

1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF COOK)

3
4
5
6
7 SUPREME COURT RULES COMMITTEE
 PUBLIC HEARING

8
9 ILLINOIS SUPREME COURT
 BOARD/COMMISSION/COMMITTEE/TASK FORCE

10
11 Report of proceedings had at the public hearing
12 held at the Michael A. Bilandic Building, 160 North
13 LaSalle Street, Room C-500, Chicago, Illinois 60601 in
14 the above-entitled cause before James Hansen,
15 Committee Chairman, commencing at 10:27 a.m. on the 29th
16 day of March, A.D., 2023
17
18
19
20
21
22
23
24

1 CHAIRMAN HANSEN: Good morning, everyone.
2 Welcome to our Illinois Supreme Court Rules Committee
3 meeting and public hearing. This is the first hearing
4 we've had in person in a very long time, and it's nice
5 to get together and be able to do that.

6 My name is Jim Hansen. I'm the chair of the
7 committee. Larry Rogers, to my right, is the vice
8 chair. These are the members of our Committee up here.
9 And Justice O'Brien is down in front, our Supreme Court
10 liaison.

11 So with that being said, we will begin the
12 hearing. We have six speakers this morning.

13 Those of you that are here and have signed up,
14 you each have a 10-minute allotment of time. You don't
15 need to use the full 10 minutes if you feel you don't
16 need to. That's okay with us. If you are going long on
17 the 10 minutes, I certainly will let you know. And then
18 if there's any questions from the Committee members, we
19 will ask that when you finish with your comments.

20 So with that being said, our first speaker from
21 the ISBA, Nancy Shafer, and this is regarding proposal
22 22-04 creating the New Rule 909 regarding parenting
23 coordinators.

24 So, Nancy, it's all yours.

1 MS. NANCY SHAFER: Thank you.

2 Good morning, Chair and the members of the
3 Committee. I appreciate the time you're allotting for
4 this rule today.

5 This is a proposed rule on something called
6 parenting coordination. Parenting coordination is an
7 out of court process for the resolution of minor
8 disputes in family law cases, generally related to
9 parenting and the details of implementation and
10 enforcing a parenting plan that the parties have already
11 agreed to or that the Court has already ordered.

12 The Illinois State Bar is proposing this rule to
13 address areas of conflict in families which tend to
14 utilize more court resources than other areas, with very
15 little benefit and a great deal of cost to the parties
16 and the system. Using parenting coordination helps to
17 conservative precious judicial resources while still
18 providing resolution to the parents.

19 High conflict family law cases are a great
20 example of something that's often called the 80/20 rule,
21 that is 20 percent of the cases take up 80 percent of
22 the time. In family law, it actually tends to be more
23 like 90/10 or 95/5. There are just some families where
24 the conflict level is extreme high for many reasons and

1 they're very difficult to resolve because it's like a
2 whac-a-mole. You resolve one problem and then the next
3 problem pops up.

4 So what we're looking at is throughout the
5 state -- we have mediation programs which assist parents
6 to reach agreement without direct judicial involvement,
7 and they have been very successful.

8 However, there's a subset of cases where the
9 conflict between the parents is heightened that even
10 after a case is resolved, by agreement or trial, parents
11 continue to engage in conflict over even minor parenting
12 decisions and return to court over and over, seeking
13 support for their positions and a means to resolve each
14 conflict.

15 Parenting coordination is a process designed to
16 both resolve minor disputes without the need for
17 expensive and time-consuming court actions, and to help
18 parents learn problem-solving skills that they will need
19 to coparent their children successfully. A good
20 parenting coordinator will help parents learn to resolve
21 their own conflict so that a parenting coordinator is no
22 longer needed. Our goal is is to work ourselves out of
23 a job.

24 Currently Cook County has a circuit court rule

1 which permits parenting coordination, and it is used
2 frequently to great success. One other circuit -- one
3 other county, McLean County, has a parenting
4 coordination rule, but it is rarely used due primarily
5 to an appellate court decision which suggested
6 limitations to its use and sort of scared the bar in
7 that area off from using it.

8 Other circuits have suggested to the bar that
9 without statutory or Supreme Court authority they
10 believe -- the Court believes they're unable to appoint
11 parenting coordinations, although some do allow
12 appointment of parenting coordinators by agreement.

13 There are no standards on -- or rules on how --
14 statewide standards or rules on how parenting
15 coordination should work, enforcement, payment of fees
16 in most of the states; and this Supreme Court Rule
17 addresses these issues.

18 I do -- can talk about the considerations in
19 drafting the rule. It was based in part on the
20 Association of Family and Conciliation Courts guidelines
21 for parenting coordination. That organization, AFCC, is
22 an interdisciplinary organization that is national in
23 scope -- actually even international -- and is generally
24 considered to be the lodestar, the cutting edge of

1 parenting issues in families in divorce. And they have
2 guidelines on that, a portion of which are literally
3 recited in this rule.

4 And then we also looked at states -- other state
5 statutes such as Missouri and Supreme Court rules such
6 as Arizona on parenting coordination. We also looked at
7 the existing Illinois circuit court rules. We tried to
8 anticipate and address identifiable problems and
9 concerns which may be raised without making the proposal
10 too long and too complex.

11 Generally, the highlights of the rule, we define
12 parenting coordination. The rule describes when it
13 should be used and the limitations on its use. It
14 describes the process for implementing or objecting to
15 parenting coordinator recommendations, and they are
16 called recommendations, not rulings. We're not
17 advocating judicial authority to a parenting
18 coordinator. We are simply using an out of court
19 process to resolve things that often don't get resolved
20 in the court process.

21 The rule defines who may be a parenting
22 coordinator and also how a parenting coordinator gets
23 paid, remembering, of course, that there are sometimes
24 objections to adding burdens to participants in the

1 family law process.

2 This is not trying to add additional fees to any
3 litigants. What this is doing is shifting how and when
4 and where they are paying their fees because if they're
5 going back to court, they're often paying two attorneys
6 and a guardian ad litem or child representative as
7 opposed to one parenting coordinator who can help them
8 not only resolve their dispute -- whether the pickup is
9 at 6 or 6:30, whether the child can go to the
10 grandmother's 90th birthday party, all of the things
11 that come up in these post-judgement litigations -- but
12 also what we're looking at is teaching parents how to
13 problem solve, something that is sorely lacking,
14 especially in these families, and working ourselves out
15 of a job.

16 CHAIRMAN HANSEN: Thank you. I have some
17 follow-up.

18 MS. NANCY SHAFER: Sure.

19 CHAIRMAN HANSEN: I want to understand a little
20 bit on the background, because as I read the rule in
21 which you stated, currently only one county -- or maybe
22 two -- has parenting coordination local rules in effect.

23 MS. NANCY SHAFER: That's correct.

24 CHAIRMAN HANSEN: So if I'm in a county that

1 doesn't have that, doesn't this presuppose then that my
2 local county has to adopt that first before they then
3 can impose this parenting coordinator role?

4 MS. NANCY SHAFER: Yes. And that is the way the
5 rule is set up. In large part because the thought was
6 that we don't want to supplant the counties' decision
7 making. Some counties believe that they have other
8 processes in place that could obviate the need for
9 parenting coordination.

10 THE COURT: And based on what you said then,
11 this currently would apply only so far in Cook County
12 because McLean County has, I guess, abandoned or is
13 not --

14 MS. NANCY SHAFER: Well, they do have a rule, so
15 it may add additional support to the use of that rule
16 because now we have some standards in this Supreme Court
17 Rule that are going to govern what the counties can do.

18 CHAIRMAN HANSEN: And my last question -- and if
19 I missed it, I apologize. The fees, does it spell out
20 who pays for it? Is it split? Is it --

21 MS. NANCY SHAFER: Well, it's up to the Court or
22 the parties' agreement because not all fees will be
23 split 50/50, for example, because people are not
24 necessarily in equal financial positions, but it would

1 be paid by the parties, I would imagine.

2 And I've certainly -- Judge Dickler who used to
3 be the presiding judge in Cook County was part of the
4 drafting of this. We already in place plans -- and I've
5 spoken with Judge Scannicchio about that as well to
6 create sort of a pro bono panel as well for those who
7 want to be on the list of approved parenting
8 coordinators, and I think that's how most counties would
9 do it similar to mediation.

10 CHAIRMAN HANSEN: Thank you. Any other
11 questions from the panel?

12 HON. DAVID R. NAVARRO: You mentioned a pro bono
13 panel or a panel of -- I'm assuming -- attorneys, but
14 the rule talks about it could be individuals with a
15 master's degree in social work or some related field in
16 addition -- or a JD.

17 MS. NANCY SHAFER: Absolutely. And the plan,
18 the idea is a lot of mental health professionals are
19 going into this kind of work and may be uniquely suited
20 for the -- certainly for the education about problem
21 solving and decision making as coparents.

22 Sometimes as lawyers we tend to go "Here's my
23 decision. This is it." We don't always take the time
24 to educate the parties. But the idea is this is an

1 interdisciplinary area of practice that's coming forth,
2 so we do anticipate mental health professionals wanting
3 to be on that. And the idea would be if a county had an
4 approved list of parenting coordinators, similar to
5 mediation, if you want to be on this list, you have to
6 do one or two a year that are pro bono.

7 UNIDENTIFIED COMMITTEE MEMBER: I guess I have a
8 question. Why not just go to Cook County and say,
9 "Adopt this as a local rule," since they're the only
10 jurisdiction that currently is doing this? Why the need
11 for a Supreme Court Rule statewide?

12 MS. NANCY SHAFER: So that's a very good
13 question.

14 Cook County already has a Rule, but what we are
15 looking for is support to be able to take this to the
16 other counties. My primary county of practice is Lake
17 County, and take that to them and say, "Okay. Now, it's
18 time. The Supreme Court has blessed this, so to speak,
19 and let's do our own rule." And since this rule really
20 lays out all of the requirements, a local court rule can
21 simply say, "We're going to do that," and not have to be
22 a big, complex process.

23 And my understanding from my work on the ISBA
24 Family Law section counsel is that many counties are

1 interested in this.

2 HON. WILLIAM H. HOOKS: So can it be optional
3 for a county to buy into this or not and not be required
4 based upon a Supreme Court Rule?

5 MS. NANCY SHAFER: I believe that's the way the
6 Rule is written, and the reason for that is some
7 discussion in a couple of counties, not many, but a
8 couple of counties that they believe they already have
9 resources and don't need this rule.

10 My belief is that everybody will come around
11 because it is a really effective tool and I -- I know
12 there's a couple of judges here, some of whose names I
13 recognize, that, you know, family law court can be a
14 very difficult assignment and a lot of that difficulty
15 is these high conflict repeat cases. And this is going
16 to help that we hope.

17 VICE CHAIR ROGERS: Question.

18 MS. NANCY SHAFER: Yes.

19 VICE CHAIR ROGERS: Does this alter the system
20 currently used in Cook County?

21 MS. NANCY SHAFER: No.

22 VICE CHAIR ROGERS: So does it mirror it?

23 MS. NANCY SHAFER: It doesn't exactly mirror it.
24 One original draft was a mirror, but then we took out

1 some parts and added some parts. And then the
2 Committee, your people, made some changes which we
3 heartedly endorsed. They put in some language from the
4 AFCC model guidelines, which I think is great -- we as a
5 community thought was great.

6 MR. STEVE H. KIM: It says that on the basis of
7 appointment is agreement of the coparents.

8 MS. NANCY SHAFER: Yes.

9 MR. STEVE H. KIM: So both parents have to agree
10 to this or --

11 MS. NANCY SHAFER: No. It's an either/or.

12 MR. STEVE H. KIM: It's an either/or. Okay.

13 MS. NANCY SHAFER: So there are times when it's
14 not going to be coming from the Court, but it would be
15 part of a settlement agreement. So the attorneys
16 representing the parties are like, "Hey, I know it's
17 been difficult. Why don't we put this into place?"

18 And they agree and select a parenting
19 coordinator which may be from the list or may be
20 somebody -- for example, just like with mediation, we
21 don't always use people on the list. Sometimes there's
22 a clergy member or a family member who is trusted by
23 both parties and can serve in those roles.

24 MR. STEVE H. KIM: So on the selection process,

1 how does that work? Do the parents, coparents have to
2 agree or their lawyers have to agree? Or can it just be
3 random?

4 MS. NANCY SHAFER: It can be court appointed,
5 and certainly we don't expect every litigant to know who
6 these people are, whether there's a list or in a county
7 where there may not be a list. But the Court can
8 appoint people, but also the parties can select
9 somebody. It's similar to how we do mediation now.

10 MR. STEVE H. KIM: Thank you.

11 VICE CHAIR ROGERS: One other thing. As I read
12 it, it requires that they comply with the recommendation
13 from the coordinator or seek court intervention.

