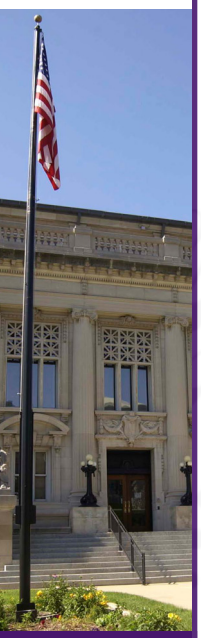
JUDICIAL CONFERENCE COMMITTEE ACTIVITIES



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.

Alternative Dispute Resolution Coordinating Committee

Judge Patricia Banks, Chair
Circuit Court of Cook County

The Alternative Dispute Resolution Coordinating Committee (Committee) monitors and assesses both court-annexed mandatory arbitration programs and mediation programs approved by the Supreme Court. During Conference Year 2010, the Committee continued to track mandatory arbitration statistics to determine program efficacy. The Committee undertook many initiatives prescribed by the Court during the conference year. Some of those projects included finalization of training curriculum for new arbitrators; planning for production of an arbitrator training video; development of a participant satisfaction survey for arbitration attorneys and litigants; drafting a recommendation on a settlement data initiative; reviewing the collection method of statistics relating to arbitration programs; developing a survey to investigate the reasons for rejection of awards in arbitration hearings; exploring development of a mentor training program for arbitrator chairpersons; and examining the issue of residency requirements for arbitrators. The Committee also met with arbitration administrators and supervising judges of circuits with mandatory arbitration programs to discuss program operations and identify areas for improvement.

Study Committee on Juvenile Justice

Judge John R. McClean, Jr., Chair
14th Judicial Circuit

During the 2010 Conference Year, the Committee updated Volume II of the *Illinois Juvenile Law Benchbook*, which addresses juvenile court proceedings involving allegations of abuse, neglect, dependency and termination of parental rights. 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. Next, the Committee continued its study of juvenile drug courts by examining 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, 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. The Committee also continued its study of providing mental health services for juveniles. The Committee found that there are resources/data through federal and national organizations regarding providing mental health services for juveniles. The Committee concluded that lack of adequate funding remains a major problem in providing mental health services for juveniles. As a final matter, the Committee continued to monitor the status of Senate Bill 1430, which may resolve the issue of determining the standard, either best interests of the minor or superior rights, appropriate in guardianship cases.

Study Committee on Complex Litigation

Judge Eugene P. Daugherty, Chair
13th Judicial Circuit

During the 2010 Judicial Conference Year, the Study Committee on Complex Litigation'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 encounter complex litigation or may find themselves with a case that has become complex and protracted. To best achieve this goal, the Committee 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 members also agreed to include in the Fourth Edition new features to better assist judges utilizing this type of practical guide to navigate a complex case. For example, chapters in the new edition will include form orders, many of which may be downloaded for use by judges, and each chapter also concludes with a checklist for the judge's reference on a particular topic. During Conference Year 2010, the Professor/Reporter drafted several chapters which were approved by the full Committee for the Fourth Edition: Chapter 2 Discovery, Chapter 3 Sanctions and Other Enforcement Techniques, Chapter 4 Settlement, Chapter 5 Alternative Dispute Resolution, Chapter 6 Final Pretrial Conferences, Chapter 7 Trial Techniques, Chapter 8 Cases with Parallel Proceedings, and Chapter 9 Specialized Problems and Miscellaneous Subjects, including Class Actions, Mass Torts, Insurance Coverage Disputes, Mechanics Liens, Environmental Litigation, Employment Disputes, and Antitrust. The Committee hopes to finalize and disseminate the Fourth Edition in Conference Year 2011. The Committee also reviewed the *Criminal Law and Procedure Benchbook*

created by the IJC Committee on Education and considered appropriate revisions to the *Criminal Manual* to avoid duplication and maintain a unique document. The Committee concluded that the *Criminal Manual* will need some revisions to remain a unique resource; however, the substantive work in this regard was put over to Conference Year 2011 so that the Committee could focus on completing the *Civil Manual*.

Committee on Criminal Law and Probation Administration

Judge Mary S. Schostok, Chair
Second District Appellate Court

During the 2010 Conference year, the Committee on Criminal Law and Probation Administration examined the feasibility of the use of videoconferencing in criminal cases, resulting in recommendations being made to the Judicial Conference. The Committee continued to study and examine the use of diversion programs for certain Class 3 and Class 4 felony offenses, which also resulted in recommendations being made to the Judicial Conference. Additional recommendations were made to the Judicial Conference as a result of the Committee's continued discussion of the utility of a criminal alternative dispute resolution program for Illinois. Finally, the Committee began discussion on updating the 2007 Specialty Court Survey, which will continue into the upcoming conference year.

