977, and was admitted to the bar that same year. Judge Locallo served mainly in the private sector, except from 1978 - 1983, when he was an assistant State's Attorney for the Circuit Court of Cook County. In 1986, he was appointed an associate judge for the Circuit Court of Cook County. In 1992, he was elected a circuit judge, and remained in that position until his retirement December 24, 2009.

**LOGAN, Amanda Toney** was born August 27, 1953, in Chicago, Illinois. She received her law degree from DePaul University College of Law, and was admitted to the bar in 1985. Judge Logan served as an assistant State's Attorney for Cook County, and immediately prior to being elected a circuit judge in 1994, was in private practice. She retained that position until her retirement December 31, 2009.

**MARTIN, Victoria L.** was born September 10, 1952, in Chicago, Illinois. She received her law degree from IIT/Chicago-Kent College of Law in 1980, and was admitted to the bar that same year. Judge Martin served in both the public and private sectors, until joining the Nineteenth Judicial Circuit as an associate judge in 1989. She remained in that position until her retirement October 31, 2009.

**McCARTHY, Carol Pearce** was born March 7, 1950. She received her law degree from DePaul University College of Law, and was admitted to the bar in 1977. Judge McCarthy began her legal career with the Attorney General's Office. For most of her career, and prior to being elected to the bench, she was an assistant State's Attorney for Cook County. In 1996, she was elected a circuit judge for the Circuit Court of Cook County, and retained that position until her retirement November 30, 2009.

**McGUIRE, John W.** was born May 22, 1950, in Streator, Illinois. He received his law degree from Southern Illinois University School of Law in 1978, and was admitted to the bar that same year. Judge McGuire began his legal career with the State Appellate Defender's Office. Immediately prior to being appointed to the bench, he was in private practice. Judge McGuire was appointed an associate judge for the Fourth Judicial Circuit in 1997. He remained in that position until his retirement December 31, 2009.

**MEHLICK, John A.** was born February 2, 1951, in Springfield, Illinois. He received his law degree from St. Louis University School of Law in 1976, and was admitted to the bar that same year. Judge Mehlick began his legal career as an assistant State's Attorney for Sangamon County. He was in private practice from 1980 - 1987, and an assistant U. S. Attorney from 1987 - 1989. In 1989, he became an associate judge for the Seventh Judicial Circuit. He remained in that position until his retirement July 31, 2010.

**MENDELSON, Ralph J.** was born January 28, 1943, in Olney, Illinois. He received his law degree from the University of Illinois College of Law, and was admitted to the bar in 1968. Judge Mendelson served in the U.S. Armed Forces from 1968 to 1970. He worked in both the public and private sectors until being appointed an associate judge in 2000 for the Third Judicial Circuit. He remained in that position until his retirement December 29, 2009.

**MORAN, John J.** was born November 16, 1951. He received his law degree from Loyola University Chicago School of Law in 1978, and was admitted to the bar that same year. Judge Moran has served in both the public and private sectors. In 1991, he was appointed a circuit judge for the Circuit Court of Cook County. He remained in that position until his retirement July 1, 2010.

**MORAN, Kathleen P.** was born August 12, 1950, in St. Louis, Missouri. She received her law degree from the University of Kansas School of Law in 1976, and was admitted to the bar that same year. Judge Moran clerked for Supreme Court Justice Joseph Goldenhersh in 1978 and also from 1984 - 1987. She was engaged in private practice immediately prior to joining the Fourth Judicial Circuit as a circuit judge in 1995. She retained that position until her retirement July 2, 2010.

**O'BRIEN, Edward P.** was born July 10, 1952, in Chicago, Illinois. He received his law degree from DePaul University College of Law in 1981, and was admitted to the bar that same year. Judge O'Brien served in both the public and private sectors. He was elected a circuit judge for the Circuit Court of Cook County in 1994. He retained that position until his retirement July 31, 2010.

**O'MALLEY, Michael J.** was born June 20, 1953, in East St. Louis, Illinois. He received his law degree from Lewis University College of Law in 1979, and was admitted to the bar that same year. From 1974 - 1982, he was an assistant State's Attorney for St. Clair County. Immediately prior to becoming a judge, he was engaged in private practice. Judge O'Malley joined the Twentieth Judicial Circuit as an associate judge in 1985, and became a circuit judge in 1990. He retained that position until his retirement July 31, 2010.

**PETKA, Edward F.** was born March 10, 1943, in Chicago, Illinois. He received his law degree from The John Marshall Law School, and was admitted to the bar in 1971. Judge Petka began his legal career as an assistant State's Attorney for Will County and served as the Will County State's Attorney from 1976 - 1987. He served as a State Representative from 1987 - 1993, and a Senator from 1993 - 2006, when he was elected a circuit judge for the Twelfth Judicial Circuit. He remained in that position until his retirement October 5, 2009.

**PIRRELLO, Ronald** was born August 20, 1948, in Rockford, Illinois. He received his law degree from Hamline University School of Law, and was admitted to the bar in 1981. Judge Pirrello served mainly in the private sector before being elected a circuit judge for the Seventeenth Judicial Circuit in 1990. He retained that position until his retirement July 2, 2010.

**RILEY, Barbara Ann** was born October 4, 1944, in Evergreen Park, Illinois. She received her law degree from The John Marshall Law School 1985, and was admitted to the bar that same year. Judge Riley served as an assistant State's Attorney for Cook County from 1985 - 1996. In 1996, she was elected a circuit judge for the Circuit Court of Cook County. She retained that position until her retirement August 31, 2009.

**ROCHFORD, Mary K.** was born April 15, 1954, in Oak Park, Illinois. She received her law degree from the University of Notre Dame Law School in 1979, and was admitted to the bar that same year. Judge Rochford worked for the City of Chicago, Appeals Division from 1979 - 1986. She was engaged in private practice immediately prior to becoming an associate judge for the Circuit Court of Cook County in 1991. In 2006, she was elected a circuit judge, and remained in that position until her retirement July 23, 2010.

**ROY, Maureen Durkin** was born June 9, 1941, in Chicago, Illinois. She received her law degree from DePaul University College of Law, and was admitted to the bar in 1977. Judge Roy was an assistant State's Attorney for Cook County from 1977 - 1992, when she became a circuit judge for the Circuit Court of Cook County. She retained that position until her retirement December 31, 2009.

**SAUER, David L.** was born July 4, 1952, in Belleville, Illinois. He received his law degree from Rutgers University School of Law in 1977, and was admitted to the bar that same year. Judge Sauer served solely in the private sector until 1986, when he became an associate judge for the Fourth Judicial Circuit. He was elected a circuit judge in 1988, and retained that position until his retirement September 24, 2009.

**SCHMIDT, William O.** was born January 4, 1950, in Kankakee, Illinois. He received his law degree from Villanova University School of Law in 1975, and was admitted to the bar that same year. Judge Schmidt began his legal career as an assistant State's Attorney for Kankakee County. He was in private practice immediately prior to becoming an associate judge for the Twenty-First Judicial Circuit in 2001. He retained that position until his retirement January 29, 2010.

**SCHREIER, James M.** was born September 15, 1940, in Chicago, Illinois. He received his law degree from DePaul University College of Law in 1965, and was admitted to the bar that same year. Judge Schreier served as an assistant State's Attorney for Cook County from 1965 - 1977. In 1977, he joined the Circuit Court of Cook County as an associate judge, and became a circuit judge in 2005. Judge Schreier retired December 6, 2009.

**SCHUERING, Mark A.** was born September 7, 1953, in Quincy, Illinois. He received his law degree from St. Louis University School of Law in 1978, and was admitted to the bar that same year. Judge Schuering served in both the public and private sectors until becoming an associate judge in 1986 for the Eighth Judicial Circuit. He became a circuit judge in 1990, and remained in that position until his retirement July 31, 2010.

**SCHUWERK, William A., Jr.** was born January 28, 1948, in St. Louis, Missouri. He received his law degree from St. Louis University School of Law in 1973, and was admitted to the bar that same year. For most of his career, Judge Schuwerk was in private practice, except from 1976 -1984, when he served as Randolph County's States Attorney. He became an associate judge for the Twentieth Judicial Circuit in 1989. In 2004, he became a circuit judge, and remained in that position until his retirement July 6, 2010.