14 MS. NANCY SHAFER: Yes. Exactly. And that's
15 the power of the parenting coordinator process.

16 So assuming that you haven't yet been successful
17 in teaching them how to make decisions on their own,
18 somebody needs to decide whether the kid is being picked
19 up at 6 or 6:30 or is going to go to grandma's 90th
20 birthday party or not, and so the parenting coordinator
21 would make a recommendation -- a decision, in a sense --
22 and submit that in writing to the parties. And then
23 they can object to it and bring it to the court for a
24 couple of limited purposes, that it's not in the best

1 interest or that it exceeds their authority.

2 So a parenting coordinator could not -- there
3 was the McLean County case, Perry, where the parenting
4 coordinator apparently exceeded his authority or the
5 court exceeded their authority to direct the parenting
6 coordinator to do something, and we want to avoid that
7 situation.

8 CHAIR HANSEN: Okay.

9 UNIDENTIFIED COMMITTEE MEMBER: I had one
10 question.

11 In Cook County where the program is working, do
12 you have an adequate supply of people to serve as these
13 coordinators? We do and we don't. We have many people
14 who are doing this, and more and more as the AFCC does
15 trainings. And they do a training in Chicago every
16 other year, I believe. And every training we've got
17 more people going through it. But we do still -- I
18 mean, there's a lot of cases in Cook County.

19 What we lack is low-cost parenting coordination
20 or pro bono coordination. By establishing this, we're
21 already working with Judge Scannicchio to create a list
22 and do all of those things. We have application forms
23 and everything that we've been working on for Cook
24 County.

1 CHAIR HANSEN: Thank you very much. We
2 appreciate it.

3 MS. MARY SHAFER: Thank you.

4 CHAIR HANSEN: Next up in a first in the history
5 that I've been on this Committee, one of our Committee
6 members is stepping to take the podium, Professor
7 Beyler, for amending Supreme Court Rule 306, Proposal
8 22-07, interlocutory appeals by permission.

9 Professor, the podium is yours.

10 PROFESSOR KEITH BEYLER: Thank you.

11 This deals by with the rule on interlocutory
12 appeals by permission. It makes two changes, one of
13 which I think is noncontroversial and the other which
14 is.

15 So I'm going to start with the noncontroversial,
16 and that deals with orders that grant or deny a motion
17 to transfer for improper venue, which is under paragraph
18 (a)(4).

19 And the problem there is that the language that
20 was used when that was put in the Rule kind of tracks
21 the general venue statute, and there are two appellate
22 court decisions that say because of that tracking of
23 language, you can use this if you're under the general
24 venue statute.

1 But if a special venue applies in your case,
2 then you're out of luck. You can't use this
3 interlocutory appeal by permission. That came up in one
4 Fifth District case which I cited to you in the memo I
5 prepared, which involves the special venue statute that
6 lets the plaintiffs sue an insurance company in the
7 plaintiff's own county of residence, and someone wanted
8 interlocutory review with that order. And the Fifth
9 District said we just don't have jurisdiction to do
10 that. It would be desirable for us to be able to review
11 it, but we can't under the current rule.

12 The other is a Second District case. The
13 special venue statute, which is part of the Arbitration
14 Act, which basically says that if you're wanting to
15 bring on -- a case to vacate an arbitration award, you
16 have to bring it in the county where the arbitration
17 hearing took place.

18 Again, the Second District said, "Well, that's
19 not under the general venue statute, so there's no way
20 to get interlocutory review by permission. We just
21 don't have jurisdiction.

22 The proposal I've given you tries to fix this by
23 simply saying in more general language that this is
24 available where there is -- the basis for the motion is

1 the venue is improper. So that would not be tracking
2 the language of the general venue statute anymore.

3 I don't know of any opposition to that, and I
4 would just comment that if you disagree with me on the
5 second part, what I'm about to get to, I hope you'd at
6 least be willing to recommend that technical change.

7 The second part of what I looked at is cases in
8 which there's an order with regard to forum selection
9 clauses, either an order denying the motion to dismiss
10 on forum selection cause grounds or an order either
11 granting or denying a motion to transfer to another
12 county in Illinois on forum selection cause grounds.
13 Where we are right now is that those kind of orders
14 cannot be reviewed, and in -- at least not under this
15 rule.

16 The case that I looked at when I was looking at
17 the others I told you about is one out of the First
18 District where someone was seeking interlocutory review
19 of a forum non conveniens motion -- or an order, and
20 also interlocutory review of an order relating to the
21 forum selection clause.

22 The First District said, "Well, we've got
23 jurisdiction under the rule to look at the forum non
24 conveniens question, but we have no jurisdiction at all

1 to look at the forum selection clause question."

2 And I think that most of the time the pattern
3 that's in that case is the pattern we would see, that is
4 someone would already be going up on a forum non
5 conveniens question and would like to add in the forum
6 selection cause question. And as we stand now, you
7 can't get review. If you adopt this proposal, you will
8 be able to get review, at least if the appellate court
9 decides in its wisdom that this is the time to look at
10 that question.

11 Let me just step back, and then I'll finish.
12 You know, we have a whole series of doctrines --
13 personal jurisdiction, venue, forum non conveniens,
14 arbitration clauses, and forum selection clauses --
15 which effect where this case really belongs.

16 And we can get review in all of those instances,
17 at least if you take the suggestion I made on venue,
18 except for forum selection clauses. That's the one
19 thing that stands out. I realize that they're not very
20 popular, especially with the plaintiffs bar, but this
21 proposal does not in any way change the law on whether
22 -- when they can be enforced or not, and it does not --
23 is not in any way, I think, going to bring on more
24 motions of that kind.

1 I really don't think it will add to the
2 appellate court's workload by very much because, as I
3 said before, these are typically going to come up when
4 someone's already going to the appellate court on a
5 forum non conveniens motion.

6 So, anyway, that's the gist of what I'm
7 proposing, and I'd be happy to answer any questions.

8 UNIDENTIFIED COMMITTEE MEMBER: I'll throw out
9 one.

10 So currently is anyone just out of luck on any
11 type of appeal on a forum selection clause? Is there no
12 other rule that addresses that at all?

13 PROFESSOR KEITH BEYLER: Well, if you could make
14 it a pure question of law, reviewable de novo, then you
15 could ask the trial court to certify the question for
16 interlocutory review. We then might get into a question
17 of whether that technically, you know, is a controlling
18 question in the case, but that would be your only other
19 option.

20 Otherwise, you simply are there for the
21 duration, and if it goes to final judgment and there's
22 an appeal, that's the point at which it can be reviewed.
23 So it -- you know, sort of stays there as a ticking time
24 bomb which might go off if we actually go to final

1 judgement and go up on appeal.

2 This is kind of off the point, but the U.S.
3 Supreme Court has got a case before it just this week on
4 the criminal side where it deals with, you know, venue,
5 which was determined to be improper and then what do we
6 do about it?

7 Well, in the criminal case, there's -- half the
8 circuits are saying, "Well, we have to reverse and go to
9 a retrial," which is what we would be doing in a civil
10 case. The other half are saying, "Double jeopardy kicks
11 in and there can be no retrial." So, sort of, venue
12 being wrong probably vanishes most of the time because
13 of the fact that so many cases settle, but it is there
14 as a potential potential problem, which can't be dealt
15 with until after final judgment.

16 CHAIR HANSEN: Anybody else? This is our time
17 for questioning.

18 Go ahead, Rich.

19 UNIDENTIFIED COMMITTEE MEMBER: Yeah. In
20 looking at paragraph four, you have stricken the
21 language about not being a resident -- in your proposal.
22 You have stricken the language about -- based on the
23 assertion that the defendant is not a resident of the
24 county. I wasn't quite able to divine from your

1 explanation about why you struck that sentence.

2 PROFESSOR KEITH BEYLER: Because that's the
3 language that sort of tracks the general venue statute
4 and has caused the appellate court in those two cases to
5 say, "This is available only if the ground is a
6 violation of the general venue statute," meaning that
7 it's not available if you're relying on a special venue
8 statute which happens to apply to your case.

9 UNIDENTIFIED COMMITTEE MEMBER: And so if I'm
10 understanding you correctly, you've sort of taken that
11 out to free the shackles from the Court, if you will --

12 PROFESSOR KEITH BEYLER: Yes.

13 UNIDENTIFIED COMMITTEE MEMBER: -- and then
14 you've covered it by the adding the words, "On the
15 grounds that venue is improper."

16 PROFESSOR KEITH BEYLER: That's right.

17 UNIDENTIFIED COMMITTEE MEMBER: Okay. Thank
18 you.

19 CHAIR HANSEN: Okay. Thank you, Professor.

20 Next up on the same proposal, Kathy Byrne from
21 the Illinois Trial Lawyers Association.

22 MS. KATHY BYRNE: Good morning, Your Honor,
23 Judges, Mr. Chairman, Committee, Professor.

24 My name is Kathy Byrne, and I am the

1 president-elect of the Illinois Trial Lawyers
2 Association. The Trial Lawyers are made up of more than
3 2,000 law firms. We represent victims of consumer
4 injustice, injury, tragic injury. We oppose this
5 amendment.

6 First of all, our thought is that it is too
7 broad. It exceeds the venue statute. It unduly
8 emphasizes one aspect of things that a court considers
9 when looking at proper venue.

10 This could cause confusion. Is this a basis for
11 going up alone when it's a situation where a consumer
12 has entered into an electronic contract that is issued
13 to them at the little pay pad at Best Buy? It contains
14 40 pages. You can stand in the line and wait for the
15 people behind you to start shoving you as you try to
16 read the contract, but if the forum selection clause is
17 buried on page 27 of the little pad, no one is going to
18 read it. And let's say you buy some televisions at Best
19 Buy and you hire the Geek Squad to come ad install them,
20 they do it improperly, and the television falls off the
21 wall and injures your toddler.

22 You come to Cooney & Conway and hire me to bring
23 a lawsuit against Best Buy and the Geek Squad, and low
24 and behold, in those pages and pages of electronic

1 documents, there's something that says this case has to
2 be -- any case coming from this contract has to be tried
3 in Woodford County.

4 Certainly the parties did not bargain for this.
5 It's a contract that only the supplier ever looked at.
6 It's not something that the salesperson or the clerk at
7 Best Buy negotiated with the purchaser, and it would be
8 extraordinarily unfair that that would be the sole
9 reasons that someone's case could get transferred out of
10 their place of residence and a place where the defendant
11 is resident to go to a choice of place where there's no
12 connection to the injury.

13 Remember, this is a -- this talks to the general
14 venue statute. The legislature certainly knows well how
15 to do special venue statutes. If the legislature had
16 wanted to do a special venue statute for contracts, they
17 could have done so. I mean, we have them for libel; we
18 have them for insurance; we have them for real estate.
19 There are special venue statutes for those causes of
20 action. There's not a special venue statute for a
21 contract, and under our rules, we should try to follow
22 what the legislature has dictated.

23 I think this is going to cause a strain because
24 I can assure you that out of the 200 or so cases that we

1 file a year, every single one is greeted with an
2 affirmative offense of venue, whether it has anything to
3 do with the facts of the case. It's a boilerplate
4 affirmative offense in every case.

5 If suddenly people can start seizing on a
6 contract that was out there and no one knew about -- or,
7 worse, it could cause mischief and companies and vendors
8 could start putting forum selection contracts clauses
9 into their contracts willy-nilly. This gives them an
10 incentive. This is another basis for us to get this
11 case away from where it would be convenient and helpful
12 to a plaintiff.

13 Under 2-104(c), the court is -- should construe
14 -- should make its ruling on venue based on any
15 competent evidence, any. So why we need to unduly
16 emphasize a contract versus any other competent evidence
17 has not been explained. I don't understand why this
18 would -- would blast out as opposed to other elements of
19 venue.

20 And I would also point out that the legislature
21 is aware of these contracts. They are discussed in the
22 Choice of Law and Forum Act, 735, 105/5-5 & 5-10. And
23 in that, there are limitations on contracts, and they
24 have to come under the Commercial Code.

1 You can state -- you can reach an agreement if
2 the parties are equally involved in the decision making.
3 You can reach an agreement for your choice of law, and
4 you can reach an agreement for your venue. But those
5 are limited. Those are limited to commercial contracts
6 and they must exceed \$500,000. There's no such
7 restriction in this proposal.

8 There's also no reason to have the trial courts
9 and the appellate courts have to analyze and construe
10 these contracts in virtually every case where the
11 defendant has placed one of these contracts in a
12 boilerplate contract to see, "Well, is it more than --
13 is the value of this more than 500,000? Is it a
14 commercial contract?"

15 Are we going to take testimony on who was there?
16 Was, you know, Mary standing at the counter when she
17 signed the Best Buy ticket or was it Joe? Who was the
18 clerk? Did they discuss it? Same thing with if you
19 rent a car and you're standing in the Davis line at the
20 airport and, you know, you are just clicking, clicking,
21 clicking, with electronic signatures and electronic
22 contracts, these clauses will be buried.

