

**IN THE  
SUPREME COURT  
OF  
THE STATE OF ILLINOIS**

Order entered December 6, 2006.

(Deleted material is struck through and new material is underscored.)

Effective January 1, 2007, Supreme Court Rules 40 and 213 are amended, and effective immediately Supreme Court Rules 316 and 527 are amended, as follows.

**Amended Rule 40**

**Rule 40. Marriage Divisions**

**(a) Creation.** The chief judge of any judicial circuit may, by administrative order, establish a marriage division in any county in the circuit and specify the times and places at which those judges willing to perform marriages will normally be available to do so. A marriage fund may be established on a circuitwide basis rather than a county-by-county basis when the chief judge, along with the majority of circuit judges, determines that the circuit's judicial needs are best served by a circuitwide fund.

**(b) Clerk–Fee.** The chief judge may provide that the clerk of the circuit court or someone designated by the clerk shall attend each regular session of each marriage division to assist the judge assigned thereto. The chief judge may set a fee to be collected by the clerk in an amount not to exceed \$10 for each marriage performed. No additional fee or gratuity will be solicited or accepted.

**(c) Trust Account.** The fees received shall be deposited in a federally insured or fully collateralized bank account in the name of the “Marriage Fund of the Circuit Court of \_\_\_\_\_ County” or the “Marriage Fund of the \_\_\_\_\_ Circuit Court.” The trustees of the account shall be three in number, consisting of the chief judge, the administrative secretary to the chief judge, and a resident circuit judge of the county. If there is no administrative secretary to the chief judge, or if there is no resident circuit judge of the county,

the chief judge shall designate one or two fellow circuit judges as his co-trustees. Money in a marriage fund may be spent in furtherance of the administration of justice for the following items:

- bank charges;
- business meal costs when an agenda is prepared for the meeting;
- courtroom and judicial office improvements;
- electronic legal research services;
- equipment—purchase, repair, and service;
- judicial robes—purchase, repair, and cleaning;
- jury room supplies and equipment;
- legal publications;
- membership dues for legal and judicial associations;
- name plates for judges;
- office supplies;
- pictures, plaques, and frames for the courthouse;
- public education/awareness program materials;
- training courses approved by the judicial education committee;
- training and professional education programs for nonjudicial employees of the judicial branch; and
- travel for judicial business.

Payment of a reasonable per diem fee to the clerk, or person designated by the clerk, who attends the marriage division on a day other than a regular working day may be made from the fund.

**(d) Reporting and Auditing Requirements.**

(1) Funds with Balances Under ~~\$10,000~~ \$50,000 at the end of the State Fiscal Year. For marriage funds that reflect a balance under ~~\$10,000~~ \$50,000 at the end of each State Fiscal Year (June 30), the chief judge of the circuit shall file, quarterly in the next fiscal year, reports with the Administrative Director of the Illinois Courts. The reports shall be filed not later than the fifteenth of each October, January, April and July. The report shall contain (i) the name of the marriage fund; (ii) the quarter end date; (iii) the balance on hand at the beginning of the quarter; (iv) the total income, including a detailed list of any income other than marriage fees for the quarter; (v) the total expenses for the quarter with a detailed list including the name of the vendor paid, description of the goods or services purchased, and the amount of each expense, and (vi) such other information as deemed necessary by the Administrative Director. The report shall be in a format prescribed by the Administrative Office. These reports shall be prepared by the administrative secretary or the resident judge and approved by the chief circuit judge.

(2) Funds with Balances of ~~\$10,000~~ \$50,000 and over at the end of the State Fiscal Year. On an annual basis, and not later than September 30, the chief judge of the circuit shall file with the Administrative Director of the Illinois Courts a professional, independent audit conducted by an accredited audit firm for each marriage fund in his or her circuit reflecting a balance of ~~\$10,000~~ \$50,000 and over at the end of the prior State fiscal year. The content of the annual audit shall be consistent with the reporting requirements contained in paragraphs (d)(1)(i) through (d)(1)(vi) of this rule.

(e) **Excess Funds to County Treasurer.** The trustees for all marriage funds shall pay into the county general fund or other judicial-related county funds such amounts as in their judgment may be appropriate.