**SKOWRONSKI, Joseph P., Jr.** was born June 27, 1944, in Moline, Illinois. He received his law degree from the University of Illinois College of Law, and was admitted to the bar in 1969. Judge Skowronski served in both the public and private sectors prior to joining the bench as an associate judge in 1984, for the Fifth Judicial Circuit. He retained that position until his retirement July 31, 2010.

**STEENROD, Rebecca R.** was born August 24, 1950, in Phoenix, Arizona. She received her law degree from Washington University School of Law in 1979, and was admitted to the bar that same year. Judge Steenrod served solely in the private sector until joining the bench as an associate judge in 1989, for the Tenth Judicial Circuit. She remained in that position until her retirement December 14, 2009.

**STIPP, Gordon R.** was born June 1, 1947, in Danville, Illinois. He received his law degree from the University of Miami School of Law in 1975, and was admitted to the bar that same year. Judge Stipp served solely in the private sector prior to joining the bench in 1995, as an associate judge for the Fifth Judicial Circuit. He retained that position until his retirement July 31, 2010.

**STUTTLEY, Michael W.** was born October 12, 1950, in Chicago, Illinois. He received his law degree from The John Marshall Law School, and was admitted to the bar in 1979. Judge Stuttley served mainly in the private sector until being appointed an associate judge in 1989, for the Circuit Court of Cook County. He was elected a circuit judge in 2006, and remained in that position until his retirement July 6, 2010.

**TERRELL, Lawrence W.** was born November 28, 1950, in Chicago, Illinois. He received his law degree from Vanderbilt University Law School, and was admitted to the bar in 1976. Judge Terrell served as an assistant State's Attorney for Cook County, and was an assistant corporation counsel in Chicago. In 1994, he was elected a circuit judge for the Circuit Court of Cook County. He remained in that position until his retirement December 31, 2009.

**THOMPSON, Perry R.** was born July 13, 1950, in Elmhurst, Illinois. He received his law degree from Washington & Lee University School of Law in 1975, and was admitted to the bar that same year. Judge Thompson served in both the public and private sectors prior to being appointed an associate judge in 1987 for the Eighteenth Judicial Circuit. In 1995, he became a circuit judge, and remained in that position until his retirement July 30, 2010.

**TULLY, John P.** was born February 29, 1936, in Chicago, Illinois. He received his law degree from DePaul University College of Law, and was admitted to the bar in 1970. Judge Tully served solely in the private sector prior to being elected a circuit judge in 1984 for the Circuit Court of Cook County. In 1990, he was elected to the First District Appellate Court, and retained that position until his retirement December 31, 2009.

**WEBER, Daniel S.** was born March 24, 1952, in Melrose Park, Illinois. He received his law degree from The John Marshall Law School in 1978, and was admitted to the bar that same year. Judge Weber was an assistant State's Attorney for Cook County until joining the bench in 1986, as a circuit judge for the Circuit Court of Cook County. He remained in that position until his retirement October 18, 2009.

**WEGNER, Grant S.** was born June 19, 1952, in Milwaukee, Wisconsin. He received his law degree from Hamline University School of Law, and was admitted to the bar in 1978. Judge Wegner served mainly in the private sector until being appointed an associate judge in 1986 for the Sixteenth Judicial Circuit. In 1990, he was elected a circuit judge, and served as chief judge from 1998 - 2002. He remained a circuit judge until his retirement October 1, 2009.

**WOLFSON, Warren D.** was born February 14, 1933, in Chicago, Illinois. He received his law degree from the University of Illinois College of Law in 1957, and was admitted to the bar that same year. Judge Wolfson served mainly in the private sector until being appointed a circuit judge in 1975 for the Circuit Court of Cook County. In 1994, he was assigned to the First District Appellate Court. He remained in that position until his retirement from the bench August 14, 2009 to become the interim dean of DePaul University College of Law.

## NEW JUDGES

Aguilar, Carmen K. — Associate Judge, Circuit Court of Cook County  
Barnhart, Melissa S. — Associate Judge, 16<sup>th</sup> Judicial Circuit  
Burch, Clarence Lewis — Associate Judge, Circuit Court of Cook County  
Callahan, John P., Jr. — Circuit Judge, Circuit Court of Cook County  
Cavanaugh, Raymond A. — Associate Judge, 9<sup>th</sup> Judicial Circuit  
Chickris, Gregory George — Associate Judge, 14<sup>th</sup> Judicial Circuit  
Cohen, Neil H. — Associate Judge, Circuit Court of Cook County  
Connolly, Stephen J. — Associate Judge, Circuit Court of Cook County  
Delehanty, Maureen F. — Circuit Judge, Circuit Court of Cook County  
Fruth, Steven J. — Circuit Judge, Circuit Court of Cook County  
Gamrath, Celia G. — Circuit Judge, Circuit Court of Cook County  
Gerts, Ronald J. — Associate Judge, 21<sup>st</sup> Judicial Circuit  
Goodwin, Mark S. — Associate Judge, 5<sup>th</sup> Judicial Circuit  
Gubin, Deborah J. — Circuit Judge, Circuit Court of Cook County  
Jarman, Douglas L. — Circuit Judge, 4<sup>th</sup> Judicial Circuit  
Kyriakopoulos, Anthony C. — Circuit Judge, Circuit Court of Cook County  
Lackey, George C. — Circuit Judge, 4<sup>th</sup> Judicial Circuit  
Lavin, Terrence J. — Appellate Judge, First District Appellate Court  
Leeming, Pamela — Circuit Judge, Circuit Court of Cook County  
Lolie, Allan F., Jr. — Associate Judge, 4<sup>th</sup> Judicial Circuit  
Marchese, Paul A. — Associate Judge, 18<sup>th</sup> Judicial Circuit  
Marcouiller, Margaret A. — Associate Judge, 19<sup>th</sup> Judicial Circuit  
Meyer, Joshua A. — Associate Judge, 7<sup>th</sup> Judicial Circuit  
Miller, Robert A. — Associate Judge, 18<sup>th</sup> Judicial Circuit  
Morozin, Christopher B. — Associate Judge, 19<sup>th</sup> Judicial Circuit  
Sanders, Ericka — Associate Judge, 4<sup>th</sup> Judicial Circuit  
Sarley, Bernard J. — Associate Judge, Circuit Court of Cook County  
Steffen, Ketki — Circuit Judge, Circuit Court of Cook County  
Sullivan, Matthew L. — Circuit Judge, 5<sup>th</sup> Judicial Circuit  
Sweet, Dean E. — Associate Judge, 3<sup>rd</sup> Judicial Circuit  
Troemper, April D. — Associate Judge, 7<sup>th</sup> Judicial Circuit  
Warnick, Jeffrey L. — Associate Judge, Circuit Court of Cook County  
Wheatley, Arthur P. — Circuit Judge, Circuit Court of Cook County  
Wilson, Lisa Y. — Associate Judge, 10<sup>th</sup> Judicial Circuit  
Wolfe, Michael A. — Associate Judge, 18<sup>th</sup> Judicial Circuit

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

The Committee was not charged by the Court to meet during the 2010 Conference Year. However, the Committee was reconstituted by the Court for Conference Year 2011.

October 2010

## 2010 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. LaGuina Clay-Clark  
Hon. Claudia Conlon  
Hon. David E. Haracz  
Hon. John G. Laurie, Ret.

Mr. Kent Lawrence, Esq.  
Hon. Stephen R. Pacey  
Hon. Lance R. Peterson  
Hon. John O. Steele  
Hon. Carl Anthony Walker

October 2010

## I. STATEMENT ON COMMITTEE CONTINUATION

Since the 2009 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 continues to be receptive to ADR processes. This Conference year, the Committee was busy with many activities, including the consideration of possible Supreme Court rule amendments and formulating a plan to accomplish the projects and priorities set forth by the Court for Conference Year 2010.

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 pursuant to Supreme Court Rule 99. During the 2011 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 2011.

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-three 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.<sup>1</sup> A complete statistical analysis for each circuit with a court-sponsored mandatory arbitration program 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 2009 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 2010, as well as meet the dictates of the Committee's general charge, and continue projects delineated in Conference Year 2009. The Committee reviewed the list of projects/priorities from 2009 and 2010, 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 2010.