23 It will be extraordinarily difficult for such a
24 highlighted element to be held out and will cause

1 confusion and extra strain upon the courts.

2 CHAIRMAN HANSEN: Okay. I will start with a few
3 questions.

4 MS. KATHY BYRNE: Okay.

5 CHAIRMAN HANSEN: Do you concede that the Second
6 and Fifth Districts in the cases cited by Professor
7 Beyler call out the problem as it currently sits with
8 the rule not addressing forum selection causes?

9 MS. KATHY BYRNE: As a sole issue?

10 CHAIRMAN HANSEN: Yeah. Just --

11 MS. KATHY BYRNE: They do call it out as a sole
12 issue.

13 CHAIRMAN HANSEN: Right. So what we have
14 currently is if I'm defending a case and I want to bring
15 something like that, I got to bring it under a forum non
16 conveniens argument, and as Professor Beyler said, I
17 have to wait, as the defendant, until final judgment to
18 take it up on appeal if I want to argue that because
19 it's not spelled out how I can do that in a
20 interlocutory fashion.

21 So is it the position that's being taken by you
22 and the trial lawyers that -- do not address it, just
23 leave it as it is and have everyone take it up after the
24 case is concluded with a final judgment?

1 MS. KATHY BYRNE: That would be, or for the
2 plaintiff to, you know, ask for judgment on the
3 pleadings if the contract doesn't fall within the choice
4 of law and forum.

5 THE COURT: Okay.

6 VICE CHAIR ROGERS: I have a question.

7 The issue of a forum selection clause is one
8 that can be considered by the Court on a motion as the
9 law currently stands.

10 MS. KATHY BYRNE: If there is a motion for
11 improper venue, yes, they can consider any competent
12 evidence.

13 VICE CHAIR ROGERS: Sure. And the rule
14 references the denial of a motion, meaning that the
15 court would have considered all of the factors,
16 including a forum selection clause in rendering a
17 decision; and as I understand your issue, to expressly
18 reference forum selection clauses as the basis for an
19 interlocutory appeal unfairly highlights one element
20 that the court considered in --

21 MS. KATHY BYRNE: Unfairly highlights and
22 emphasizes it, yeah.

23 VICE CHAIR ROGERS: And there are -- and that
24 particular clause is one that almost universally is

1 independently drafted by a defendant in a contract
2 without input from a consumer; is that right?

3 MS. KATHY BYRNE: That's correct.

4 VICE CHAIR ROGERS: Who likely signed something
5 unknowingly that it unknowingly included a forum
6 selection clause.

7 MS. KATHY BYRNE: That is correct.

8 VICE CHAIR ROGERS: And unbeknownst to them
9 would be delaying justice potentially for them because
10 of a particular forum selection clause they did not
11 negotiate being dragged into the appellate court for a
12 decision and that that one element being considered by
13 the court being highlighted and almost controlling.

14 MS. KATHY BYRNE: That is correct.

15 I would also point out that the proposal as
16 drafted does not say "and a forum selection clause," it
17 says "or." So it could go on its own despite any of the
18 other competent evidence that the plaintiff has
19 marshaled, and that, I think, would be unduly delaying
20 the plaintiff's case and it would cause undue -- and
21 strain on the court. Because as I said, if this is
22 enacted, we are going to see, you know, a mushrooming of
23 these clauses, particularly now that so many contracts
24 are electronic and difficult to read.

1 VICE CHAIR ROGERS: And even in instances where
2 the defendant has connections to multiple forums, a
3 forum selection clause will allow them to independently
4 choose one favorable to them.

5 MS. KATHY BYRNE: Well, one favorable to them
6 whether they are a resident of that forum or not.

7 VICE CHAIR ROGERS: Thank you.

8 CHAIR HANSEN: But that's only if the forum is
9 outside the state of Illinois under the proposal. It's
10 only if the forum selection clause specifies a forum
11 other than Illinois courts. It doesn't apply to
12 anything in state; true?

13 MS. KATHY BYRNE: That's in part three.

14 CHAIR HANSEN: 3, correct. That's what it says.

15 MS. KATHY BYRNE: Correct.

16 CHAIR HANSEN: So how is that -- you said that's
17 going to delay justice for somebody. How is it any
18 different than if I go up on an interlocutory appeal on
19 a forum non conveniens? Isn't it the same argument that
20 I'm delaying the case doing that?

21 MS. KATHY BYRNE: Well, one would assume that
22 when the forum non conveniens motion order is appealed
23 there has been a mustering and all of the elements are
24 laid out and weighed by both the trial court and on

1 appeal by the appellate court.

2 We don't have a forum rule that says, you know,
3 the congestion of the courts is the most important rule
4 when you are looking at the forum non conveniens
5 evaluation factors. This makes it -- gives special
6 weight to one factor.

7 MR. JOHN SPESIA: I have a question for you.

8 So Professor Beyler talked about the option of
9 ending subparagraph 4 where it would just say on the
10 grounds that venue is improper. Period.

11 MS. KATHY BYRNE: Period.

12 MR. JOHN SPESIA: So my question for you is:
13 Would that be acceptable to you, or is the finding that
14 venue is improper a finding that also includes one that
15 could be based on a forum selection clause?

16 MS. KATHY BYRNE: I think that that broadens the
17 rule. I think that it is -- this is based on the
18 defendant being a resident of the county or not being a
19 resident of the county.

20 If defendant comes in and says, "I don't do
21 anything in Cook County," I think that's a -- that's a
22 valuable factor for the court to consider, and it is a
23 factor set out in the venue statute. But it also gives
24 weight to the no other legitimate basis. If we're going

1 to take out the ability for the plaintiff to show
2 another legitimate basis, you know, that's a different
3 question than the forum selection.

4 MR. JOHN SPESIA: But isn't that -- if the rule
5 is rewritten to say "On the grounds that venue is
6 improper," doesn't that necessarily cover all decisions
7 and all factors?

8 MS. KATHY BYRNE: I think that it would.

9 MR. JOHN SPESIA: Okay. So I think Professor
10 Beyler conceded -- or the way he presented this --
11 unless I misheard him -- is that, in fact, the proposal
12 is to broaden the interlocutory appeals so that they
13 will apply to all decisions that venue is improper and
14 not solely the venue, the particular venue statute that,
15 you know, the language parrots.

16 So I guess back to my question, is -- would it
17 be acceptable to you if the rule -- if subsection 4 was
18 amended to end at the word improper. So it would say,
19 "On the grounds that venue is improper." Period.

20 MS. KATHY BYRNE: I think that that would cover
21 most situations.

22 MR. JOHN SPESIA: Okay.

23 MS. KATHY BYRNE: I do have to say I have not
24 discussed this with my organization because this wasn't

1 an option that was discussed.

2 MR. JOHN SPESIA: Sure.

3 One of the things that Professor Beyler said is
4 that if the rule was so amended to include the language
5 on the grounds that venue is improper that that would
6 include specific venue statutes. For example, I think
7 he gave one relating to arbitrations that that decision
8 could be appealed. So it certainly is broadening the
9 rule.

10 But, anyway, that -- I was wondering if that
11 would be acceptable if we -- then it wouldn't unduly
12 highlight the forum election clause which seems like --

13 MS. KATHY BYRNE: Which that is my main concern.

14 MR. JOHN SPESIA: Sure.

15 Okay. Thanks.

16 MR. RICHARD HODYL: So for clarification then
17 with that amendment, putting a period after venue is
18 improper, would the addition of -- to paragraph three be
19 necessary even then?

20 MS. KATHY BYRNE: I would not think so. I think
21 that sort of undoes everything.

22 MR. RICHARD HODYL: That was my thought. I just
23 wanted to follow-up on that.

24 CHAIRMAN HANSEN: Any other questions? Okay.

1 Thank you very much.

2 MS. KATHY BYRNE: If I could just take one point
3 of personal privilege.

4 CHAIRMAN HANSEN: Sure.

5 MS. KATHY BYRNE: I would like to thank my law
6 clerks from Cooney & Conway. They came over to help me
7 do some research on this. I wanted them to see how
8 procedures are made. Thank you.

9 CHAIRMAN HANSEN: Very good. Thank you.

10 Okay. Next up we have proposal 22-10, which
11 amends Supreme Court Rule 761, 759, 753, and Rule of
12 Professional Conduct 8.3.

13 First up, Scott Renfroe from the ARDC.

14 Good morning.

15 MR. SCOTT RENFROE: Good morning, Justice
16 O'Brien, members of the Committee.

17 On behalf of ARDC and its administrator Jerry
18 Larkin, who's seated to my right, thank you for the time
19 you're giving to our proposals to amend certain
20 disciplinary rules affecting attorneys in Illinois.

21 The cover letter that Mr. Larkin submitted
22 included an explanation for the changes as well as
23 memorandum that addressed the proposed changes in
24 additional detail, and that information I know is posted

1 to the Committee's website. And I'll direct your
2 attention to that if you're not familiar with it.

3 But my purpose today is not to provide a
4 detailed explanation for the rationale behind it, since
5 the letter and the memo addressed those points, but to
6 provide some additional context since most lawyers in
7 Illinois are happy if their exposure to the ARDC is
8 limited to the annual registration process and also to
9 respond to some of the comments that were made by
10 opponents to some of the suggested amendments.

11 As you know, the ARDC is an agency of the state
12 Supreme Court. It acts under the court's authority to
13 administer the disciplinary process affecting Illinois
14 lawyers. We also act under the direction of the
15 commission, which is four lawyers and three members of
16 the public appointed by the court to oversee the
17 administrator's work.

18 In making disciplinary decisions affecting
19 attorneys in Illinois, the administrator and its staff
20 are mindful of the court's rules, including the Rules of
21 Professional Conduct, as well as the rules including
22 those that are before you this morning, as well as over
23 100 years of disciplinary precedent.

24 Among the considerations that we take into

1 account in determining whether to bring a case is
2 Comment 19 to the preamble and scope section of the
3 Rules of Professional Conduct, which provides that
4 whether or not discipline should be imposed for a
5 violation of the rules and the severity of the sanction
6 depends on all the circumstances, such as the
7 willfulness and seriousness of the violation,
8 extenuating factors, and whether there have been
9 previous violations of the rules.

10 The goal of attorney discipline is not to punish
11 an individual attorney, but to promote the protection of
12 the public reputation of the bar and the administration
13 of justice in the state.

14 So the ARDC and its administrator recognize the
15 importance of a number of factors, including mediation,
16 so addressing deficiencies in attorney's practice, as
17 well as education of an attorney and look for
18 opportunities to avoid discipline wherever appropriate,
19 including making referrals, where appropriate, to the
20 Lawyers' Assistance Program. ARDC and the Lawyers'
21 Assistance Program have had a relationship going back
22 almost 50 years that dates back to the Commission's
23 first administrator, Carl Rolewick.

24 Among the remediation efforts that the ARDC can

1 recommend or impose as part of an inquiry panel
2 disposition are attorneys taking law office management
3 courses, obtaining mentors to assist them in their
4 practice, to be regularly monitored for substance abuse
5 issues, or to take additional education, including
6 online education as available through the ARDC's
7 website.

8 I'd like to talk next about the proposal to
9 amend Rule 761, which is the rule dealing with
10 convictions or a crime by an attorney. The rule as it
11 exists already requires lawyers in Illinois who are
12 convicted of a felony or a misdemeanor to report that
13 fact to the ARDC.

14 Serious cases involving moral turpitude are
15 referred directly to the Supreme Court by way of a
16 petition seeking an attorney's interim suspension. That
17 would include, for example, things like bank or mail
18 fraud convictions. But less serious cases cases, where
19 it's not clear that the conduct involves moral turpitude
20 are referred to an inquiry board for its review and
21 consideration.

22 The proposed change here doesn't affect the
23 felony or misdemeanor section of the rule. It adds
24 context for what circumstances would require a report to

1 the ARDC, and the amendment we argue is consistent with
2 the court's existing precedent. So the proposed change
3 would require lawyers to report anything that results in
4 a finding or a factual basis being established, since
5 it's the fact of the conduct, not the criminal court's
6 reaction to it that is the basis for the imposition of
7 discipline.

8 So this would -- the proposed amendment would
9 require lawyers to report events that do not result in
10 the formal entry of a judgement and conviction. And as
11 I said, this is already consistent with the court's
12 existing precedent. So rather than, you know,
13 increasing the ARDC's workload or setting a trap for the
14 unwary, the goal here is actually to provide notice to
15 Illinois attorneys of what circumstances require a
16 report to the ARDC.

17 Now, the Robinson firm, which consists of the
18 ARDC's former administrator Mary Robinson and three of
19 her partners, all of whom have substantial ARDC
20 experience, wrote in response to the ARDC's proposal,
21 recognizing this existing precedent. Their suggested
22 change was to modify some of the language to -- they
23 proposed make it more clear or provide additional
24 guidance to attorneys who might be affected by the

1 proposed change.

