

JUDICIAL CONFERENCE

Alternative Dispute Resolution Coordinating Committee

Judge Lance R. Peterson
13th Circuit
Chair

During the 2005 Conference Year, the Committee monitored both Court-Annexed Mandatory Arbitration Programs and Court-Sponsored Major Civil Case Mediation Programs. The Committee considered several rule amendments and forwarded them to the Supreme Court Rules Committee during the Conference Year 2005. One rule consideration included Supreme Court Rule 87(e), Appointment, Qualification and Compensation of Arbitrators. By amending paragraph (e), this proposed change would permit arbitrators to be paid an additional hearing fee for those matters which extend beyond the two hour hearing limit, pursuant to prior motion and at the discretion of the presiding arbitration judge. The Committee also considered Supreme Court Rule 91 (a), Absence of a Party at Hearing. By amending paragraph (a), this proposed change would require participants in arbitration cases to be present at the arbitration hearing. In the area of mediation, the Committee monitored existing Court-approved mediation programs, observed the inception of new mediation programs and continued to track statistical information to determine program efficacy.

Study Committee on Juvenile Justice

Judge C. Stanley Austin
18th Circuit
Chair

During the 2005 Conference Year, the Committee completed its preparation of an update to Volume I of the *Illinois Juvenile Law Benchbook*, which addresses juvenile court proceedings involving allegations of delinquency, minors requiring authoritative intervention, and addicted minors. The Committee also continued its review of various initiatives directly impacting juvenile court practice and policy. Specifically, the Committee compiled information on innovative programs including Redeploy Illinois and the concept of juvenile drug courts. Additionally, the Committee discussed the best practices recommended in the *Juvenile Delinquency Guidelines*, published by the National Council of Juvenile and Family Court Judges. Finally, the Committee monitored legislation, case law and executive initiatives, including the progress and results of the federal Child and Family Services Review process and the state Program Improvement Plan, which are aimed at improving court performance in the processing of abuse, neglect, and dependency cases.

Committee on Discovery Procedures

Judge Frederick J. Kapala
Appellate Court
2nd District
Chair

During the 2005 Conference Year, the Committee considered proposed amendments to Supreme Court Rules 202, 204, 208, 213, and 216. The Committee considered and rejected a proposal by the Honorable William D. Maddux to amend Supreme Court Rule 202 to eliminate the distinction between discovery and evidence depositions. The Committee decided that the use of discovery and evidence depositions should be maintained. The Committee also considered the Chicago Bar Association's proposal to amend Supreme Court Rule 204(b) with respect to compelling the appearance of a deponent when the action is pending in another state. The Committee sought and awaits clarification from the Chicago Bar Association concerning the problem meant to be remedied by the proposal. The Committee, however, voted in favor of the Chicago Bar Association's proposal to amend Supreme Court Rule 213(g) to preclude testimony disclosed in an evidence deposition from acting as a disclosure under Rule 213. The Committee rejected the Illinois State Bar Association's proposal to amend Supreme Court Rule 208(d) to provide that the trial court may award to any party in whose favor judgment is entered, the reasonable cost of any appearance fee charged by any non-retained physician witness who testified at trial or at an evidence deposition or at a videotaped evidence deposition that was used at trial. The Committee initiated but did not conclude its discussion on possible ways to eliminate abuses arising from the strict requirements for responding to a Rule 216 Request to Admit. Finally, the Committee began discussion on creating a rule to require mandatory disclosure of relevant documents to address the increasing problem of receiving relevant information before trial.

Study Committee on Complex Litigation

Judge Mary Ellen Coghlan
Circuit Court of Cook County, Chair

The Study Committee on Complex Litigation studies and makes recommendations for procedures to reduce the cost and delay attendant to lengthy civil and criminal trials and continuously updates the *Illinois Manual for Complex Litigation* (Civil and Criminal) for distribution to Illinois judges. During the past Illinois Judicial Conference year, the Committee met to discuss caselaw and other legal developments in order to keep the *Illinois Manual for Complex Civil Litigation* and the *Illinois Manual for Complex Criminal Litigation* current. The Committee determined that further updates were necessary for both the civil and criminal manuals. The Committee drafted caselaw updates for the civil manual and criminal manual for decisions issued during Conference Year 2004-2005. Additionally, the Committee integrated all previous caselaw updates and supplement "pocket-parts" from 1998 through 2004 into the main text of the Manuals. The Committee also cite-checked the entire text of the Manuals. The Manuals are available in hard copy and on CD-ROM, which affords users the convenience of downloading and hyperlink and search capabilities.