### ***Continued Conference Year 2009 Projects and Priorities*** ***Training of Arbitrators***

In Conference Year 2008, 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 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

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<sup>1</sup>The AOIC's Court-Annexed Mandatory Arbitration Fiscal Year 2010 Annual Report will be available on the Supreme Court website ([www.state.il.us/court](http://www.state.il.us/court)) in January 2011.

for new arbitrators to provide uniform arbitrator training on a statewide basis. The Committee forwarded the arbitrator training outline and related training materials to the Administrative Director.

During Conference Year 2010, the Administrative Office of the Illinois Courts ("AOIC") returned the training manual back to the Committee for consideration on several suggested edits. The Committee considered the edits, subsequently made the changes to the manual, and re-submitted the document to the Administrative Director for final disposition. It is anticipated that, once approved, the training manual will be made available to all mandatory arbitration programs for use in training prospective arbitrators.

### **Participant Satisfaction Survey**

The Committee was charged with "developing a statewide arbitration program participant satisfaction survey." 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 arbitration programs.

During Conference Year 2010, the Committee workgroup assigned to this project developed survey instruments for arbitrators, attorneys, and litigants. The workgroup is in the process of narrowing the scope of said surveys to meet the objective of this project, and obtain information that is useful to the Committee in considering arbitration program improvements. 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 synthesis, the Committee will formulate a report for the Court.

### **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." 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. Potential statewide use of settlement data include a global program which would be accessed by password, and data would be sorted by case type, injury, circuit, county, etc. to assist in case management. The Committee was charged with determining the utility of such a program for arbitration programs, and

consideration of whether to implement a statewide program or, alternatively, recommend the settlement data initiative as a viable tool for consideration of implementation at the local level.

The Committee workgroup that reviewed this program recommended that the settlement data initiative be offered to judicial circuits with arbitration programs as a viable tool in case management. The workgroup recognized the value of such a program; however, statewide implementation, without a Supreme Court mandate, is unlikely to produce consistent and significant results. Further, data collected in larger jurisdictions may not have relevance in smaller/rural jurisdictions. Therefore, a statewide database may not serve a global community. Rather, it would serve only the constituents of a particular area with information on settlement data that is germane to the local programs in settling cases.

The Committee concurred with the recommendation of the workgroup, and will inform the arbitration programs about the settlement data concept.

### **Arbitration Program Statistical Data**

In 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.” A workgroup was assigned with this task, and during Conference Year 2010, continued to review the court-annexed mandatory arbitration annual report and related statistics. The workgroup is also working with the AOIC, arbitration supervising judges and administrators, and others that are knowledgeable in the area of capturing data that is reliable in presenting information about the arbitration programs. Upon conclusion of its review, the workgroup plans to make recommendations to the Committee concerning its findings.

### ***Conference Year 2010 Projects and Priorities***

#### **Arbitrator Training Video**

For Conference Year 2010, the Court requested that the Committee “develop an arbitrator training video to accompany the Uniform Arbitrator Reference Manual.” The Committee elected to establish a workgroup to develop a plan for production of a training video. The workgroup reviewed a video of arbitrator training offered in Cook County, as well as reviewed a training video produced by the AOIC in 1993. The workgroup also plans to review other training videos from DuPage County, St. Clair County, and other arbitration programs. Upon review of all videos, the workgroup plans to narrow the scope of the training video to focus on a short video that would be offered to circuits with arbitration programs as a “bridge” video. The bridge video would be made available as a training tool offered to assist in training those attorneys that are interested in becoming arbitrators, when immediate training is not available. In theory, the prospective arbitrator would view the video, thereby qualifying them to be immediately eligible to arbitrate. The workgroup

began development of an outline for the training video during Conference Year 2010, and plans to continue with planning for production of the training video for arbitrators.

### **Rejection of Awards Survey**

The Supreme Court requested that the Committee “survey arbitration program litigants to seek comments on reducing the occurrence of rejections.” The Committee assigned this task to a workgroup, which began preliminary research during Conference Year 2010. The workgroup dialogued with arbitration supervising judges and attorneys concerning the rejection rate issue and learned that firms, especially insurance companies, use the arbitration hearing as part of discovery. Those firms are using the hearing as a benchmark, and then paying the rejection fee to continue the settlement dialogue. Utilizing the information obtained from the informal discussion, the workgroup is in the process of drafting a survey for review by the Committee.

### **Mentor Program for Arbitrator Chairpersons**

As part of the projects and priorities outlined for Conference Year 2010, the Court requested that the Committee “examine the possibility of developing a mentor program for arbitrator chairpersons.” The mandatory arbitration program in the Circuit Court of Cook County developed an arbitrator chairperson mentor program. During Conference Year 2010, Cook County began mentoring chairpersons. The purpose of the chairperson mentoring program is to enhance training and offer a prospective arbitrator chairperson the practical experience necessary to excel as a fair and impartial chairperson. The program is voluntary, but arbitration administration in Cook County strongly encourages individuals interested in attaining the status of chairperson to participate. The workgroup assigned to this project is in the process of developing a universal chairperson mentor training that would be offered to other counties with arbitration programs as a tool for enriching the qualifications of chairpersons.

### **Residency Requirements for Arbitrators**

The Supreme Court charged the Committee with “examining local rules and requirements that restrict arbitrators from arbitrating in multiple counties.” The workgroup assigned to this project surveyed the arbitration programs regarding this issue, synthesized the data, and found that limiting factors with respect to arbitrating in multiple jurisdictions center on economic feasibility and familiarity with local nuances pertaining to rules of arbitration. The workgroup suggested to the Committee that it may be inherently unfair to restrict attorneys from arbitrating in any part of the state, and, moreover, an inequity may exist when attorneys are barred from arbitrating in certain counties due to residency requirements or local restrictions. The workgroup also noted the work of the Committee’s Uniform Arbitrator Reference Manual, which promotes universal training and offers an arbitrator the necessary credentials for eligibility to arbitrate in any county in the state of

Illinois. Further, those credentials should be transferrable. The workgroup plans to draft correspondence to the arbitration programs alerting them to this issue and suggesting review of local rules which may include jurisdictional restrictions for out-of-circuit attorneys.

### *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.

### **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 2010, as well as the projects that remained from Conference Year 2009. Those projects include continuing to develop the arbitrator training video, completing the review of the settlement data initiative, developing a statewide arbitration program participant satisfaction survey, reviewing the current collection methods and reliability of arbitration statistics, surveying arbitration program litigants to seek comments on reducing the occurrence of rejections, developing a universal mentor program for arbitrator chairpersons, finalizing the recommendation on requirements that restrict arbitrators from arbitrating in multiple counties, and other initiatives as directed by the Court.

During the 2011 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.

**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. Diane Gordon Cannon  
Hon. John E. Childress  
Hon. Daniel P. Guerin  
Hon. Janet R. Holmgren  
Hon. John Knight  
Hon. Paul G. Lawrence

Hon. Charles McRae Leonhard  
Hon. Leonard Murray  
Hon. Lewis Nixon  
Hon. James L. Rhodes  
Hon. Mitchell K. Shick  
Hon. Domenica A. Stephenson  
Hon. Walter Williams

October 2010

## 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 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 also is 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 605(a) and Rule 605(b). The Committee has made recommendations for the enacting of new rules, specifically Rule 402A and most recently, Rule 430, both of which were adopted by the Court. 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 analyzing and making recommendations concerning the use of video conferencing in the context of criminal proceedings, the charge of exploring the need for a first offender diversion program for those convicted of certain Class 3 or Class 4 felonies, and the charge of examining the utility of a criminal alternative dispute resolution program for Illinois.

The Committee is dedicated to serving the Court in meeting the assigned projects and priorities, and producing quality information and product. The Committee 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 1: 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 details the types of proceedings in which this technology is currently in use, contains suggestions for the broadening of the use of this technology in criminal cases, cautions about how use of video technology impacts a criminal defendant's statutory and constitutional protections, and 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.