2 We are not opposing that suggested language. In
3 fact, we'd like to continue a dialogue. If you think
4 that additional language or different language would be
5 appropriate, the ARDC is willing to work with you and
6 eager to work with you to take into account any proposed
7 changes that you might make and take those back to our
8 board for the board's review.

9 Now, the Rule 761, since people may not be
10 familiar with the inquiry board, requires a review by an
11 inquiry panel, which is made up of two lawyers and one
12 nonlawyer who are appointed by the commission. They
13 decide whether to defer consideration pending, as I
14 said, monitoring or some other remedial action. They
15 can also close a matter, including closing with a
16 caution, which in some cases is referred to as an
17 informal admonition.

18 And it's important, I think, for you to
19 recognize that prior to a referral to an inquiry board,
20 the ARDC staff attorneys meet with the administrator and
21 the senior staff to determine what action to recommend
22 that the inquiry panel take.

23 So the commission deals, as I said, with serious
24 charges but also relatively minor charges. That's not

1 to say that those charges can't be indicative of a
2 larger issue that needs to be addressed by the
3 commission.

4 For example, most people recognize that even a
5 single driving under the influence charge may not
6 represent the first time a lawyer has driven while
7 impaired, and it may be an indication of a substance
8 abuse issue that needs to be addressed in order to
9 protect the lawyer's clients and to make sure that
10 they're receiving appropriate services.

11 As part of the inquiry panel process, the
12 inquiry panel will oftentimes review the disposition of,
13 for example, a DUI case to see at what level of risk the
14 lawyer's been assessed in the course of that
15 prosecution.

16 The next Rule I'd like to highlight is Rule 763,
17 which is the rule that deals with reciprocal discipline.
18 Unlike proceedings before the hearing board at the ARDC,
19 which can be contested or resolved by consent,
20 reciprocal discipline cases are filed directly with the
21 state supreme court, where we bring to the court's
22 attention the fact that an Illinois lawyer has been
23 disciplined in another jurisdiction, so the other 50
24 states and the District of Columbia, for example.

1 The proposed amendment would give similar effect
2 to federal court findings or findings imposing
3 discipline by three specific federal agencies. This
4 proposal is consistent with the actions taken by 36
5 other jurisdictions with recognized federal court
6 dispositions as forming a basis for reciprocal
7 discipline, including states with substantial lawyer
8 population, including California, New York, and Florida.

9 It's also consistent with the American Bar
10 Association's model rule for disciplinary enforcement,
11 and this proposal to amend Rule 763 also has the support
12 of the Illinois State Bar Association.

13 Now, some of the objections that have been made
14 include that lawyers who are practicing before some of
15 these federal agencies or in federal court may not be
16 given due process or may not have a legitimate interest
17 in defending their license before these courts because
18 they have a limited license or maybe a minimal
19 connection to the entity or the tribunal.

20 This though overlooks the fact that judges,
21 especially federal Article 3 judges who have lifetime
22 appointments, are familiar with making decisions of this
23 sort all of the time. They rule on motions for summary
24 judgments. They rule on motions for dismissal of a

1 case. So they are familiar with the rules, and the
2 rules in the district courts tend to be based on the
3 American Bar Association's rules, just as Illinois's
4 rules are. So they're familiar with the issues.
5 They're familiar with the rules. And they're qualified
6 to make decisions of this sort all of the time.

7 The federal agencies that we've identified --
8 and its only three of them -- are also familiar with the
9 rules of professional conduct. They're familiar with
10 the issues that affect the representation of clients in
11 proceedings before those agencies.

12 So the objection that lawyers might not be
13 motivated to defend in, for example, an immigration case
14 or patent law case, which are the only two types of
15 agency dispositions we're recommending in the revised
16 rule, overlooks the fact that practitioners in those
17 areas tend to concentrate in those areas at a certain
18 level of expertise and familiarity with the proceedings
19 is assumed. So the idea that they would not necessarily
20 defend I think is inconsistent with the actual
21 circumstances of those limited types of practices.

22 Objections to the fairness or sufficiency of a
23 proceeding, whether it affords due process, are allowed
24 under the existing rule and would be allowed under the

1 proposed amendment the court -- or that the Committee,
2 rather, has before it.

3 Finally, I would note that the court has already
4 imposed reciprocal discipline in cases where other
5 jurisdictions have given full faith and credit to an
6 agency finding, so this is not a radical extension or
7 something that is out of the ordinary. The reciprocal
8 rule for federal court action has already been endorsed
9 and accepted by 36 other jurisdictions.

10 So as I said, we're happy to work with the
11 Committee if you have comments or suggested revisions
12 for any proposals that we've made. I do not address all
13 them because some of them have not been objected to.
14 I'm happy to answer my questions that you have about the
15 work of the ARDC or about any of these specific
16 proposals.

17 CHAIR HANSEN: I'm not a criminal lawyer, but as
18 I read 761(a), I'm going to give an example. If I get
19 my third speeding ticket within 18 months and my
20 prosecuting attorney in my county says, "Jim, you know,
21 I got to put you down as a misdemeanor, but I'll give
22 you a deferred judgment or court supervision," do I now
23 come under Rule 761(a) that I got to notify the ARDC
24 that I had my third speeding ticket and technically I've

1 been -- it's been a disposition. It wasn't a conviction
2 -- maybe it was a conviction or it wasn't. But does
3 that apply to that section?

4 MR. SCOTT RENFROE: It would under the Court's
5 precedent and the cases -- there are a number of cases,
6 and they're discussed at length in the Robinson firm's
7 letter. The Rolley case, R-o-l-l-e-y, would stand for
8 the proposition that, yes, it should be reported. And
9 that's -- behind the request for amendment is to clarify
10 that so that lawyers who are not familiar with
11 disciplinary precedent can look to the rule and
12 determine what their reporting obligation is.

13 Now, a case like that, of course, would be
14 referred to the inquiry panel, and the inquiry panel
15 would look at it and recognize it for what it is, see
16 that there's not a client interest implicated and it's
17 unlikely that the attorney has a problem that's going to
18 require a regulatory response from the ARDC. So that
19 would be extraordinarily unlikely to result in any
20 further action beyond an inquiry panel closure.

21 VICE CHAIR ROGERS: Just a question to follow-up
22 on that.

23 If, for lack of clarity, you didn't report that,
24 are you now in violation of an ARDC rule because you

1 didn't report a third speeding ticket that --

2 MR. SCOTT RENFROE: Theoretically, yes. That
3 could form a basis for an additional line of inquiry.
4 Yes.

5 MR. RICHARD A. HODYL: Does that create a Himmel
6 problem for the person in the office next to that lawyer
7 if they know?

8 MR. SCOTT RENFROE: I would say no since the
9 reporting requirement is for conduct involving criminal
10 conduct that affects a lawyer's fitness to practice
11 their profession -- which I don't think most reasonable
12 people would consider a third speeding ticket to do that
13 -- or conduct that involves dishonesty, fraud, deceit,
14 or misrepresentation, which this does not.

15 MR. RICHARD A. HODYL: Okay.

16 MR. JEFFREY GREEN: If that's the case, then why
17 report misdemeanors that are not related to client
18 service or relationships? Why not just say felonies and
19 any misdemeanor involving moral turpitude?

20 MR. SCOTT RENFROE: That would be one
21 alternative. But as I said, the fact of a conviction
22 may be an indication of a larger problem. ARDC
23 attorneys are experienced in trying to recognize, for
24 example, substance abuse issues.

1 There was a case in the 1980s where a lawyer was
2 censured because he had accumulated over 300 parking
3 tickets, not even a misdemeanor. It was an ordinance
4 violation for 40 instances of refusing to buy a village
5 sticker to put on his windshield. The issue was not
6 necessarily the conduct of parking without paying the
7 related charge, but the issue was the fact that
8 accumulating 300 tickets demonstrated a disrespect for
9 the law.

10 So I recognize there's a substantial difference
11 between 3 speeding tickets and 300 parking tickets. At
12 the same time, it's information that may be relevant to
13 an inquiry's panel decision. And, again, the goal is
14 not always to punish. It's never to punish. It's to
15 determine if appropriate remedial action would benefit
16 the lawyer and his or her clients.

17 MR. STEVEN KIM: Wouldn't this increase a lot of
18 hearings for the inquiry board? And how is that going
19 to be handled, I mean, if an attorney has to wait a
20 longer period of time because of this process and the
21 hearing process? I mean, how is that going to be
22 coordinated?

23 MR. SCOTT RENFROE: The inquiry panel does not
24 conduct adversarial hearings or fact-finding

1 investigations. They rely on the written submission
2 from the staff counsel, which typically includes the
3 underlying criminal records, any risk assessment that
4 was done in the circuit court, and the attorney's
5 response so they can judge -- based on that submission,
6 you know, that usually gives them enough information to
7 make an informed decision.

8 And attorneys can ask to appear before the
9 inquiry panel. The panels seldom deem that necessary,
10 but they have an opportunity to make that request. But
11 it's not a full, drawn out hearing process.

12 You may be thinking of a hearing board where
13 that follows the filing of a formal complaint where it's
14 the administrator's burden to call witnesses. Unless
15 there's an agreement for discipline, which happens
16 frequently, the administrator would be required to call
17 witnesses, introduce exhibits, make arguments in support
18 of a finding that the rules have been violated. But it
19 would not meaningfully impact the work of the inquiry
20 board.

21 MR. JOHN SPESIA: So I guess I have a follow-up
22 question.

23 It sounds like what's happening here with the
24 rule is that you're broadening the rule to redefine the

1 word "conviction"?

2 MR. SCOTT RENFROE: Yes.

3 MR. JOHN SPESIA: Okay. And in doing so, it
4 seems like the questions are related to now go back to
5 the word misdemeanor. And if you're going to broaden
6 the rule and change the definition of conviction, I
7 guess the question is: Does that also warrant confining
8 the word misdemeanor to, as Jeff said, you know, crimes
9 of dishonesty or moral turpitude, you know, something
10 similar to an evidentiary standard? Could you also add
11 to that, you know, things affecting the fitness to
12 practice law?

13 And I guess my question is: Are you saying that
14 you would be amendable to further defining the word
15 misdemeanor as you broaden, you know, conviction to
16 include essentially deferred judgments and all sorts of
17 things?

18 MR. SCOTT RENFROE: What I meant to say and what
19 I hope I said was that the -- we recognize the benefit
20 of some of the language proposed by the Robinson firm in
21 their letter in terms of defining deferred prosecution
22 and conditional discharge and things like that.

23 The word "misdemeanor" is in the existing rule,
24 and the ARDC board has not considered recommending that

1 that be modified or altered in any way.

2 MR. JOHN SPESIA: Right. I saw that, that
3 there's no -- the word misdemeanor is definitely in the
4 rule. It's just now when you redefine conviction it's
5 broadening, you know, the speeding ticket situation
6 where you get supervision is now a reportable where as
7 before it was not, and I guess I'm back to the question
8 of do you think that if the word conviction is going to
9 be broadened, there should also be an effort to further
10 define the word misdemeanor?

11 MR. SCOTT RENFROE: That has not been considered
12 by the board, so I don't have a position to make on
13 behalf of the ARDC.

14 I can see the benefit of that proposal though,
15 and some of the rules do limit -- for example, the rule
16 dealing with criminal conduct under Section 8.4 of the
17 Rules of Professional Conduct addresses criminal conduct
18 that adversely reflects upon a fitness to practice,
19 without making a distinction between felonies and
20 misdemeanors.

21 HON. DAVID R. NAVARRO: Because, I mean, we're
22 kind of focused on this traffic. I don't know if the
23 concern is that lawyers are bad drivers --

24 UNIDENTIFIED COMMITTEE MEMBER: They're bad

1 parkers, apparently.

2 HON. DAVID R. NAVARRO: We're focused on this
3 traffic question, but really the -- it's not violations
4 of traffic offenses --

5 MR. SCOTT RENFROE: Right.

6 HON. DAVID R. NAVARRO: -- it would be when
7 those traffic offenses rise to the level of
8 misdemeanors. So that's why the Chair brought the
9 example of the three speeders. Now you're talking
10 about -- now you're talking about a Class A or a
11 whatever, a misdemeanor offense rather than just the
12 normal local ordinance traffic offense. That's not what
13 this rule is looking at.

14 MR. SCOTT RENFROE: That's exactly correct.

15 VICE CHAIR ROGERS: I have a question.

16 I understood you to say that the modification of
17 the rule did not broaden -- was not an extension of
18 broadening because the example, for instance, was
19 something that would be required to be reported without
20 the amendment. Is that accurate, or is it broadening?

21 MR. SCOTT RENFROE: It's an attempt to codify
22 the court's existing precedent to avoid tripping up
23 lawyers who may not be aware of that precedent and
24 including language in the rule that would, yes, broaden

1 the requirement from the existing rule but bring it into
2 conformance with the court's existing precedent.