Effective April 1, 1974; amended January 7, 2002, effective March 1, 2002; amended October 29, 2004, effective January 1, 2005; amended May 24, 2006, effective immediately; amended December 6, 2006, effective January 1, 2007.

### **Amended Rule 213**

#### **Rule 213. Written Interrogatories to Parties**

(a) **Directing Interrogatories.** A party may direct written interrogatories to any other party. A copy of the interrogatories shall be served on all other parties entitled to notice.

(b) **Duty of Attorney.** It is the duty of an attorney directing interrogatories to restrict them to the subject matter of the particular case, to avoid undue detail, and to avoid the imposition of any unnecessary burden or expense on the answering party.

(c) **Number of Interrogatories.** Except as provided in subparagraph (j), a party shall not serve more than 30 interrogatories, including sub-parts, on any other party except upon agreement of the parties or leave of court granted upon a showing of good cause. A motion for leave of court to serve more than 30 interrogatories must be in writing and shall set forth the proposed interrogatories and the reasons establishing good cause for their use.

(d) **Answers and Objections.** Within 28 days after service of the interrogatories upon the party to whom they are directed, the party shall serve a sworn answer or an objection to each interrogatory, with proof of service upon all other parties entitled to notice. Any objection

to an answer or to the refusal to answer an interrogatory shall be heard by the court upon prompt notice and motion of the party propounding the interrogatory. The answering party shall set forth in full each interrogatory being answered immediately preceding the answer. Sworn answers to interrogatories directed to a public or private corporation, or a partnership or association shall be made by an officer, partner, or agent, who shall furnish such information as is available to the party.

**(e) Option to Produce Documents.** When the answer to an interrogatory may be obtained from documents in the possession or control of the party on whom the interrogatory was served, it shall be a sufficient answer to the interrogatory to produce those documents responsive to the interrogatory. When a party elects to answer an interrogatory by the production of documents, that production shall comply with the requirements of Rule 214.

**(f) Identity and Testimony of Witnesses.** Upon written interrogatory, a party must furnish the identities and addresses of witnesses who will testify at trial and must provide the following information:

(1) *Lay Witnesses.* A “lay witness” is a person giving only fact or lay opinion testimony. For each lay witness, the party must identify the subjects on which the witness will testify. An answer is sufficient if it gives reasonable notice of the testimony, taking into account the limitations on the party’s knowledge of the facts known by and opinions held by the witness.

(2) *Independent Expert Witnesses.* An “independent expert witness” is a person giving expert testimony who is not the party, the party’s current employee, or the party’s retained expert. For each independent expert witness, the party must identify the subjects on which the witness will testify and the opinions the party expects to elicit. An answer is sufficient if it gives reasonable notice of the testimony, taking into account the limitations on the party’s knowledge of the facts known by and opinions held by the witness.

(3) *Controlled Expert Witnesses.* A “controlled expert witness” is a person giving expert testimony who is the party, the party’s current employee, or the party’s retained expert. For each controlled expert witness, the party must identify: (i) the subject matter on which the witness will testify; (ii) the conclusions and opinions of the witness and the bases therefor; (iii) the qualifications of the witness; and (iv) any reports prepared by the witness about the case.

**(g) Limitation on Testimony and Freedom to Cross-Examine.** The information disclosed in answer to a Rule 213(f) interrogatory, or

at in a discovery deposition, limits the testimony that can be given by a witness on direct examination at trial. Information expressed disclosed in a discovery deposition need not be later specifically identified in a Rule 213(f) answer, but, upon objection at trial, the burden is on the proponent of the witness to prove the information was provided in a Rule 213(f) answer or in the discovery deposition. Except upon a showing of good cause, information in an evidence deposition not previously disclosed in a Rule 213(f) interrogatory answer or in a discovery deposition shall not be admissible upon objection at trial.

Without making disclosure under this rule, however, a cross-examining party can elicit information, including opinions, from the witness. This freedom to cross-examine is subject to a restriction that applies in actions that involve multiple parties and multiple representation. In such actions, the cross-examining party may not elicit undisclosed information, including opinions, from the witness on an issue on which its position is aligned with that of the party doing the direct examination.

**(h) Use of Answers to Interrogatories.** Answers to interrogatories may be used in evidence to the same extent as a discovery deposition.