On April 7, 2009, a letter from Director Cynthia Y. Cobbs was sent on behalf of the Court to Committee Chair Schostok requesting the Committee to review the Impact Statement and provide analysis and recommendation concerning the use of video conferencing in criminal proceedings and to identify any statutes and/or rules that might be impacted should video conferencing be utilized in criminal proceedings.

During Conference year 2010, the Committee continued to examine this charge to determine what, if any statutes needed to be modified and what, if any, rules would need to be modified or drafted to provide the best possible guidance to trial courts in the use of video technology for certain stages of criminal prosecutions.

The relevant statutes examined by the committee are as follows: 725 ILCS 5/106D-1 Defendant's Appearance by Closed Circuit Television and Video Conferencing specifies when video conferencing technology could be used in criminal proceedings; 725 ILCS 5/110-5.1(c)-Bail; Certain Persons Charged with Violent Crimes Against Family or Household Members permits a person required to appear for bond setting to appear by video conferencing; 725 ILCS 5/106B-5-Testimony by a Victim who is a Child or a Moderately, Severely, or Profoundly Mentally Retarded Person; and 725 ILCS 5/103-6-Waiver of Jury Trial.

The Committee discussed the impact of the use of video conferencing technology on the required admonishments for guilty pleas contained in Supreme Court Rules 402 and 402(a) as well as the appeal advice to a defendant contained in Rules 605(b) and 605(c).

The Committee also examined and discussed relevant case law on the use of video conference technology, primarily the cases of *People v. Bryant*, 391 Ill. App.3d 1072 (4<sup>th</sup> Dist. 2009), *People v. Lindsey*, 201 Ill.2d 45 (2002), and *People v. Stroud*, 208 Ill.2d 398 (2004).

Finally, the Committee examined statutes and rules from other states such as Montana and Missouri to determine how video conferencing technology is utilized in criminal cases in those jurisdictions.

After discussion of the aforementioned statutes and relevant case law, the Committee concluded that a Supreme Court Rule would be the best method to insure proper use of video conferencing technology in criminal cases. To that end, the Committee has drafted a proposed rule, which will be forwarded to the Director of the Administrative Office of the Illinois Courts for

management with the Court.

***Project 2: Explore the need for first offender diversion programs for those convicted of certain Class 3 or Class 4 felonies.***

The Committee discussed several options for diversions 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.

However, at the committee meeting held as part of the 2009 Conference, the Committee determined that further exploration of this charge was needed and the charge was continued into Conference Year 2010.

The Committee began re-examining this charge by locating and discussing diversion programs from other states. After examining diversion programs from other states, the Committee determined, that in Illinois the most appropriate stage for diversion would be at the sentencing phase that the sentencing court could maintain strict control over the diversion program and the offender.

Further analysis of other states diversion programs revealed that statutory authority for the use of diversion programs was available. However, Illinois does not have such a statute. In response to this omission, the Committee has drafted a report, which will be forwarded to the Director of the Administrative Office of the Illinois Courts for management with the Court.

*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 was obtained from the Colorado 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, the Committee was given a presentation by Ms. Cassie Lively of the Center for

Conflict Resolution 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, and how those cases are referred for mediation. She 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. However, 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 made the following findings:

1. A criminal dispute resolution program is feasible in Illinois.
2. Any criminal dispute resolution programs 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.

In 2010, the Committee continued to examine this issue for the purpose of providing recommendations to the Court. As a result of this continued examination, the Committee recommends that a Supreme Court rule, which if adopted, would authorize the chief judge of each circuit to implement a diversion program and also provide minimum guidelines for the diversion program. A proposed rule will be forwarded to the Director of the Administrative Office of the Illinois Courts for management with the Court.

*Conference Year 2010 Projects/Priorities****Project 1: Update the 2007 Specialty Court Survey.***

The Committee began to undertake updating the 2007 Specialty Court Survey by examining and discussing specialty courts designed to address issues unique to veterans. The Hon. John Kirby, Presiding Judge of the Cook County Veteran's Court program and Mr. Mark Kammerer, Cook County Specialty Courts Coordinator, spoke to the Committee about the Cook County Veterans Court program. Judge Kirby and Mr. Kammerer detailed to the Committee the screening process used to determine participation eligibility, the tools used by the court to address veteran's issues, the resources used, and the success rate of the program.

Due to the in-depth nature of this charge, the Administrative Office of the Illinois Courts is developing a survey instrument capable of providing the Conference with a more comprehensive overview of specialty courts in Illinois as compared to the 2007 survey.

***Project 2: Study, examine and report on Supreme Court Rules as they relate to criminal procedure and court process.***

The Committee received a request from the Supreme Court Rules Committee seeking comment on proposed amendments to paragraph (d) of Supreme Court Rule 402, amendments to paragraph (d) of Supreme Court Rule 604, and an amendment to paragraph (c) of Supreme Court Rule 651. Discussion of these proposed rule amendments has been deferred until the next Conference year.

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

While the Committee has made significant progress addressing its charges, much of the Committee's work is ongoing and developing. The Committee is requesting to continue its work in updating the 2007 Specialty Court Survey. The Committee also would like to continue reviewing and making recommendations on matters affecting the administration of criminal law and the probation system, and continue to study, examine and report on proposed Supreme Court Rules as they relate to criminal procedure and court process.

**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. William J. Becker  
Hon. Maureen E. Connors  
Hon. Frank R. Fuhr  
Hon. James R. Glenn  
Hon. John B. Grogan  
Hon. Kimbara G. Harrell

Hon. Katherine Gorman Hubler  
Hon. Sue E. Myerscough  
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 2010

**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 2011.

**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.

In conjunction with its charge, the Committee considered several proposals that were forwarded to it from the Supreme Court Rules Committee.

*Supreme Court Rule 201 (General Discovery Provisions)*

The proposal sought to amend Supreme Court Rule 201 to make clear that all written discovery responses must be served upon all other parties in a case, rather than service merely upon the party that propounded the discovery initially. The Committee expressed a concern with the apportionment of cost and with existing discovery rules that already may require availability of such information. The Committee therefore will continue to discuss this matter.

*Supreme Court Rule 204 (Compelling Appearance of Deponent)*

The Committee considered two proposals regarding Supreme Court Rule 204. The first proposal sought to amend Rule 204 to allow attorneys to issue subpoenas for deposition. The Committee voted to recommend adoption of the proposal. The Committee reasoned that the current practice of the clerk of the court issuing subpoenas pursuant to the rule is purely a ministerial function. The Committee further reasoned that section 2-1101 of the Illinois Code of Civil

Procedure (735 ILCS 5/2-1101), which governs subpoenas at trial, permits the clerk or an attorney to issue subpoenas for witnesses. The Committee also noted that the practice in federal court, specifically Federal Rule 45 of Civil Procedure, and in other state jurisdictions is to allow attorneys in a case to issue subpoenas. The Committee, however, took issue with the proposal's reference to an attorney issuing a subpoena "on behalf of the court" since an attorney in issuing a subpoena is not acting on behalf of the court, but is acting as an officer of the court. In addition, the Committee modified the proposal to limit the ability to issue subpoenas to attorneys of record in a pending case. Pursuant to Supreme Court Rule 3, the Committee forwarded its recommendation to the Supreme Court Rules Committee.

The next proposal sought to amend Rule 204 to put a limit on the fees that a physician can charge for the giving of deposition testimony. Specifically, the proposal sought to limit at \$400/hour the fee that a physician can charge for the giving of deposition testimony. It also sought to limit the payment of said fee to the time actually spent testifying at the deposition. The Committee voted not to recommend adoption of this proposal. The Committee noted that every doctor values his/her time differently due to the type of practice and that the current rule permits the court to determine whether a fee is reasonable. Moreover, the Committee indicated that a doctor should be compensated for time spent preparing for a deposition. The Committee therefore concluded that the proposal was not a feasible way to handle this issue. Pursuant to Supreme Court Rule 3, the Committee forwarded its recommendation to the Supreme Court Rules Committee.