3 VICE CHAIR ROGERS: Right. Because as I read
4 the rule currently, if I don't have a conviction -- and
5 I don't know with that means without going and reading
6 caselaw -- I could say, "Well, I have a court
7 supervision or a deferred judgment. That's not a
8 conviction."

9 MR. SCOTT RENFROE: That's exactly true.

10 VICE CHAIR ROGERS: Okay. All right.

11 HON. WILLIAM HOOKS: Will this put lawyers in a
12 different position than other persons appearing before
13 misdemeanor courts?

14 For example, our misdemeanor courts in Cook
15 County are very busy. I remember them. Does that mean
16 that a lawyer in a misdemeanor court who has a charge
17 has to probably make a big deal out of it and fight it
18 rather than resolve it because there's more on the line
19 for him or her than there would be on another citizen
20 who has such matters? Does that put our lawyers in a
21 different position than the other citizens, the doctors,
22 the politicians, the elected officials, that type of
23 thing? Will it actually put them in a separate category
24 altogether than all other persons, including presidents

1 of the United States?

2 MR. SCOTT RENFROE: The question of what -- how
3 aggressively they defend the charge, of course, is up to
4 them and depends on the facts and circumstances and the
5 nature of the charge. So for a speeding ticket, I don't
6 think that that distinction exists.

7 But the court's precedent -- not just the
8 Illinois Supreme Court's, even the United States Supreme
9 Court's -- recognizes that inherent among the obligation
10 that attorneys accept are limitations on, for example,
11 the right to communicate certain ideas under certain
12 context or in certain tribunals. So there are
13 limitations that are placed on attorneys as a result of
14 the fact that they are attorneys, but I don't think that
15 a misdemeanor traffic court rises to that level of
16 interference. But thank you for your question.

17 MR. JOHN SPESIA: I have one more question.

18 So if we go to your proposal for Rule 63,
19 federal agency, you define federal agency as the Patent
20 and Trademark Office, Board of Immigration Appeals, or
21 the Executive Office for Immigration Review. Is there
22 something that's unique about the process at those three
23 agencies that caused you to limit their decisions and to
24 give only the decision of those federal agencies --

1 MR. SCOTT RENFROE: It's partly because of the
2 fact that practitioners in those areas tend to be
3 specialists and to concentrate their practice or limit
4 their practice to that area. Not always, but generally
5 immigration attorneys concentrate in immigration
6 matters. Patent lawyers certainly tend to concentrate
7 in patent matters as well.

8 So it recognizes that those boards, those
9 agencies have familiarity with these issues and are
10 dealing with experienced practitioners who are likely to
11 be motivated to defend themselves from an accusation of
12 wrongdoing in those forums.

13 MR. JOHN SPESIA: But even in those forums we're
14 talking about some kind of an ALJ who would be making a
15 decision about an disciplinary issue?

16 MR. SCOTT RENFROE: I'm not sure the exact
17 mechanism of those agencies, but my understanding is
18 it's more than that. There's a level of sophistication
19 that's beyond that.

20 MR. JOHN SPESIA: Right. But something that's
21 not an Article 3?

22 MR. SCOTT RENFROE: It would be short of that,
23 yes.

24 MR. ANDRE GRANT: One question.

1 MR. SCOTT RENFROE: Yes.

2 MR. ANDRE GRANT: I'm a lawyer who does practice
3 criminal defense, and I'm looking at the proposed
4 language. It says, "For purposes of this rule, a
5 conviction is any disposition, including a finding of
6 guilty, an order of court supervision, or deferred
7 judgment."

8 One of the things we inform our clients is that
9 if you're given court supervision, under the law, it is
10 not a conviction. Even judges inform a defendant that
11 supervision is not a conviction. How do we reconcile
12 that under this rule it will, in fact, be a conviction,
13 at least for the lawyer?

14 MR. SCOTT RENFROE: In the disciplinary context,
15 it's the conduct of the lawyer rather than how the court
16 system labels it that can form the basis for
17 disciplinary proceedings.

18 So what this proposed amendment does is
19 recognize that there can be different dispositions that
20 result in some finding of a factual basis to establish
21 the attorney's conduct, even if the court system elects
22 not to impose a judgement of conviction at the
23 conclusion of the case.

24 So it's the conduct that should be brought to

1 the commission's attention without regard to how the --
2 under this proposal, without regard to how the court
3 system eventually labels that conduct.

4 HON. WILLIAM H. HOOKS: Under 761(c) where you
5 say, "If a lawyer is convicted of a crime that does not
6 involve fraud or moral turpitude, the administrator
7 shall refer the matter to an inquiry board," do you need
8 the word "shall" or can you leave it as "may"? What's
9 the reason for shall?

10 MR. SCOTT RENFROE: That is the existing rule.

11 HON. WILLIAM H. HOOKS: Okay.

12 MR. SCOTT RENFROE: So we're not proposing that
13 that language be changed. The court might elect to give
14 the administrator more discretion to resolve these low
15 level type cases short of a referral to the inquiry
16 board, but that's not --

17 HON. WILLIAM H. HOOKS: That's the existing
18 language. Okay.

19 VICE CHAIR ROGERS: One point of clarification.

20 If it's the conduct that is the issue, it seems
21 to be the allegation alone. So a finding of not guilty
22 is still an issue relating to conduct.

23 MR. SCOTT RENFROE: We're trying to limit this
24 to cases where there's been either an admission of

1 responsibility that could have formed the basis for a
2 guilty finding, but instead results in one of these
3 other types of dispositions. So, no, an acquittal would
4 not be reported.

5 VICE CHAIR ROGERS: I guess I have an issue
6 because -- somewhat of an issue because it seems that
7 sometimes resolutions are reached short of a guilty
8 finding for other reasons and this may prevent them in
9 some instances.

10 MR. SCOTT RENFROE: It could. It could. But
11 certainly there was a recent case that went through the
12 disciplinary system, the hearing review and Supreme
13 Court level, where an attorney was given a deferred
14 prosecution by the federal criminal authorities in
15 California, but that deferred prosecution was sufficient
16 to result in his disbarment because of the underlying
17 conduct.

18 MR. STEVE H. KIM: How is this going to be
19 logistically handled? I mean, this is going to impact
20 all of the attorneys, of course. And so it's a bit -- I
21 still kind of read it as it's a bit confusing because
22 the sentence, "For purposes of this rule, convictions
23 and any disposition, including an order of court
24 supervision," if you just read that -- I mean, really

1 any attorney that goes to traffic court or wherever may
2 just look at that or -- and just, you know, will need to
3 process how to move this thing forward. I mean, isn't
4 there going to be quite a logistical nightmare in trying
5 to get this thing implemented?

6 MR. SCOTT RENFROE: We're hoping not. We're
7 hoping that this change actually adds some clarification
8 to what is now a confusing issue because most attorneys
9 aren't familiar with the court's precedent. So we're
10 hoping to provide additional guidance.

11 In terms of the number of cases, we're talking a
12 lot about traffic court cases. Most traffic court cases
13 would not fall under this rule because they'd be
14 ordinance violations rather than felonies or
15 misdemeanors, although the Chair, of course, pointed out
16 that sometimes they can rise to a level of misdemeanors.

17 MR. STEVE H. KIM: I just think it needs to be a
18 bit clarified then --

19 MR. SCOTT RENFROE: And certainly as I said the
20 Robinson firm -- I'm sorry I interrupted you. The
21 Robinson firm had some proposed language that we looked
22 at and do not disagree with. We're willing to work with
23 the Committee. If you think that other language would
24 be more appropriate, we'd be happy to consider any

1 recommendations or suggestions that you have, take them
2 back to the ARDC board, and continue the dialogue that
3 we've started morning.

4 MR. ANDRE GRANT: I just wanted to revisit one
5 thing, especially in light of what Mr. Kim pointed out.

6 It's real troubling, even an order of court
7 supervision. It's troubling because it is such a common
8 disposition, supervision. It's almost like "Go and sin
9 no more." But under this provision, for a lawyer, it's
10 not go and sin no more. It's like contact the ARDC. I
11 mean, that's what's troubling.

12 Society sees this as a nonissue. And I
13 understand that we're held to a different standard. I
14 get that. But court supervision is routinely given. I
15 mean, it's like one of the main dispositions. But now
16 for a lawyer it's a trigger. It's a possible triggering
17 factor for something that's -- you know, you're 10 miles
18 over the speed limit. And I know we're using traffic,
19 but it still triggers. It's a trigger.

20 MR. SCOTT RENFROE: It does, and that's why I
21 hoped to provide guidance or context in terms of how the
22 ARDC responds to these reports. And we're mindful of
23 the court's guidance in terms of remediation and
24 education rather than punishment. And I referred to

1 comment 19 from the preamble because that deals with
2 issues such as willfulness, repeated violations.

3 And the inquiry panel and the administrator
4 staff will, of course, look at all of the circumstances,
5 so we would recognize that if the court system -- one of
6 the factors we would take into account would be if the
7 court system though a judgement of conviction was not
8 necessary based on this conduct, that would be something
9 the panel could determine in assessing the seriousness
10 of the charge or the wilfulness of the conduct.

11 CHAIR HANSEN: Okay. As the chair, I have to
12 move us along. We're getting behind. I appreciate it.
13 We've got two more speakers.

14 Thank you, Mr. Renfroe.

15 MR. SCOTT RENFROE: Thank you.

16 CHAIR HANSEN: Stephen Komie is up to talk about
17 the proposals as well.

18 MR. STEPHEN M. KOMIE: Good morning. My name is
19 Stephen, S-t-e-p-h-e-n, last name Komie.

20 I'm a trial lawyer for 47 years in this state,
21 and I have sped up and down I-80 from courthouses from
22 Princeton to Joliet. Right now if you're traveling on
23 I-90 and you're going to Rolling Meadows, the traffic is
24 moving over 80 miles per hour on a given day, and

1 lawyers are on their way to court. That's a misdemeanor
2 if you're arrested and charged traveling on the highway
3 at that high speed.

4 I wrote this letter because I became concerned
5 that this is overcriminalization a la ARDC. In other
6 words, every crime in our book now went from 47 pages
7 when Mike Holet [phonetic] to go to law school, a
8 47-page criminal code, and this is our current criminal
9 code now. When I opened the box yesterday, it was five
10 pounds. The other book you could hold in your hand. It
11 was light.

12 Every conceivable misdeed in society has been
13 now criminalized one way or another. Just take our City
14 code here in Chicago, and I didn't even bother to bring
15 the fish and game code. Okay? If I had brought the
16 fish and game code, can you imagine a lawyer who has too
17 many shells in the shotgun coming to the ARDC or didn't
18 get the fishing license and has been cited by a game
19 warden and have to self report?

20 It's way overreaching to the point where most
21 reasonable lawyers would think, "Wait a minute. I
22 didn't join the profession to report on myself every
23 time I burn leaves in the front yard and the village
24 comes out and sanctions me for that." And each one of

1 these village codes have misdemeanors. How many
2 municipalities do we have in Illinois? How many forest
3 preserve districts?

4 I mean, if you go through everything we have in
5 government Illinois, every one of them has misdemeanors
6 buried in their codes. And I represent people at
7 village halls, and I know, as was pointed out by a
8 distinguished member of this panel, that supervision is
9 given out almost like chicken soup for a cold, to
10 resolve an issue without finding somebody guilty because
11 they don't think it rises to the level where there
12 should be a sanctions. Whoever is the person hearing
13 the facts doesn't believe that they heard facts that
14 caused them to have to impose something.

15 But then there's the revenue side of the game
16 which nobody brought up here because these guys don't
17 deal with revenue. But every single one of these
18 villages are looking for revenue. So how do they get
19 their revenue? They give everybody supervision. That
20 was the great thing Richard Daley did when he was a
21 center. He created supervision in Illinois in the
22 criminal code, and that allowed everybody to never find
23 anyone guilty but to collect revenue to advance the
24 village budget. Okay?

1 Now, these are all things that, you know, maybe
2 you guys are younger than I am, and you don't remember.
3 It didn't happen on your watch. It didn't happen with
4 you. But I'm looking at two distinguished trial judges
5 I'm sitting here with, and they know trials get quite
6 heated from time to time.

7 And we know sometimes we get found in contempt
8 of court. And the judge says, "Okay. Mr. Komie, that's
9 \$50. Pay the clerk." Well, that's a conviction; right?
10 And then when the verdict's coming in, we're sitting in
11 the back having a drink together and all of a sudden,
12 and, you know, all of a sudden, "I'm going to forgive
13 you for that. We'll vacate it." Do I have to report
14 that because I asked a wrong question at the wrong time?

15 In other words, this is way too broad, and you
16 should give substantial consideration to just saying no
17 to this because no one has come here and said it's not
18 working, that there's a failure of the system as it's
19 now written to work. There's no statistics to tell you
20 that someone escaped who should have not escaped. But
21 as pointed out by a distinguished member of this panel,
22 C requires the administrator under this rule every time
23 to refer to a disciplinary panel.