Committee on Discovery Procedures

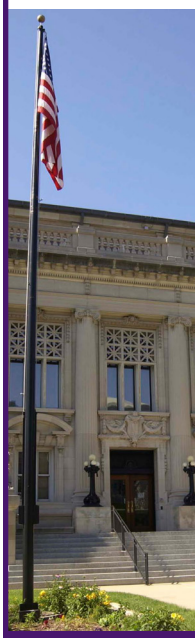
Judge Mary Anne Mason, Chair
Circuit Court of Cook County

During the 2010 Conference Year, the Committee considered several proposals that were forwarded to it from the Supreme Court Rules Committee. Specifically, the Committee recommended adoption of a proposal to amend Supreme Court Rule 204 to allow attorneys to issue subpoenas for deposition. The Committee, however, voted not to recommend adoption of a proposal to amend Supreme Court Rule 204 to put a limit on the fees that a physician can charge for the giving of deposition testimony. The Committee also voted not to recommend a proposal to amend Supreme Court Rule 236 to simplify the proof of reasonableness of medical bills. In addition, the Committee voted in favor of the Rules Committee's proposal to amend Supreme Court Rule 216 to limit the number of requests for admission to 30; to require that a party prepare requests as a separate document; to serve them separately; and to 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 submitted its own 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. The Committee also undertook several projects. First, the Committee considered the formulation of questions addressed to nonparty physicians prior to deciding whether to take their depositions. The Committee determined that the formulation of such questions would not be feasible because of 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. The Committee also considered and rejected mandating disclosure of a list of any other case in which the witness has testified as an expert within the prior four years and disclosure of all correspondence or communications between counsel and the expert. As a final matter, the Committee formed a subcommittee to consider its assigned task of drafting proposed amendments to select Supreme Court Rules as well as guidelines to assist trial court judges in addressing e-Discovery issues. The subcommittee reported that it has examined e-Discovery rules in other states and guidelines established by the Conference of Chief Justices. It also reported that it is monitoring the review of the e-Discovery amendments currently underway in the Northern District.

Committee on Education

Judge M. Carol Pope, Chair
Fourth District Appellate Court

The Supreme Court has given the Committee on Education 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 charge includes the identification of emerging legal, sociological, cultural and technical issues that may impact judicial decision making and court administration. Based upon this core curriculum, the Committee develops, in coordination with the Administrative Office Judicial Education Division, seminars, conferences and workshops, for new and experienced judges, that include, the annual *Seminar Series*, *New Judge Seminar*, *Advanced Judicial Academy, Education Conference*, and *Faculty Development,* a workshop for new and experienced judicial faculty. The Committee reviews and recommends to the Court, non-judicial conference judicial education programs for the award of judicial education credit. In addition, the Committee works with the Administrative Office to produce the following six Illinois Judicial Benchbooks and annual Updates: *Criminal Law and Procedure*, *Civil Law and Procedure*, *DUI/Traffic*, *Family Law and Procedure*, *Evidence* and *Domestic Violence*. The benchbooks are available to Illinois judges in hard copy, CD format, and through access to the judicial portal.



Members of the Executive Committee of the Illinois Judicial Conference During 2010

Chief Justice Thomas L. Kilbride, Chair — **Cynthia Y. Cobbs**, Secretary

Adrienne W. Albrecht, Circuit Judge, 21st Circuit
Robert L. Carter, Appellate Judge, 3rd District
Stephen J. Culliton, Chief Circuit Judge, 18th Circuit
Timothy C. Evans, Chief Circuit Judge, Circuit Court of Cook County
Susan Fox Gillis, Associate Judge, Circuit Court of Cook County
Shelvin Louise Hall, Appellate Judge, 1st District
John C. Knight, Circuit Judge, 3rd Circuit
Rita M. Novak, Associate Judge, Circuit Court Cook County
M. Carol Pope, Appellate Judge, 4th District
Elizabeth A. Robb, Chief Circuit Judge, 11th Circuit
Robert B. Spence, Circuit Judge, 16th Circuit
John O. Steele, Appellate Judge, 1st District
Joseph J. Urso, Circuit Judge, Circuit Court of Cook County
Milton S. Wharton, Circuit Judge, 20th Circuit