*Supreme Court Rule 216 (Admission of Fact or of Genuineness of Documents)*

The Supreme Court sent back to the Committee for its review the Committee's proposal to amend Supreme Court Rule 216 as well as the Supreme Court Rules Committee's alternative proposal. The Rules Committee agreed in part with the Discovery Committee's limiting of the number of requests for admission to 30, absent agreement or court order for good cause shown. The Rules Committee's proposal, however, disagreed with the Committee's prior leave of court requirement as a means of curbing perceived abuses. Upon reconsideration, the Committee agreed that requiring prior leave of court in all instances could result in unnecessary court appearances. The Rules Committee proposal provided that a party must prepare requests to admit as a separate document, serve them separately, and include a boldface warning on the first page stating that a failure to respond within 28 days will mean that the facts will be deemed true and the documents will be deemed genuine. The Committee agreed with the Rules Committee's proposal. It noted that *pro se* litigants currently receive requests to admit along with other discovery and often overlook the response deadline for requests to admit. The separate service and boldface warning requirements should reduce such occurrences. While voting in favor of the Rules Committee's proposal, the Committee redrafted the Comments to provide that the rule does not prevent a judge from controlling the timing of the requests to admit or entering appropriate protective orders, as with

other discovery methods. The Committee advised Director Cobbs of its recommendation.

*Supreme Court Rule 236 (Admission of Business Records in Evidence)*

The proposal sought to amend Supreme Court Rule 236 to simplify the proof of reasonableness of medical bills. Specifically, the proposal provided that the reasonableness of a medical bill may be established by an affidavit of the medical provider or its agent and that the affidavit creates a rebuttable presumption of the reasonableness of the bill. The Committee voted not to recommend adoption of the proposal, which addresses the admissibility of evidence at trial, because it resembles an evidentiary rule and not a discovery rule. Pursuant to Supreme Court Rule 3, the Committee forwarded its recommendation to the Supreme Court Rules Committee.

*Proposed New Supreme Court Rule - Attorney-Client Privilege*

This proposal from the Illinois Association of Defense Trial Counsel sought to create a new rule concerning inadvertent waiver of attorney-client privilege. In essence, the proposal provided that if a disclosure of privileged information was inadvertent, no waiver should result. Members of the Committee noted that this issue often arises in the context of electronically stored information because the volume of such information makes a pre-production document-by-document review cost prohibitive. Because the issue relates to e-Discovery, the Committee decided to consider it along with its drafting of e-Discovery rules and/or guidelines.

*B. Conference Year 2009 Continued Projects/Priorities*

The following subjects represent the projects/priorities assigned by the Supreme Court to the Committee for consideration in Conference Year 2009, which were extended into Conference Year 2010.

The Committee considered 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 non-party physicians prior to deciding whether to take their depositions. The Committee expressed interest in saving time and litigation costs by not deposing a doctor who has not seen the patient recently and has no opinion on the care/treatment relating to the injury giving rise to pending litigation. Some members of the Committee indicated that such questions are not necessary since there is the ability to screen whether a doctor's deposition is necessary by reviewing the medical history records. The Committee expressed concern that (1) compensation for answering any questions will become an issue; (2) a doctor may use the proposed questions as an escape mechanism to avoid a deposition; (3) the questions could be used as a means to get around the *Petrillo* limitations; or (4) privacy

concerns may become an issue. In light of its concerns, the Committee determined that the formulation of such questions would not be feasible.

Next, the Committee continued its discussion of whether the disclosures required under Rule 213(f) should include a list of any other case in which the witness has testified as an expert within the preceding four years and whether a party should be required to provide copies of all correspondence or communications between counsel and the expert. 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, did note that more academics are being retained as expert witnesses and that usually only professional expert witnesses retain a list of prior cases. The Committee also expressed concern with requiring a party under Rule 213(f) to provide copies of any and all correspondence or communications between counsel and the expert because such materials may include discussions of counsel's theory of the case and work product. Based on the foregoing, the Committee rejected the mandated disclosure of this information under Rule 213(f).

The Committee also considered two projects, which remain under discussion. Pending with the Committee is its consideration of whether business records, produced by a party, during discovery should be presumptively admissible absent foundation testimony. In its discussions, the Committee noted that such a rule would avoid calling witnesses to authenticate documents when no genuine question exists as to the foundation of the document. The Committee noted that such a rule could be overly-inclusive in that certain documents produced by a corporate or organizational party might not qualify as the entity's business records, *per se*. The Committee considered that a procedure that would allow the producing party to object after notice would preserve the producing party's ability to require foundation testimony for any genuinely disputed documents. Such a procedure is currently provided for in Supreme Court Rule 100.7(b) in the context of expedited child support hearings.

Also pending with the Committee is consideration of the feasibility of requiring mandatory disclosure of relevant documents. The Committee deferred its discussion until it drafts proposed amendments to Supreme Court Rules regarding e-Discovery.

### *C. Conference Year 2010 Projects/Priorities*

The Court requested that the Committee draft proposed amendments to select Supreme Court Rules, which may be modeled on the federal amendments, as well as guidelines, to assist trial court judges in addressing e-Discovery issues. The Committee formed a subcommittee to address this task. The subcommittee has reported to the Committee that it is examining e-Discovery rules in other states (23 of which currently have such rules) and guidelines established by the Conference of Chief Justices. The subcommittee is also monitoring the review of the e-Discovery amendments currently underway in the Northern District. There has been some concern

that the amendments have contributed to increased discovery costs and that costly and time-consuming discovery disputes are becoming the focus of many lawsuits.

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

During the 2011 Conference year, the Committee requests that it be permitted to address pending projects continued from the prior Conference year. The Committee also will review any proposals submitted by the Supreme Court Rules Committee.

### **IV. RECOMMENDATIONS**

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

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

Hon. M. Carol Pope, Chair

Hon. Robert J. Anderson  
Hon. Andrew Berman  
Hon. Liam C. Brennan  
Hon. Elizabeth M. Budzinski  
Hon. Mark H. Clarke  
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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 2010

**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 the educational needs of the Illinois judiciary and to develop and present educational programs to address those needs. In Conference Year 2010, the Committee received a charge to develop and recommend a "core" judicial education curriculum for Illinois judges which identifies key judicial education topics and issues to be addressed through judicial education activities each Conference year. This core curriculum was to include the identification of emerging legal, sociological, cultural and technical issues that impact decision making and court administration by Illinois judges. The Committee, in coordination with the Administrative Office, was charged with the assessment of judicial education needs, expectations, and program participation of Illinois judges, as well as reviewing and recommending educational programs offered by non-judicial conference organizations and entities for the award of continuing judicial education credit.

In conjunction with the general charge to the Committee, the Court provided the following list of 2010 projects and priorities:

- Evaluate the 2009 New Judge Seminar and design, deliver and evaluate the 2010 New Judge Seminar consistent with 2009 evaluations.
- Design, deliver and evaluate the 2010-2011 Seminar Series, including the DUI Seminar, consistent with 2009-2010 evaluations and the goals and objectives of the Illinois Department of Transportation, Division of Traffic Safety training grant awarded to AOIC.
- Design the 2011 Advanced Judicial Academy consistent with 2009 evaluations and the Court's directive to adjust the Academy schedule to a 3 or 32 day format.
- Deliver and evaluate Education Conference 2010 in February and April.
- Finalize the proposed amendments and modifications to the Supreme Court's *Comprehensive Judicial Education Plan* and submit to the Illinois Supreme Court.
- Design, deliver and evaluate the Faculty Development Workshop after determining frequency and substantive training needs.
- Assess and redesign Faculty Peer Review Evaluations and the Peer Review process.
- Assess means of faculty recruitment and the need for a diverse faculty across geographic, racial, ethnic, gender and cultural differentiations.
- Undertake any other such projects or initiatives that are consistent with the Committee's charge.

## II. SUMMARY OF COMMITTEE ACTIVITIES

### Education Conference 2010

Education Conference 2010, a biennial 30 hour training event, was held February 1-5 and April 19-23 at the Swissotel in Chicago. The 2010 theme, *Judging in a Diverse America*, was the focus of the plenary address offered by the Hon. Ruben Castillo, U.S. District Court Judge from the Northern District of Illinois. Each justice of the Supreme Court, and nearly all of the 958 trial and appellate court judges, participated in one of the two conference presentations. The conference offered judges a flexible selection of over 50 sessions, many repeated twice, Monday – Friday. Sessions were grouped into four tracks: Civil, Criminal, Family, and Judicial Conduct, Ethics and Professionalism. One hundred judicial faculty, representing a cross section of the state, and 34 non-judicial or retired judicial guest speakers, presented or facilitated at the conference. Use of *TurningPoint*, electronic registration, self-service kiosks and computerized onsite assistance from Administrative Office staff for scheduling changes were added features in 2010, which contributed to the successful management of the conference. Both the February and April presentations of the conference garnered an overall rating of 4.4 on a 5.0 scale.