24 Now, you know, life is something that you get a

1 lot of experience in, and when I went down to Washington
2 representing the Illinois Bar, I was talking about the
3 Internal Revenue Code 6050(i), which is we have to
4 report the clients whenever they pay us \$10,000 or more;
5 right? It's a simple requirement.

6 Well, the IRS did not contemplate the flood that
7 was going to happen of everybody in the United States
8 reporting on their clients or people doing business with
9 them. They have an entire warehouse in Detroit where
10 you can send 6050(i) to when your client pays you, and
11 there's no one there to process it. If just goes in
12 there and it just sits in there, and maybe 10 years from
13 now someone might know it's there.

14 But the majority of issues involving those
15 6050(i)s are payments under \$25,000. Buying a used car.
16 Stop and think of all of the things that your parents
17 had to buy with cash. Well, there's some people who
18 have no bank accounts, and so those people buy in cash
19 and it gets reported to the IRS.

20 So I would ask you to reject what the
21 administrator is proposing here, and although my good
22 friend Jerry is sitting here, I disagree with the idea
23 that you should have expanded jurisdiction to deal with
24 misdemeanors when so many of our lawyers -- we have

1 100,000 lawyers now in this case. Can you imagine the
2 volume of paperwork that would create with misdemeanors?

3 Turning to the question that was asked about
4 federal agencies. That was a good question. Federal
5 agencies administrative ALJs, they fine people all of
6 the time. Does that make the lawyer incompetent? Does
7 the lawyer get due process within the content of the
8 agency's activities? No.

9 And many of those ALJs are not lawyers. I have
10 a case in the Department of Transportation right now
11 where my guy has cowboy boots that he puts up on the
12 desk, and when we're him -- he's from Louisiana -- and
13 he has no law degree. He's deciding a trucking issue,
14 whether or not the tires on the truck are safe. What
15 competence does he have to know whether a lawyer is a
16 good lawyer or whether a lawyer deserves to be
17 disciplined or arguing with him? And many times people
18 are sanctioned for arguing.

19 And if you stop to think about this other
20 proposed rule, 761, Dr. King got arrested how many times
21 demonstrating for free speech and change in America?
22 And every time he got arrested for disorderly conduct,
23 if he had been a member of the bar under this rule, he'd
24 have to turn himself in and a judge could fine him for

1 disorderly conduct, a Class A misdemeanor.

2 What if I want to go demonstrate in Springfield
3 about some political issue and I get arrested by the
4 Springfield police or the capitol police? I'm
5 exercising First Amendment rights. Should I be subject
6 to another visit to my good friend here? The answer is
7 no. So I would ask you to reject that.

8 With respect to the other rules, there seems to
9 be also an expansion suggested as to when discipline's
10 been given in one place, there should be a second bite
11 at the apple here in Illinois.

12 Now, I've been held in contempt of court in
13 other states when I've had an argument with a judge, and
14 they fine me some amount of money and it's over. It's
15 literally over. We say good-bye to each other. We
16 shake hands at the close of the trial. We walk out the
17 door. It's what we do. But yet that would require me
18 to report that, and then they would have an opportunity
19 to refer that to a board and the whole thing would have
20 to be relitigated here in Illinois when I walked out the
21 door and shook hands with the judge who did that.

22 It's not realistic, what's being proposed here,
23 and I would ask you to reject it. And I would like to
24 explain to the noncriminal members who don't have

1 criminal practices here in a criminal context you can
2 have a deferred prosecution where you sign an agreement
3 that they'll be no prosecution because the government
4 involved doesn't believe there has been a real offense
5 and that all they want to do is get your client as a
6 witness, so they have your client sign a deferred
7 prosecution agreement. That gets them a reporting
8 requirement.

9 If I have a lawyer who saw a transaction
10 somewhere and he has a deferred prosecution agreement,
11 it's not a conviction of a crime. The U.S. attorney has
12 decided it shouldn't be a conviction of a crime. It
13 could be the state's attorney of Cook County gives me a
14 deferred prosecution agreement for a lawyer. None of
15 those things involve moral turpitude.

16 And the real gravamen of being a lawyer is no
17 moral turpitude is tolerated. And the real gravamen is
18 don't steal from the clients. And that's the core
19 principle of our profession.

20 And so consequently we shouldn't have to be in a
21 position where we do good works for our client, and then
22 is it a Himmel violation if I don't notify you because
23 he's got a deferred prosecution?

24 And then there's court supervision, and I'm

1 going to explain that to all of you. And, you know,
2 it's a wonderful given for revenue. And if you stop to
3 think about it, city budgets, county budgets, forest
4 preserve budgets, every budget in the state would be
5 crippled if you guys redefined what is a conviction
6 because every one of my lawyer clients and even the
7 judges I represent will make me go in the courtroom and
8 fight it. It will be a war between me and the
9 prosecutor to avoid the consequences.

10 So I would ask you solemnly to reject it, and
11 while you're thinking about it, just remember how we
12 went over criminalized. And sometimes the demonstrative
13 aid says more than speech, and I think this really
14 represents what's happened to us since 1980 in terms of
15 expansion to cover everything in society that someone
16 perceives as wrong, when, in fact, it has nothing to do
17 with moral turpitude or stealing from our clients.

18 Questions, if any?

19 CHAIR HANSEN: I'll start.

20 I'm going to go to Rule 763 and your argument on
21 reporting discipline actions in reciprocal states.

22 The Rule already says you have to report that
23 anyway. It says, "If an attorney licensed to practice
24 law in Illinois and another jurisdiction is disciplined

1 in another jurisdiction" -- and then it goes on to state
2 that.

3 So don't we want to clarify that and bring into
4 reporting the changes made, such as a transfer to
5 disability, inactive status --

6 (Outside interruption.)

7 MR. STEPHEN M. KOMIE: Excuse me just a second.
8 One of the clients doesn't realize I'm busy.

9 Thank you.

10 CHAIR HANSEN: Shouldn't we clarify that to
11 include these things because we -- I get your point on,
12 you know, you get fined in contempt of court, but we
13 don't want lawyers who are licensed across the river or
14 across in Indiana not reporting disciplinary actions not
15 taken against them.

16 MR. STEPHEN M. KOMIE: We already have that.

17 CHAIR HANSEN: Right.

18 MR. STEPHEN M. KOMIE: It's working very well.
19 That is not the issue.

20 The issue is the expansion to allow the
21 administrator then to come up with additional discipline
22 beyond what's happened in the other venue, so venue one
23 reports lawyer for filing a false pleading or something
24 and sanctions them one way or another. That comes back

1 to Illinois, and then they get reciprocal discipline
2 equal to the discipline that was imposed by the primary
3 source of the complaint and where the adjudication took
4 place.

5 The expansion is we're not not limited to what
6 happened in jurisdiction A. We can now send you to the
7 inquiry board, and if they want to, they can send you to
8 the hearing board, et cetera. Many of the infractions
9 lawyers commit are resolved right in the venue where
10 they happen. Comprises are achieved. I mean, I've
11 shaken hands with people I've argued with my entire life
12 as part of our code to be argumentative but not
13 disagreeable.

14 CHAIR HANSEN: So you think it broadens it?

15 MR. STEPHEN M. KOMIE: It broadens it, and I've
16 pointed that out in my writing to you that it's like --
17 sort of like -- you've got the rule. It's working fine
18 now. If the district court in San Francisco sanctions
19 me, I'm going to get the same sanction in Illinois that
20 I got there.

21 HON. DAVID R. NAVARRO: Wasn't Mr. Renfroe's
22 point it doesn't broaden the discipline. It just
23 broadens -- or clarifies -- I think that's what I heard
24 Mr. Renfroe saying -- clarifies what the reporting

1 requirement is. It doesn't broaden the discipline or,
2 rather, even say the discipline is increased in any of
3 these instances that you've brought up.

4 They've said -- what I heard Mr. Renfro say is
5 where they've got recommendations for law office
6 management or additional education, that's where they --
7 that's where the ARDC is looking to assist the Bar, but
8 not to increase penalties. I didn't hear that in any of
9 what the ARDC was referring to.

10 MR. STEPHEN M. KOMIE: First of all, the country
11 is founded on no double jeopardy.

12 Secondly, if San Francisco fines me \$500 for
13 whatever, bad pleading or, you know, didn't read a rule
14 right or whatever, wrong question at trial, that's the
15 limit under the current rule. So it comes back here,
16 and the same thing can be imposed by the -- identical.
17 But it's not identical when they have the power to
18 broaden it with no limitation on what the broadening can
19 be.

20 So obviously probation's a wonderful thing,
21 given to us by the ARDC when it happens, and it keeps
22 some lawyers functioning. But I don't read the rule
23 that way. I read it as a much broader aspect, and I
24 think that's why also the Illinois Bar is opposing that.

1 I mean, you also have the Illinois Bar Association
2 having filed against some of these rules and raising
3 some of these similar issues.

4 CHAIR HANSEN: The rule says -- so under (a)(1)
5 it says the attorney may be subjected to the same or
6 comparable discipline in Illinois, and that is staying
7 as is. I'm not reading a change. So I agree with the
8 Judge. I don't read it that it's expanding the
9 discipline that can be enforced. It's leaving it as is,
10 that you could be, under your example, subjected to the
11 \$500 fine or comparable as the rule reads now.

12 MR. STEPHEN M. KOMIE: I thought it was
13 paragraph F. If I'm mistaken...

14 CHAIR HANSEN: So you're equating F then to an
15 expanding of independent proceedings?

16 MR. STEPHEN M. KOMIE: Right. I mean, I accept
17 reciprocal discipline. It's been there forever.

18 It's paragraph F that I considered an additional
19 item, and I think that was the objection of the Illinois
20 Bar Association when they wrote their letter.

21 HON. WILLIAM H. HOOKS: I have an additional
22 question if that's -- I don't know if that satisfies the
23 Chair's question or not.

24 CHAIR HANSEN: Yeah. I'm done. Thanks.

1 HON. WILLIAM H. HOOKS: So I did legal
2 malpractice in my other life, and you always caution in
3 legal malpractice for a lawyer not to get into an area
4 that he or she is not familiar with. In your case, your
5 do ARDC cases, I would imagine. I know you do criminal
6 quite a bit.

7 So any lawyer who represents somebody in a
8 misdemeanor matter, at the time of the representation,
9 the consultation should be not only with the lawyer
10 handling the case before a misdemeanor court or some
11 other tribunal, but that lawyer at the conclusion of the
12 representation needs to contact or hook that client up
13 with a lawyer that does disciplinary work before the
14 ARDC because every criminal lawyer does not do that
15 work.

16 So that creates an industry because I'm not
17 going to give a legal opinion. I will represent you on
18 the criminal case, but I'm not going to give you a legal
19 opinion concerning my reading of this rule. I will then
20 tell you, so the extent of my legal malpractice
21 coverage, to go see -- here's a list of lawyers that do
22 this work.

23 So a simple case could involve a person not only
24 hiring somebody to handle the subject matter, the

1 criminal matter, but also in order to keep their -- be
2 compliant with their obligations as a lawyer, refer this
3 person to several names to deal with the ARDC.

4 And that decision-making as to what happens next
5 needs to be played into the strategic decision of the
6 little minor case somewhere because you're otherwise
7 leaving this to, what is it, two lawyers and a lay
8 person at the inquiry level. And we'll have a change in
9 administration at the ARDC in due course. These
10 administrators are doing things that are good, but the
11 next ones won't. The rule will be the same.

12 So if you did not do this work, would you feel
13 duty bound to refer this to a lawyer that would be a
14 specialist in disciplinary matters?

15 MR. STEPHEN M. KOMIE: Routinely when I get a
16 judge for a client or I get a lawyer for a client, I
17 make referrals to people who do nothing but that work.

18 HON. WILLIAM H. HOOKS: So now it goes all the
19 way down to a lower level. So in order to keep your --
20 you can do both, but a lot of lawyers can't do both.
21 Would it be fair to say that a lot of criminal defense
22 lawyers don't do ARDC work?

23 MR. STEPHEN M. KOMIE: That's certainly true. I
24 would say that the ARDC practice bar is a very small

1 bar.

2 HON. WILLIAM H. HOOKS: Okay.

3 MR. STEPHEN M. KOMIE: I think you could
4 probably all fit them at this table.

5 PROFESSOR BEYLER: What I'm struggling with is
6 how do we define the reporting obligation in a way
7 that's as clear as possible to a lawyer so the lawyer
8 knows do I have to report or not.

9 One very simple line would be: You don't have
10 to report any misdemeanors, just felonies.

11 Another simple line would be: You have to
12 report misdemeanors, period, and then we'll sort out
13 which ones matter or not.

14 What I'm -- but I hear you sort of saying there
15 are misdemeanors and misdemeanors, and it sounds as
16 though you would like to say something like, "Well,
17 these ought to be misdemeanors that involve moral
18 turpitude." And I'm sitting here sort of saying, "Well,
19 how is a lawyer going to know whether this misdemeanor
20 has to be reported or not with a sort of fuzzy line like
21 that?"