The Judicial Conference of Illinois, consisting of eighty-two judges, is responsible for suggesting improvements in the administration of justice in Illinois. The Executive Committee, composed of the chief justice and fourteen members of the Judicial Conference, reviews recommendations of the various committees and makes recommendations to the supreme court, resolves questions of committee jurisdiction, acts on behalf of the Judicial Conference between annual meetings, and performs other duties delegated by the supreme court. The Administrative Office of the Illinois Courts serves as Secretary of the Conference.

COMMITTEE ACTIVITIES

The Committee on Education is charged by the Supreme Court with developing and providing ongoing judicial education for Illinois judges. The Committee does so within the framework of the Court's Comprehensive Judicial Education Plan, which recognizes that judicial education is a primary means of advancing judicial competency. In June 2005, the Committee oversaw the presentation of the 2005 Advanced Judicial Academy at the University of Illinois College of Law. The Academy, which examined the changing public expectations of the Courts in an era of technological, social and political change, featured nationally and internationally prominent speakers on the topic of judicial independence and public confidence in the courts. In addition to the Academy, the Committee conducted a full schedule of seminars during the 2004-2005 Judicial Conference year, presented a New Judge Seminar and conducted a Faculty Development Workshop for judges teaching Judicial Conference Programs. The seminar series included six regional (2 day) seminars and five mini (1 day) seminars. Faculty for all programs were assisted by staff of the Administrative Office of the Illinois Courts. In addition to the annual seminar series, the Committee significantly revised the annual New Judge Seminar curriculum, with the approval of the Court, to incorporate both substantive law sessions as well as "workshops" and "skill-building" techniques to ensure that new judges can successfully develop the specialized skills and knowledge necessary for their careers on the bench. Lastly, the Committee oversaw the Resource Lending Library for Illinois judges, in collaboration with the Administrative Office. The Resource Lending Library sponsored by the Committee and operated by the Administrative Office continued to provide judicial education resources to Illinois judges. Loan material available through the library includes videotapes, audiotapes and publications. Permanent use items include seminar reading materials, bench books, manuals, and other materials. The total number of loan and permanent use items distributed to judges in Fiscal Year 2005 was 732. As in prior years, seminar reading materials and informational videotapes were the most requested items.

Committee on Education
Judge Hollis L. Webster
18th Circuit
Chair

During the 2005 Conference year, the Committee reviewed numerous security briefs and articles which identified viruses and worms that affect various computer systems. The Committee continues to review these types of threats and will distribute to the Conference of Chief Circuit Judges general information regarding security threats. The Committee drafted, distributed and analyzed the results of a survey regarding the use of the case management systems in Illinois circuit courts, how case management systems are managed, who accesses this information, and how circuit court technologies are funded. Additionally, the Committee discussed the development of statewide standards for information exchange and the use of video conferencing to reduce the time and cost associated with expert witnesses and prisoner transports. Currently, some arraignments in Illinois are held via video arraignment or closed-circuit systems. Expansion of such concepts may prove beneficial to the circuit courts.

Committee on Automation and Technology
Judge Robert E. Byrne
Appellate Court
2nd District
Chair

During 2005, the Committee on Criminal Law and Probation Administration worked on a number of significant issues of a continuing nature, including: a comprehensive review of probation programs centering upon Evidence-Based Practices; examination of the implementation and practices of specialty courts, ie "Drug Courts and Mental Health Courts"; examination of new issues affecting criminal law and procedure; and review of proposals to amend Supreme Court Rules governing criminal cases. Given the growing interest and implementation of problem solving/specialty courts, the Committee conducted research and examined a number of articles on the issue. A guideline on "Issues and Factors to Consider When Planning and Implementing Specialty Courts" was developed to assist jurisdictions who have existing speciality courts or are considering implementing one. The Committee has continued to discuss and monitor the U.S. Supreme Court ruling in the case of *Crawford v. Washington* and those cases and articles which discussed the way courts will review Confrontation Clause issues.

Committee on Criminal Law and Probation Administration
Judge Michael P. Toomin
Circuit Court of Cook County, Chair

Members of the Executive Committee of the Illinois Judicial Conference During 2005

Chief Justice Mary Ann G. McMorrow, Chair
Cynthia Y. Cobbs, Secretary

Robert P. Bastone, Associate Judge, Circuit Court of Cook County
Joseph F. Beatty, Circuit Judge, 14th Circuit
Robert L. Carter, Chief Circuit Judge, 13th Circuit
James K. Donovan, Appellate Judge, 5th District
Timothy C. Evans, Chief Circuit Judge, Circuit Court of Cook County
Susan Fox Gillis, Associate Judge, Circuit Court of Cook County
Robert K. Kilander, Chief Circuit Judge, 18th Circuit

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