### New Judge Seminar

The annual New Judge Seminar was presented to 38 new judges, December 7-11, 2009. The seminar was a comprehensive, week-long program designed to train new judges in a variety of substantive legal and procedural areas and to enhance courtroom management skills. Judicial ethics and conduct, including discussions on judicial attendance, timeliness and other conduct that promotes public confidence in the courts, were topics covered by experienced faculty. The seminar received an overall evaluation rating of 5.0 on a 5.0 scale for its value and benefit to new judges. Knowledge and preparedness of seminar faculty, and assistance by AOIC staff, also received a rating of 5.0. This was the sixth consecutive presentation to receive an overall evaluation of 4.8 to 5.0.

Planning is underway for the next New Judge Seminar, to be held January 24 -28, 2011, in Chicago. The seminar agenda and faculty have been approved by the Court. Faculty will continue to present session topics in a manner designed to aid the new judge's transition to the bench, help the new judge develop skills necessary to become an effective jurist and promote an increased knowledge of various substantive and procedural topics. During the seminar, or informally afterwards, faculty are generally available to new judges for follow-up. During sessions, seminar participants are encouraged to ask questions; many faculty engage new judges in role playing exercises and provide the opportunity for the critical review of scenarios and suggested responses. Small groups, facilitated by experienced judicial faculty, help foster open communication between the new judges. The use of *TurningPoint*, an audience response system,

has been a valuable teaching tool that stimulates discussion among the participants.

The 2011 New Judge Seminar also will offer informational kiosks, 15 minute sessions on topics of major interest to new judges. Kiosks provide an opportunity to share practical information and tips in a brief format. Kiosks topics will include: *Conducting Weddings, Substitution of Judge Issues, Mortgage Foreclosures, Handling TRO's, Hot Tips on Avoiding Reversals, Sealing Court Files, Eavesdropping Warrants, Pension Issues, and Completion of Travel Vouchers.*

### **2009-2010 Seminar Series**

The 2009-2010 Seminar Series offered the following mini and regional events in the Chicago area and Springfield: *Handling Civil Mental Health Commitments* (mini) (Springfield), *Challenging Issues for the Juvenile Court Judge* (regional) (Springfield) and *DUI Offenders in State Court* (grant funded regional) (Chicago area). The seminar offerings were intentionally limited to three due to the extensive course offerings of Education Conference 2010. Eighteen judges attended *Handling Civil Mental Health Commitments* and gave the seminar an overall quality rating of 4.1/5.0. Thirty-one judges attended *Challenging Issues for the Juvenile Court Judge*, which received 4.0/5.0 overall rating. Thirty-two judges attended *DUI Offenders in State Court* and rated the overall quality of the seminar 4.7/5.0.

### **2010-2011 Seminar Series**

The Court approved the 2010-2011 Seminar Series, a total of four seminars, two mini and two regional events. [Mini seminars are one-day training events, whereas regionals are two-day education events]. The 2010-2011 Seminar Series topics are: *Predicting Violent Behavior in Custody and Visitation*, a regional seminar to be held November 4-5, 2010, in the Chicago area; *Probate in the Baby Boomer Age*, a mini seminar scheduled for December 3, 2010, in Springfield; *Search and Seizure At Home and on the Road*, a mini seminar to be held in Springfield on February 24, 2011; and *DUI/Traffic Issues*, an Illinois Department of Transportation, Division of Traffic Safety, grant funded regional training event scheduled for April 12-13, 2011, in the Chicago area.

### **Advanced Judicial Academy**

The 2011 Advanced Judicial Academy, *To Have or Have Not: The Impact of Poverty and Wealth on Justice*, will be held June 13-16, 2010, at the University of Illinois College of Law in Champaign. The Committee's Advanced Judicial Academy Workgroup has begun planning for this event and looks forward to an engaging and substantive Academy that will explore the theme through an examination of daily subtopics focusing on *Law and Economics, Access to Justice and Law and Social Change*. There will be an emphasis on literature and the insights it can offer as it relates to these topics.

### **Faculty Development**

The opportunity to enhance presentation and facilitative skills, while increasing one's familiarity with technologies like *PowerPoint* and *TurningPoint*, serves the needs of both the faculty and the recipient audience. In addition, knowledge of adult learning theories, the value of well-established learning objectives and their nexus to session materials and presentation formats provide potential faculty with an opportunity to understand and put into practice curricula that meet the needs of the Illinois judiciary. Faculty development seminar will be a useful opportunity for prospective Education Conference 2012 faculty and facilitators, as well as future seminar series faculty, to hone their skills. The Committee plans to offer a faculty development seminar in 2011.

### **Illinois Judicial Conference Benchbooks**

Benchbooks have proven to be a valuable resource for Illinois judges and serve as a reference, on and off the bench. The Project Benchbook Editorial Board of the Committee on Education, through its benchbook writing teams, is responsible for researching, drafting, editing and reviewing the text of the Illinois Judicial Conference benchbooks. Illinois law school professors are engaged by the Administrative Office to assist the writing teams and the Editorial Board in its efforts on four of the six benchbooks.

The first edition of the *Criminal Law and Procedure Benchbook* in hard copy and CD format was distributed in the fall of 2009 to over 400 judges, along with 2009 Updates to Civil Law and Procedure, Domestic Violence, DUI/Traffic, Evidence and Family Law and Procedure. Updates are targeted for distribution beginning December, 2010. Over 3,700 copies of benchbook materials (CD and hard copy) have been distributed to Illinois judges by the Administrative Office Resource Lending Library. Additionally, benchbooks are now available on the Judicial Portal and may be printed, copied or saved as needed by the user.

### **Non-Judicial Conference Judicial Education Programs and Providers**

The Continuing Judicial Education (CJE) Workgroup of the Committee on Education reviews proposed non-judicial conference judicial education programs and providers and makes recommendations for the approval of such programs or providers to the full Committee, which in turn makes recommendations to the Supreme Court. This year, the Court approved upon recommendation of the Committee on Education, the *Economic Institute for Judges* held on November 8-13, 2009. Proposed 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 CJE Workgroup continues to review requests for approval received from judges or entities.

### Technology

The widespread integration of *PowerPoint* and *TurningPoint* technologies into session presentations enhanced the learning experience of participants as evidenced by comments in evaluations. Other technological enhancements this Conference year affecting Committee programs included the addition of online registration inaugurated during Education Conference 2010, automated conference attendance tracking (scanning), self-service kiosks and the continued use of the faculty database maintained by the Administrative Office. The faculty database facilitates the selection of conference and seminar faculty through the maintenance of data that identifies former teaching assignments, geographic location, areas of interest, and participant evaluations.

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

The Committee expects to continue its efforts to plan and deliver future New Judge Seminars, the annual Seminar Series, the biennial training events, Education Conference and Advanced Judicial Academy, the Faculty Development seminar, and the Judicial Conference benchbook updates.

#### Education Conference 2012

A substantial amount of time, dedication and effort was devoted to the development, design and planning of Education Conference 2010 by the Committee on Education and staff of the Administrative Office. The planning of Education Conference 2012 will have similar challenges of time and commitment. Review of participant evaluations and comments, COE liaison faculty assessments, available technologies, and consideration of the informal feedback from the Committee and staff of the Administrative Office, will guide initial planning meetings and serve as a basis for the development of Education Conference 2012. An Education Conference 2012 workgroup has been established to begin planning. The workgroup is co-chaired by a Cook County judge and a downstate judge.

#### New Judge Seminar

The New Judge Seminar workgroup is actively engaged in planning the January 24 - 28, 2011 New Judge Seminar. The workgroup will continue to evaluate and refine the curriculum for future new judge seminars in order to assist new judges in their transition to the bench and to assist new judges in complying with the Supreme Court's Statement of Expectations.