22 Can you give us any language that would define
23 which misdemeanors would have to be reported and which
24 would not?

1 MR. STEPHEN M. KOMIE: Well, moral turpitude is
2 pretty straightforward. I mean, it's generally the
3 theft statute. That's easy. You learn that in law
4 school; right? You learn that was moral turpitude from
5 the start.

6 Operating a house of prostitution is clearly
7 moral turpitude. Prostitution by a lawyer would be
8 moral turpitude.

9 But at some point it's going to get fuzzy
10 because morals change. They're sort of shifting, sort
11 of like the sands on a beach. And what's immoral in the
12 1900 -- my grandfather was a patron of the Everleigh's
13 House of Prostitution the night Marshall Fields was
14 shot. So, you know, that was easy for everyone in that
15 generation not to think of that as so bad, but yet
16 today, that would be a whole different way to look at
17 that. Okay?

18 So you have to know -- I mean, Americans'
19 attitude about moral issues shift, and it's also state
20 related. Isn't it? You know, what's good in Alabama
21 may not be the same in Illinois. And so it is hard to
22 define, and I grant you that. But on the other hand, do
23 we want every little misdeed that happens -- the
24 advantage is you have all of this collective wisdom here

1 from trial courts to civil practice to criminal practice
2 all sitting here. You guys know what it's all about.

3 Aren't we overreaching here on the bottom line,
4 Professor? You don't have to answer the question,
5 but --

6 PROFESSOR BEYLER: I'm just saying I see your
7 position, but then I try to say, how do you write the
8 language in that rule that is workable.

9 MR. STEPHEN M. KOMIE: It was pretty clear to me
10 when I read that rule and informing my clients of the
11 rule of what the rule. I print it out on the Xerox
12 machine, and I hand to the client so that there's -- in
13 my file I have proof that I notified the client.

14 CHAIR HANSEN: Okay.

15 MR. STEPHEN M. KOMIE: And, by the way, all of
16 my clients in this situation are graduates of law
17 school, so I'm not talking about somebody who is
18 mentally retarded or feeble-minded who doesn't
19 understand. Okay?

20 CHAIR HANSEN: Thank you.

21 MR. STEPHEN M. KOMIE: Thank you for hearing me
22 out. I appreciate the fact you guys got to be a hot
23 bench.

24 CHAIR HANSEN: We have one more speaker on this

1 proposal, John Brayman from the Illinois Association of
2 Criminal Defense Lawyers.

3 MR. JOHN BRAYMAN: Thank you, Mr. Chairman, Mr.
4 Vice Chairman, Justice O'Brien, Administrator Larkin,
5 Mr. Renfroe, Mr. Komie, and all members of this
6 Committee.

7 My name is John Brayman. I'm a criminal defense
8 lawyer in Chicago. I'm a partner in the firm of Breen &
9 Pugh. I currently serve on the board of directors for
10 the National Association of Criminal Defense Lawyers,
11 NACDL, and I am the president of the Illinois
12 Association of Criminal Defense Lawyers, IACDL.

13 I appear here today in my capacity of IACDL to
14 oppose the proposal 22-10 submitted by the ARDC. I
15 think a lot of the questions this morning and the
16 discussion has gone to the existing rule in how broadly
17 it already sweeps in terms of Judge Hooks' question
18 about the "shall" in Rule 761(c) maybe being better
19 suited to be a "may," and that actually under the
20 current state of the rule, it's my understanding that
21 the administrator and Mr. Renfroe are saying that
22 misdemeanor supervision on a speeding ticket would --
23 there would be a mandatory duty to report that.

24 And so I think, you know, when we talk about the

1 language that is being proposed, it is not a
2 clarification of the rule. It is a broad expansion of
3 the definition of convictions, and it's also a broad
4 expansion of the administrator's authority to regulate
5 attorneys in Illinois.

6 The precedent that is relied on by the
7 administrator and Mr. Renfroe deals with lawyers that
8 were accused of converting client funds. They were
9 criminally charged, and in those cases, there was either
10 admission of wrongdoing by the lawyer or there was a
11 finding by a jury of wrongdoing. We are dealing with
12 felony offenses of moral turpitude.

13 Under the current state of the rule, if you are
14 convicted of a misdemeanor, you have a duty to report.
15 Today -- today I heard something that I think is
16 somewhat in conflict with the -- what I would say is a
17 new rule because the new rule that is being proposed
18 talks about for the purposes of this rule -- and this is
19 in subsection A of the proposal -- "For purpose of this
20 rule, a conviction is any disposition, including a
21 finding of guilty, an order of court supervision, or a
22 deferred judgement."

23 So there's -- I think language problems with any
24 disposition including those things, but also a finding

1 of guilty. Mary Robinson's law firm points out that
2 that would include a finding of guilty that's later
3 vacated by the trial court. An order of court
4 supervision, relatively minor offenses are resolved with
5 court supervision. It is by state law, not a criminal
6 conviction, and the precedent that talks about a
7 conviction -- supervision being a conviction.

8 The Rolley case, that's not a self reporting
9 case. That is about whether that person, that lawyer,
10 who is charged with converting client funds -- I think
11 to the sum of \$70,000 -- whether he is subject to
12 discipline, not whether that is a -- court supervision
13 is an affirmative defense or a bar to the administrator
14 bringing that person before the board.

15 But the new rule that is proposed, it doesn't
16 even confine itself to misdemeanors of moral turpitude.
17 It doesn't even confine itself to misdemeanors that
18 would be like a third speeder court supervision, it
19 talks about deferred judgements.

20 I practice in state and federal courts. That's
21 what I primarily do. And deferred judgments can have
22 all sorts of characters. So you can have dispositions
23 that include an admission of guilt, an adjudication of
24 guilt, and you can have ones that do not at all, a

1 deferral or diversionary program where an accused person
2 is diverted. We have it at 26th Street in Room 102. No
3 admission of guilt, no plea of guilty, you are diverted.

4 So a lawyer who is cited for speeding,
5 littering, disorderly conduct, is part of a public
6 protest and gets arrested along with a bunch of other
7 people and incited for disorderly conduct, goes to
8 court; has counsel; and is concerned about their law
9 license. The prosecutor says, "Listen, if he does eight
10 hours of community service, come back in two months and
11 we will dismiss the case against him."

12 Whether the lawyer was -- has an absolute
13 defense to that charge, my advice is always going to be
14 you have a dismissal in hand without an admission of
15 guilt. You have got to go do the eight hours of
16 community service. We'll come back in two months, and
17 the case will be dismissed.

18 Now, under the proposed rule, you would have an
19 affirmative duty to report that the judgement had been
20 deferred. We're not talking about a judgement of
21 conviction; we're talking about any judgement. A
22 judgement of dismissal, that that had been deferred --
23 because defer means basically put off, to withhold the
24 judgement.

1 And I think sometimes that means that you plead
2 guilty and a judgement maybe enters against you and is
3 maybe vacated lawyer. That was the lawyer in the other
4 case cited by the administrator where he went to trial,
5 he was convicted by a jury, he was put on eight years of
6 probation, and at the end of it, the conviction was
7 vacated. That's a very different situation than the
8 scenarios that we can envision this rule encompassing.

9 So this rule is not a clarification of the rule
10 as it exists, which is like I said, quite broad. It
11 does not amend the rule consistent with the caselaw.
12 Those cases are not self reporting cases.

13 And so when you talk about underlying conduct
14 and it being of a certain nature that has something to
15 say about the lawyer's moral turpitude or fitness to
16 practice, the conduct is always subject to Himmel
17 obligations and it's always subject to discipline,
18 whether or not that lawyer is acquitted at trial,
19 whether or not that lawyer is pardoned.

20 But the conduct and the self reporting, we're
21 conflating those things, because this rule requires that
22 any time a lawyer is cited for some minor misdemeanor
23 and is given basically a dismissal after maybe doing
24 eight hours of community service, that that lawyer has

1 an affirmative duty now to report himself or herself to
2 the ARDC and shall be referred to the inquiry board. It
3 is a broad expansion of the word definition -- the
4 definition of conviction under the law, and it is
5 inconsistent with our state law.

6 So, Judge, I -- I'm sorry. I reverted like I'm
7 in a courtroom.

8 So, Chair and the Committee, I'm asking that
9 this rule be declined for all of the reasons that I've
10 put in writing and also that have been put in writing by
11 Ms. Robinson's firm, Mr. Komie, and also spoken to this
12 morning by Mr. Komie.

13 CHAIR HANSEN: Thank you. Any further
14 questions?

15 You spared the firing squad because everybody
16 went before you. I appreciate your presentation as does
17 the Committee.

18 If we have no further questions, that will be
19 the end of the public hearing section. We thank all of
20 our speakers this morning. We will now adjourn the
21 public hearing and reconvene for our Rules Committee
22 meeting. Thank you.

23 (12:11 p.m., proceedings concluded.)
24

1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF COOK)

4 CERTIFICATE OF REPORTER

5 Isaiah Roberts, being first duly sworn, on
6 oath says that he is a Certified Shorthand Reporter,
7 Registered Professional Reporter doing business in the
8 City of Chicago, County of Cook and the State of
9 Illinois;

10 That he reported in shorthand the proceedings
11 had at the foregoing Public Hearing;

12 And that the foregoing is a true and correct
13 transcript of his shorthand notes so taken as aforesaid
14 and contains, to the best of his ability, all the
15 proceedings had at the said Public Hearing.

16 
17 _____

18 Isaiah Roberts, CSR, RPR
19 Illinois CSR #084-004890

20 SUBSTRIBED AND SWORN TO
21 before me this ____ day of
22 April A.D., 2021.

23 _____
24 NOTARY PUBLIC

\$	27 22:17	8	act 16:14 24:22 34:14	76:4,21 77:7 78:13 80:4
\$10,000 62:4	3	8.3 33:12	action 23:20 38:14,21 42:8 43:20 45:15	administrator's 34:17 46:14 77:4
\$25,000 62:15	3 29:14 40:21 45:11 52:21	8.4 48:16	actions 4:17 40:4 66:21 67:14	administrators 72:10
\$50 61:9	300 45:2,8,11	80 3:21 58:24	activities 63:8	admission 54:24 77:10 78:23 79:3, 14
\$500 69:12 70:11	306 15:7	80/20 3:20	acts 34:12	admonition 38:17
\$500,000 25:6	36 40:4 42:9	9	actual 41:20	adopt 8:2 10:9 18:7
\$70,000 78:11	4	90/10 3:23	ad 7:6 22:19	advance 60:23
(4 30:9 31:17	909 2:22	add 7:2 8:15 18:5 19:1 47:10	advantage 74:24
(a)(1) 70:4	40 22:14 45:4	90th 7:10 13:19	added 12:1	adversarial 45:24
(a)(4) 15:18	47 58:20 59:6	95/5 3:23	adding 6:24 21:14	adversely 48:18
1	47-page 59:8	A	addition 9:16 32:18	advice 79:13
10 2:15,17 57:17 62:12	5	abandoned 8:12	additional 7:2 8:15 33:24 34:6 36:5 37:23 38:4 44:3 56:10 67:21 69:6 70:18,21	advocating 6:17
10-minute 2:14	5-10 24:22	ability 31:1	address 3:13 6:8 26:22 42:12	AFCC 5:21 12:4 14:14
100 34:23	50 35:22 39:23	absolute 79:12	addressed 33:23 34:5 39:2,8	affect 36:22 41:10
100,000 63:1	50/50 8:23	Absolutely 9:17	addresses 5:17 19:12 48:17	affected 37:24
102 79:2	500,000 25:13	abuse 36:4 39:8 44:24	addressing 26:8 35:16	affecting 33:20 34:13,18 47:11
105/5-5 24:22	6	accept 51:10 70:16	adds 36:23 56:7	affects 44:10
12:11 81:23	6 7:9 13:19	acceptable 30:13 31:17 32:11	adequate 14:12	affirmative 24:2,4 78:13 79:19 81:1
18 42:19	6050(i) 62:3,10	accepted 42:9	adjourn 81:20	affords 41:23
19 35:2 58:1	6050(i)s 62:15	account 35:1 38:6 58:6	adjudication 68:3 78:23	agencies 40:3,15 41:7,11 51:23,24 52:9,17 63:4,5
1900 74:12	63 51:18	accounts 62:18	administer 34:13	agency 34:11 41:15 42:6 51:19
1980 66:14	6:30 7:9 13:19	accumulated 45:2	administration 35:12 72:9	agency's 63:8
1980s 45:1	7	accumulating 45:8	administrative 63:5	aggressively 51:3
2	735 24:22	accurate 49:20	administrator 33:17 34:19 35:14, 23 37:18 38:20 46:16 54:6,14 58:3 61:22 62:21 67:21	agree 12:9,18 13:2 70:7
2,000 22:3	753 33:11	accusation 52:11		agreed 3:11
2-104(c) 24:13	759 33:11	accused 77:8 79:1		agreement 4:6,10 5:12 8:22 12:7,15 25:1,3,4 46:15 65:2,7,10,14
20 3:21	761 33:11 36:9 38:9 63:20	achieved 68:10		
200 23:24	761(a) 42:18,23	acquittal 55:3		
22-04 2:22	761(c) 54:4 76:18	acquitted 80:18		
22-07 15:8	763 39:16 40:11 66:20			
22-10 33:10 76:14				
26th 79:2				

