



Supreme Court of Illinois

October 23, 2020

SUPREME COURT AMENDS RULE TO ALLOW DEFENDANTS DIRECT ACCESS TO DISCOVERY

Chief Justice Anne M. Burke and the Illinois Supreme Court announced today the amendment of Rule 415, which will allow attorneys to provide a copy of discovery to a defendant unless good cause is shown why the discovery should not be furnished to the defendant.

The Illinois Supreme Court Rules including Amended Rule 415 can be found [here](#).

Under Rule 415 as previously constituted, a defendant could view materials only in the presence of counsel as the materials must remain in the attorney's exclusive custody. In the case of an incarcerated defendant, this required defense counsel to remain present in the jail with a defendant, sometimes for hours, during the defendant's review. Amended Rule 415 allows for more direct access to material for defendants and frees up invaluable time for defense attorneys.

"This change was proposed a little over two months ago during our first Access to Justice Listening Tour session," Chief Justice Burke said. "It came together quickly thanks to cooperation from all court stakeholders and will improve access to justice – precisely what the Listening Tour was created to accomplish."

Any materials for discovery provided to the defendant may not contain any contact information or personal identifiers of any witnesses, nor may it contain any photographs or videos of victims of sexual assault, sexual abuse, or child pornography. In cases where a motion for protective order has been filed, an attorney receiving materials shall not furnish the materials identified in the motion to anyone until after the court has ruled on the motion for protective order.

The amendment to Rule 415 was proposed at the Madison County Access to Justice Listening Tour hosted by the Illinois State Bar Association on August 20, 2020, by Madison County Public Defender John Rekowski. The Access to Justice Listening Tour allows for those who are working within the judicial system to speak to their experiences and how they feel the system can operate more efficiently with increased access to justice for all.

"If the pandemic has taught us anything, it is how to work better, smarter and more safely. The Court recognized that there was a better way of doing things that would make the criminal justice work more efficiently while still being able to protect victims and witnesses," Rekowski said.

“This change in Rule 415 is a product of prosecutors, defense counsel, victim's advocates and the Court working together. It will be a great improvement.”

After the Madison County Listening Tour session, the proposal for amending Rule 415 was forwarded to the Illinois Supreme Court Rules Committee with a request for expedited consideration, which invited comments on the proposed amendment from various organizations representing both the prosecution and defense bar. The proposal was further amended and ultimately recommended for passage by the Rules Committee. It is supported by the Illinois State Bar Association.

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