**2011-2012 Seminar Series**

The Committee will plan and propose a schedule of mini and regional seminars for the 2011-2012 education year, and identify judicial faculty and other expert presenters during the events. Topics for the 2011-2012 Seminar Series, along with suggested faculty will be presented to the Court for approval.

**Comprehensive Judicial Education Plan for Illinois Judges**

The Committee on Education has submitted extensive proposed revisions to the *Comprehensive Judicial Education Plan for Illinois Judges*. The Committee's recommendations pend with the Court at this time.

**Illinois Judicial Benchbooks**

The Project Benchbook Editorial Board of the Committee on Education will continue to update the six Illinois Judicial Benchbooks based upon significant changes in case law, statutes or rules.

**IV. RECOMMENDATIONS**

The Committee requests that its work to develop ongoing judicial education resources for Illinois judges be continued in Conference Year 2011. 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 the Court and the Illinois Judicial Conference continue to support its work in planning and delivering the 2010-2011 Seminar Series, Education Conference 2012, New Judge Seminar, Illinois Judicial Benchbook Updates, and the 2011 Advanced Judicial Academy.

## 2010 REPORT

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

Hon. Eugene P. Daugherity, Chair

Hon. Nancy Jo Arnold  
Hon. Stephen J. Culliton  
Hon. Michael J. Gallagher  
Hon. Richard P. Goldenhersh  
Hon. William E. Holdridge

Professor Martha A. Pagliari, Reporter  
Hon. Joan E. Powell  
Hon. Carolyn Quinn  
Mr. William R. Quinlan, Sr., Esq.  
Hon. Daniel J. Stack

Hon. Kathryn E. Zenoff

October 2010

## I. STATEMENT ON COMMITTEE CONTINUATION

The Illinois Judicial Conference Study Committee on Complex Litigation is charged generally with preparing revisions, updates and new topics, as necessary, for its two-volume Manual for Complex Litigation (Civil and Criminal). The Committee also is charged with making recommendations, through proposed rules or other procedures, to reduce the cost and delay typically associated with lengthy civil and criminal trials involving multiple parties and/or issues. The Committee members include Illinois circuit court and appellate court judges, who possess significant civil and criminal complex litigation experience. Historically, the work of the Committee has focused on maintaining the *Illinois Manual for Complex Civil Litigation* and the *Illinois Manual for Complex Criminal Litigation*, including the addition of form orders, pleadings, and other documents included in the Appendix to each Manual. Upon request by the Supreme Court, the Study Committee also has researched and offered proposed rules, policies and procedures to improve the administration of justice in complex litigation cases.

For Conference Year 2010, the Supreme Court's charge to the Committee contained four continued projects/priorities from Conference Year 2009. First, the Committee was asked to review the IJC Committee on Education's, *Criminal Law and Procedure Benchbook* and 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 2009 and reassigned for Conference Year 2010, as the Committee awaited completion of the *Criminal Law and Procedure Benchbook*. The Committee also was asked to revise the ADR chapter in the Civil Manual to add text regarding declaratory judgment cases. The projects/priorities assigned to the Committee additionally called for new text on construction cases for the Civil Manual. Most significantly, the Committee was tasked with drafting the 4<sup>th</sup> Edition of the Civil Manual.

With respect to projects/priorities identified for the current Conference Year, the Committee was not charged with any new tasks in addition to those for 2009; rather, the Committee was requested to undertake other projects or initiatives that would be consistent with its charge.

The Committee believes that its work continues to be of value to the mission of the Conference and that completion of the new edition of the Civil Manual and thorough review and revisions, as necessary, to the Criminal Manual are critical to providing a unique reference for Illinois judges presiding over complex litigation. As such, the Committee respectfully requests that it be continued as a full standing committee of the Illinois Judicial Conference in order to complete work on the Civil and Criminal Manuals.

## II. SUMMARY OF COMMITTEE ACTIVITIES

The following offers a brief summary of the Committee's work on those projects/priorities carried over from Conference Year 2009 and undertaken in Conference Year 2010.

**A. Conference Year 2009 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 2009, 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. The project was continued while the Committee awaited completion of the *Criminal Law and Procedure Benchbook*. After the benchbook was completed during the last part of Conference Year 2009, the Committee members requested and received copies in the early part of Conference Year 2010.

At the first meeting in February, the Committee chair assigned chapters from the Criminal Manual to each of the members and requested that they review the text and determine whether the content is duplicative of that contained in the Criminal Benchbook. At subsequent meetings, the Committee initiated discussions on their review of the benchbook in comparison to the Criminal Manual. The members noted that the benchbook was an excellent source of nuts and bolts information. The Committee concluded generally that the Criminal Manual will need some revisions to remain a unique resource; however, the members decided that the substantive work in this regard should be put over to the next Conference year so that work on the Civil Manual could first be completed.

**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 Fourth Edition of the Civil Manual. The ADR chapter has been completed and approved by the Committee, as discussed below in subparagraph (A)(4) of this report.

**3. Draft Text on Construction Cases for Inclusion in the Civil Manual**

The Committee discussed the request for new text to be added to the Civil Manual on construction cases, noting that the issue had been put over from Conference Year 2009 so that the text could be drafted as part of the new Fourth Edition of the Civil Manual. During the initial planning and outline discussions on the new edition, the Committee determined that there would be a chapter devoted to mechanic's liens issues. While the management of mechanic's liens issues may ultimately comprise the bulk of the text on construction cases, the Committee acknowledged that insurance and contribution issues may also be advisable for this chapter. As of the drafting of this report, the mechanic's liens chapter was still being completed and was anticipated for final review and approval in the fall.

#### 4. Draft a 4<sup>th</sup> Edition of the Civil Manual

During Conference Year 2010, the Committee's primary focus was drafting the new Fourth Edition of the Civil Manual. The Committee had agreed during the prior Conference year that the new Civil Manual should be a return to its original intended purpose as a "how-to" guide for judges, who may regularly deal with complex litigation or may find themselves with a case that has become complex and protracted. To best achieve this goal, the Committee had agreed to create a practical guide to litigation, offering an overview of issues in the first general chapters, such as discovery, settlement and trial, then narrowing the focus later in the manual to more specialized issues, such as class actions, mass torts, and complex insurance coverage disputes.

The Committee followed the same drafting process it had initiated during the prior Conference year. After the assignment of various topics to the Committee members in Conference Year 2009, draft outlines were created and approved by the full Committee. The Professor/Reporter then began drafting chapters, starting with the general topics, with the final draft going to the Committee member assigned to that topic for review and comment. The final draft was then considered by the full Committee, revised if requested, and voted on for final approval.

During Conference Year 2010, the Committee members also agreed to include in the Fourth Edition new features intending to better assist judges utilizing this type of practical guide to navigate a complex case. The new edition will include form orders, many of which may be downloaded for use by judges. The orders will be contained within the chapter pertinent to a particular subject matter, as opposed to the current appendix format which can become unwieldy. Each chapter also includes a checklist for the judge's reference on a particular topic. Additionally, the new chapters contain fewer footnotes than the current Third Edition, resulting in a more streamlined, user friendly resource that will allow a judge to locate and reference information quickly.

Chapter 1 of the new Civil Manual, concerning preliminary problems and pre-trial procedures, was completed in Conference Year 2009. The new Chapter 1 conflates all of the most useful and relevant information currently contained in Chapters 1, 2 and 3 of the Third Edition. Drafting of the Discovery Chapter also was initiated in Conference Year 2009, but the Committee deferred finalization of this topic until the current Conference year, noting that considerable e-Discovery issues were pending at that time.