**(i) Duty to Supplement.** A party has a duty to seasonably supplement or amend any prior answer or response whenever new or additional information subsequently becomes known to that party.

**(j)** The Supreme Court, by administrative order, may approve standard forms of interrogatories for different classes of cases.

**(k) Liberal Construction.** This rule is to be liberally construed to do substantial justice between or among the parties.

Amended July 1, 1985, effective August 1, 1985; amended June 1, 1995, effective January 1, 1996; amended April 3, 1997, effective May 1, 1997; amended March 28, 2002, effective July 1, 2002; amended December 6, 2006, effective January 1, 2007.

### **Amended Rule 316**

#### **Rule 316. Appeals from Appellate Court to Supreme Court on Certificate**

Appeals from the Appellate Court shall lie to the Supreme Court

upon the certification by the Appellate Court that a case decided by it involves a question of such importance that it should be decided by the Supreme Court. Application for a certificate of importance may be included in a petition for rehearing or may be made by filing four copies of a petition, clearly setting forth the grounds relied upon, with the clerk of the Appellate Court within ~~21~~ 35 days after the entry of the judgment appealed from if no petition for rehearing is filed, ~~or within 35 days if an affidavit of intent is filed pursuant to Rule 315(b),~~ or, if a petition for rehearing is filed, within 14 days after the denial of the petition or the entry of the judgment on rehearing. An application for a certificate of importance does not extend the time for filing a petition for leave to appeal to the Supreme Court.

When the Appellate Court has granted a certificate of importance, the clerk of that court shall transmit to the clerk of the Supreme Court the record on appeal that was filed in the Appellate Court, with a certified copy of the Appellate Court record and opinions appended thereto, and the certificate of importance of the Appellate Court. The Appellate Court may require bond as a condition of granting a certificate of importance. The record shall be transmitted to the office of the clerk of the Supreme Court not later than 14 days from the date the certificate of importance is granted. Briefs shall be filed as provided in Rules 341 through 344. The appellant's brief shall contain a copy of the Appellate Court opinion. If an abstract was filed in the Appellate Court, 20 copies of the abstract shall be filed with the briefs, or if the Supreme Court so orders an abstract shall be prepared and filed in accordance with Rule 342.

Amended July 30, 1979, effective October 15, 1979; amended December 17, 1993, effective February 1, 1994; amended December 6, 2006, effective immediately.

### **Amended Rule 527**

#### **Rule 527. Bail Schedule–Conservation Offenses**

**(a) General.** Except as provided in paragraphs (b), (c), (d), (e), (f), (g) and (h) of this Rule 527, a person arrested for a conservation offense and personally served by the arresting officer with a conservation complaint shall post cash bail in the amount of \$75.

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#### **(e) Bail for Specified Violations of the Fish and Aquatic Life**

**Code.** Persons arrested for a conservation offense listed below and personally served by the arresting officer with a conservation complaint shall post bail in the amount specified:

**FISH AND AQUATIC LIFE CODE**

ILCS	Description	Bail
515 ILCS 5/1-200	Obstructing an Officer	\$1,000
515 ILCS 5/10-80	Illegal Methods of Taking Aquatic Life	\$1,000
<u>515 ILCS 5/10-100(b)</u>	<u>Release of Injurious Species</u>	<u>\$1,000</u>
515 ILCS 5/15-5	Failure to Have Required Commercial Fishing License	\$1,000
515 ILCS 5/15-10	Failure to Have Required Commercial Musselor License	\$1,000
515 ILCS 5/15-50	Unlawful Sale and Commercial Possession	\$1,000
515 ILCS 5/20-105	Violations While Under Revocation	\$1,000
515 ILCS 5/20-120(h)	Falsification or Misrepresentation	\$1,000

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Amended effective October 7, 1970; amended January 31, 1972, effective March 1, 1972; amended February 17, 1977, effective April 1, 1977, in counties other than Cook, effective July 1, 1977, in Cook

County; amended December 22, 1981, effective January 15, 1982; amended April 27, 1984, effective July 1, 1984; amended March 27, 1985, effective May 1, 1985; amended June 26, 1987, effective August 1, 1987; amended June 19, 1989, effective August 1, 1989; amended June 12, 1992, effective July 1, 1992; amended September 30, 2002, effective immediately; amended December 6, 2006, effective immediately.