During Conference Year 2010, the Professor/Reporter drafted several chapters for the Fourth Edition, which were discussed and ultimately approved by the full Committee. While draft chapters provided the necessary framework, meeting discussions also were instrumental in fleshing out any remaining issues the members felt were important to managing a complex case. For example, new Chapter 2 Discovery will advise that a judge should be available to settle disputes during depositions in particularly contentious cases, but attorneys should be warned that only in rare cases should they resort to calling the judge. The new Chapter 3 Sanctions will contain guidance for a judge in determining whether an abuse of the discovery process has occurred, and when a judge should hold a hearing on an attorney fee petition. The approved Chapter 4 Settlement will advise

judges how to handle the growing issue of *pro se* litigants in complex cases. Consistent with the Committee charge, Chapter 5 Alternative Dispute Resolution discusses the use of ADR in declaratory judgment cases. The ADR process can be very useful in such cases since a contract relationship typically reflects an underlying business relationship between the parties, and the desire to maintain this relationship can serve as an incentive to resolve issues out of court. The new Chapter 7 Cases with Parallel Proceedings provides guidance on case coordination and issues commonly found in cases with parallel proceedings in other state courts, federal courts, or criminal courts.

As of the drafting of this report, Chapter 6 Trial is the only remaining general chapter to be reviewed by the Committee. Additionally, the Fourth Edition will include specialized chapters on Class Actions, Mass Torts, Insurance Coverage, Environmental, Consumer, and Employment Actions, and Mechanic's Liens. The Committee hopes to complete and vote to approve all or most of the Fourth Edition of the Civil Manual by the Annual Judicial Conference meeting in October 2010.

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, and will likely be revising the Criminal Manual during the next Conference year, no new Civil or Criminal updates were created during Conference Year 2010.

Current editions of both the Civil and Criminal Manuals are available in CD-ROM format, which affords users the convenience of downloading and hyperlink and search capabilities.

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

During the next Conference year, the Committee will, if necessary, finalize any remaining chapters for the Fourth Edition of the Civil Manual, which have not yet been approved by the full Committee. The members also will undertake any additional editing and formatting issues necessary to produce a final document for distribution to Illinois judges.

The Committee also will resume comprehensive review of the Committee on Education's, *Criminal Law and Procedure Benchbook*, in order to make necessary revisions to the Criminal Manual. Similar to the new Civil Manual, anticipated revisions to the Criminal Manual will include creation of downloadable form orders and topic checklists for each chapter.

### **IV. RECOMMENDATIONS**

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

## 2010 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. George Bridges  
Hon. Susan Fox Gillis  
Hon. Kimberly G. Koester  
Hon. Diane M. Lagoski

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

Hon. Patricia M. Martin

October 2010

## 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 dependency 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 transactionally, whereby issues are identified and discussed in the order in which they arise during the course of a case. In general, the discussions begin with an examination of how a case arrives in juvenile court and end with post-dispositional matters such as termination of parental rights proceedings, termination of wardship, and appeal. 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 2011.

## 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 II of the Juvenile Law Benchbook. Volume II, published in 2002 and most recently updated in 2008, addresses proceedings brought in juvenile court that involve allegations of abuse, neglect, dependency and termination of parental rights. In preparing the update to Volume II, the Committee researched statutory changes and relevant case law through June 2010. In particular, the Committee has been tracking the status of Senate Bill 3406, which proposes amendments to the Juvenile Court Act to eliminate the provision that the State's Attorney may object to a court order of continuance under supervision. The Committee reasonably anticipates that its update to Volume II will be available for the New Judge Seminar in January 2011.

Pursuant to its charge, the Committee also considered a proposal to amend Supreme Court Rules 411, 605, 303 and 313, which had been forwarded by the Supreme Court Rules Committee. Following discussion of the proposal, the Committee voted to recommend adoption of the proposal to apply Rule 411 (Applicability of Discovery Rules) to juvenile delinquency proceedings since discovery rules are already being applied informally to juvenile proceedings. With respect to the proposal to create Rule 605A (Advice to Respondents in Juvenile Court Proceedings Other Than Delinquency), it is the Committee's position that the current rules on admonishment are sufficient. Therefore, the Committee voted not to recommend the creation of Rule 605A. With respect to the proposal to amend Rule 303 (Appeals from Final Judgments of the Circuit Court in Civil Cases) to appoint counsel to indigent parties on all appeals, the Committee voted not to recommend its adoption. It is the Committee's position that the appointment of counsel is limited by the provisions of the Juvenile Court Act. The Committee also expressed concern with providing counsel to indigent parties in appeals other than termination cases due to the financial burden on smaller counties. Finally, the Committee voted not to recommend the proposed amendment to Rule 313 (Fees in the Reviewing Court) to waive filing fees for parties on appeal determined to be indigent by the circuit court since it is the responsibility of the appellate court and not the circuit court to determine if a person on appeal qualifies as an indigent person. Pursuant to Supreme Court Rule 3, the Committee forwarded its recommendation to the Supreme Court Rules Committee.

#### *B. Conference Year 2009 Continued Projects/Priorities*

The following subjects represent the projects/priorities assigned by the Court to the Committee for consideration in Conference Year 2009, which were extended into Conference Year 2010.

##### *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 the juvenile drug courts in Cook, Kane, Peoria and Will counties. In Conference Year 2009, the Committee reported to the Court that each of the four juvenile drug court programs in Illinois utilizes different criteria and collects limited statistics as to the program's effectiveness. In particular, the Committee noted that there appear to be no analytical data, such as recidivism rates for those successfully completing the program, to measure the effectiveness of the program.

During this Conference year, the Committee studied other states' juvenile drug courts, finding that such programs are often evaluated through the use of standards for measuring recidivism, retention and sobriety. The Committee also found that national organizations have created standards for specialty courts that can be utilized to measure the effectiveness of Illinois' juvenile drug courts. The Committee, however, noted that establishing standards would be difficult in Illinois because the drug court is usually administered or funded from a source different than the source providing the standards. The Committee further determined that the effectiveness of juvenile drug courts depends on adequate funding for programs in the community, which offer an alternative to drug use, and depends on addressing the often underlying mental health issues of juvenile drug users. The Committee therefore concluded that the efficacy of juvenile drug courts is dependent on addressing other issues, including funding and mental health.

## *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 Conference Year 2009, 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 justice 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.

During this Conference year, the Committee found that there are resources/data through federal and national organizations addressing the issue of providing mental health services for juveniles. The Committee, however, concluded that lack of adequate funding remains a major problem in providing mental health services for juveniles.

### *3. Guardianship Standard*

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 continues to monitor 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 Conference Year 2011, the Committee seeks to update Volume I of the *Illinois Juvenile Law Benchbook*, which addresses juvenile court proceedings involving allegations of delinquency, addicted minors, minors requiring authoritative intervention and truant minors in need of supervision. The Committee also seeks to undertake any other projects or initiatives assigned by the Court for its consideration.

## **IV. RECOMMENDATIONS**

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

## 2010 REPORT

## Alternative Dispute Resolution Coordinating Committee

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### **CONFERENCE YEAR 2010**

#### *Statement of Purpose:*

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

#### *General Charge:*

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

### **COMMITTEE ROSTER**

#### **Conference Members**

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 Hon. Claudia Conlon  
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#### **Associate Members**

None

#### **Advisors**

Hon. Harris H. Agnew, Ret.  
 Hon. John G. Laurie, Ret.

Kent Lawrence, Esq.

**COMMITTEE STAFF LIAISON: Anthony Trapani**

## Committee on Criminal Law and Probation Administration

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### **CONFERENCE YEAR 2010**

#### *Statement of Purpose:*

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

#### *General Charge:*

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

### **COMMITTEE ROSTER**

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#### **Associate Members**

None

#### **Advisors**

None

**COMMITTEE STAFF LIAISON: B. Paul Taylor**

## Committee on Discovery Procedures

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### **CONFERENCE YEAR 2010**

#### *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**

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None

#### **Advisors**

David B. Mueller, Esq.

Paul E. Root, Esq.

Eugene I. Pavalon, Esq.

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

## Committee on Education

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### **CONFERENCE YEAR 2010**

#### *Statement of Purpose:*

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

#### *General Charge:*

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

### **COMMITTEE ROSTER**

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#### **Advisors**

None

**COMMITTEE STAFF LIAISON: Cyrana Mott**

## Study Committee on Complex Litigation

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### **CONFERENCE YEAR 2010**

#### *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.

### **COMMITTEE ROSTER**

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None

#### **Advisors**

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

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

## Study Committee on Juvenile Justice

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### **CONFERENCE YEAR 2010**

#### *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**

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None

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