ahead 20:18	apologize 8:19	areas 3:13,14 41:17 52:2	56:1 65:11,13 66:23 70:5	beach 74:11
aid 66:13	apparently 14:4 49:1	argue 26:18 37:1	attorney's 35:16 36:16 46:4 53:21	begin 2:11
airport 25:20	appeal 16:3 19:11, 22 20:1 26:18 27:19 29:18 30:1	argued 68:11	attorneys 7:5 9:13 12:15 33:20 34:19 36:2 37:15, 24 38:20 44:23 46:8 51:10,13,14 52:5 55:20 56:8 77:5	behalf 33:17 48:13
Alabama 74:20	appealed 29:22 32:8	arguing 63:17,18	authorities 55:14	behold 22:24
ALJ 52:14	appeals 15:8,12 31:12 51:20	argument 26:16 29:19 64:13 66:20	authority 5:9 6:17 14:1,4,5 34:12 77:4	belief 11:10
ALJS 63:5,9	appearing 50:12	argumentative 68:12	avoid 14:6 35:18 49:22 66:9	believes 5:10
allegation 54:21	appellate 5:5 15:21 18:8 19:2,4 21:4 25:9 28:11 30:1	arguments 46:17	award 16:15	belongs 18:15
allotment 2:14	apple 64:11	Arizona 6:6	aware 24:21 49:23	bench 75:23
allotting 3:3	application 14:22	arrested 59:2 63:20,22 64:3 79:6		benefit 3:15 45:15 47:19 48:14
allowed 41:23,24 60:22	applies 16:1	Article 40:21 52:21		Beyler 15:7,10 19:13 21:2,12,16 26:7,16 30:8 31:10 32:3 73:5 75:6
alter 11:19	appoint 5:10 13:8	aspect 22:8 69:23		big 10:22 50:17
altered 48:1	appointed 13:4 34:16 38:12	assertion 20:23		birthday 7:10 13:20
alternative 44:21	appointment 5:12 12:7	assessed 39:14		bit 7:20 55:20,21 56:18 71:6
altogether 50:24	appointments 40:22	assessing 58:9	B	bite 64:10
amend 33:19 36:9 40:11 80:11	approved 9:7 10:4	assessment 46:3		blast 24:18
amendable 47:14	arbitration 16:13, 15,16 18:14	assignment 11:14	back 7:5 18:11 31:16 35:21,22 38:7 47:4 48:7 57:2 61:11 67:24 69:15 79:10,16	blessed 10:18
amended 31:18 32:4	arbitrations 32:7	assist 4:5 36:3 69:7	background 7:20	board 36:20 38:8, 10,19 39:18 45:18 46:12,20 47:24 48:12 51:20 54:7, 16 57:2 64:19 68:7,8 76:9 78:14 81:2
amending 15:7	ARDC 33:13,17 34:7,11 35:14,20, 24 36:13 37:1,16, 19 38:5,20 39:18 42:15,23 43:18,24 44:22 47:24 48:13 57:2,10,22 59:5,17 69:7,9,21 71:5,14 72:3,9,22,24 76:14 81:2	Assistance 35:20,21	bad 48:23,24 69:13 74:15	board's 38:8
amendment 22:5 32:17 37:1,8 40:1 42:1 43:9 49:20 53:18 64:5	ARDC's 36:6 37:13,18,20	Association 5:20 21:21 22:2 40:12 70:1,20 76:1,10,12	bank 36:17 62:18	boards 52:8
amendments 34:10	area 5:7 10:1 52:4 71:3	Association's 40:10 41:3	bar 3:12 5:6,8 18:20 35:12 40:9, 12 41:3 62:2 63:23 69:7,24 70:1,20 72:24 73:1 78:13	boilerplate 24:3 25:12
amends 33:11		assume 29:21	bargain 23:4	bomb 19:24
America 63:21		assumed 41:19	based 5:19 8:10 11:4 20:22 24:14 30:15,17 41:2 46:5 58:8	bono 9:6,12 10:6 14:20
American 40:9 41:3		assuming 9:13 13:16	basically 16:14 79:23 80:23	book 59:6,10
Americans' 74:18		assure 23:24	basis 12:6 16:24 22:10 24:10 27:18 30:24 31:2 37:4,6 40:6 44:3 53:16,20 55:1	boots 63:11
amount 64:14		attempt 49:21		bother 59:14
analyze 25:9		attention 34:2 39:22 54:1		bottom 75:3
ANDRE 52:24 53:2 57:4		attitude 74:19		bound 72:13
annual 34:8		attorney 35:10,11, 17 36:10 42:20 43:17 45:19 55:13		box 59:9

Brayman 76:1,3,7		14:8 15:1,4 20:16	citizen 50:19	cold 60:9
Breen 76:8	C	21:19 27:6,13,23	citizens 50:21	collect 60:23
bring 13:23 16:15, 16 18:23 22:22 26:14,15 35:1 39:21 50:1 59:14 67:3	California 40:8 55:15	28:4,8 29:1,7,8,14, 16 42:17 43:21 49:8,15 50:3,10 54:19 55:5 56:15 58:11,16 66:19 67:10,17 68:14 70:4,14,24 75:14, 20,24 81:8,13	city 59:13 66:3	collective 74:24
bringing 78:14	call 26:7,11 46:14, 16	Chair's 70:23	civil 20:9 75:1	Columbia 39:24
broad 22:7 61:15 77:2,3 80:10 81:3	called 3:5,20 6:16	Chairman 2:1 7:16,19,24 8:18 9:10 21:23 26:2,5, 10,13 32:24 33:4,9 76:3,4	clarification 32:16 54:19 56:7 77:2 80:9	comment 17:4 35:2 58:1
broaden 31:12 47:5,15 49:17,24 68:22 69:1,18	capacity 76:13	change 17:6 18:21 36:22 37:2, 22 38:1 47:6 56:7 63:21 70:7 72:8 74:10	clarified 56:18	comments 2:19 34:9 42:11
broadened 48:9	capitol 64:4	changed 54:13	clarifies 68:23,24	commercial 24:24 25:5,14
broadening 32:8 46:24 48:5 49:18, 20 69:18	car 25:19 62:15	characters 78:22	clarify 43:9 67:3, 10	commission 34:15 38:12,23 39:3
broadens 30:16 68:14,15,23	Carl 35:23	charge 39:5 45:7 50:16 51:3,5 58:10 79:13	clarity 43:23	commission's 35:22 54:1
broadener 69:23	case 4:10 14:3 16:1,4,12,15 17:16 18:3,15 19:18 20:3,7,10 21:8 23:1,2,9 24:3,4,11 25:10 26:14,24 28:20 29:20 35:1 39:13 41:1,13,14 43:7,13 44:16 45:1 53:23 55:11 63:1, 10 71:4,10,18,23 72:6 78:8,9 79:11, 17 80:4	charged 59:2 77:9 78:10	Class 49:10 64:1	commit 68:9
broadly 76:16	caselaw 50:6 80:11	charges 38:24 39:1	clause 17:21 18:1 19:11 22:16 27:7, 16,24 28:6,10,16 29:3,10 30:15 32:12	committee 2:2,7, 8,18 3:3 10:7 12:2 14:9 15:5 19:8 20:19 21:9,13,17, 23 33:16 42:1,11 48:24 56:23 76:6 81:8,17,21
brought 49:8 53:24 59:15 60:16 69:3	cases 3:8,19,21 4:8 11:15 14:18 17:7 20:13 21:4 23:24 26:6 36:14, 18 38:16 39:20 42:4 43:5 54:15,24 56:11,12 71:5 77:9 80:12	Chicago 14:15 59:14 76:8	clear 36:19 37:23 73:7 75:9	Committee's 34:1
budget 60:24 66:4	cash 62:17,18	child 7:6,9	clergy 12:22	common 57:7
budgets 66:3,4	category 50:23	children 4:19	clerk 23:6 25:18 61:9	communicate 51:11
bunch 79:6	caused 21:4 51:23 60:14	choice 23:11 24:22 25:3 27:3	clerks 33:6	community 12:5 79:10,16 80:24
burden 46:14	caution 38:16 71:2	choose 29:4	clicking 25:20,21	companies 24:7
burdens 6:24	censured 45:2	circuit 4:24 5:2 6:7 46:4	client 43:16 44:17 62:10 65:5,6,21 71:12 72:16 75:12, 13 77:8 78:10	company 16:6
buried 22:17 25:22 60:6	center 60:21	circuits 5:8 20:8	clients 39:9 41:10 45:16 53:8 62:4,8 65:18 66:6,17 67:8 75:10,16	comparable 70:6, 11
burn 59:23	certify 19:15	circumstances 35:6 36:24 37:15 41:21 51:4 58:4	close 38:15 64:16	competence 63:15
business 62:8	cetera 68:8	cited 16:4 26:6 59:18 79:4 80:4,22	closing 38:15	competent 24:15, 16 27:11 28:18
busy 50:15 67:8	chair 2:6,8 3:2 11:17,19,22 13:11		closure 43:20	complaint 46:13 68:3
buy 11:3 22:13,18, 19,23 23:7 25:17 45:4 62:17,18			code 24:24 59:8,9, 14,15,16 60:22 62:3 68:12	complex 6:10 10:22
Buying 62:15			codes 60:1,6	compliant 72:2
Byrne 21:20,22,24 26:4,9,11 27:1,10, 21 28:3,7,14 29:5, 13,15,21 30:11,16 31:8,20,23 32:13, 20 33:2,5			codify 49:21	comply 13:12

Comprises 68:10	66:9	converting 77:8	46:2 79:8	courts 5:20 25:8,9
concede 26:5	conservative	78:10	counter 25:16	26:1 29:11 30:3
conceded 31:10	3:17	convicted 36:12	counties 8:7,17	40:17 41:2 50:13,
conceivable	consideration	54:5 77:14 80:5	9:8 10:16,24 11:7,	14 75:1 78:20
59:12	36:21 38:13 61:16	conviction 37:10	8	cover 31:6,20
concentrate	considerations	43:1,2 44:21 47:1,	counties' 8:6	33:21 66:15
41:17 52:3,5,6	5:18 34:24	6,15 48:4,8 50:4,8	country 69:10	coverage 71:21
concern 32:13	considered 5:24	53:5,10,11,12,22	county 4:24 5:3	covered 21:14
48:23	27:8,15,20 28:12	58:7 61:9 65:11,12	7:21,24 8:2,11,12	cowboy 63:11
concerned 59:4	47:24 48:11 70:18	66:5 77:20 78:6,7	9:3 10:3,8,14,16,	create 9:6 14:21
79:8	considers 22:8	79:21 80:6 81:4	17 11:3,20 13:6	44:5 63:2
concerns 6:9	consistent 37:1,	convictions	14:3,11,18,24	created 60:21
Conciliation 5:20	11 40:4,9 80:11	36:10,18 55:22	16:7,16 17:12	creates 71:16
concluded 26:24	consists 37:17	77:3	20:24 23:3 30:18,	creating 2:22
81:23	construe 24:13	Conway 22:22	19,21 42:20 50:15	credit 42:5
conclusion 53:23	25:9	33:6	65:13 66:3	crime 36:10 54:5
71:11	consultation 71:9	Cook 4:24 8:11	couple 11:7,8,12	59:6 65:11,12
conditional 47:22	consumer 22:3,	9:3 10:8,14 11:20	13:24	crimes 47:8
conduct 33:12	11 28:2	14:11,18,23 30:21	courses 36:3	criminal 20:4,7
34:21 35:3 36:19	contact 57:10	50:14 65:13	court 2:2,9 3:7,11,	37:5 42:17 44:9
37:5 41:9 44:9,10,	71:12	Cooney 22:22	14 4:12,17,24 5:5,	46:3 48:16,17 53:3
13 45:6,24 48:16,	contemplate 62:6	33:6	9,10,16 6:5,7,18,	55:14 59:8 60:22
17 53:15,21,24	contempt 61:7	coordinated	20 7:5 8:10,16,21	65:1 71:5,14,18
54:3,20,22 55:17	64:12 67:12	45:22	10:11,18,20 11:4,	72:1,21 75:1 76:2,
58:8,10 63:22 64:1	content 63:7	coordination 3:6,	13 12:14 13:4,7,	7,10,12 78:5
79:5,7 80:13,16,20	contested 39:19	16 4:15 5:1,4,15,	13,23 14:5 15:7,22	criminalized
confine 78:16,17	context 34:6	21 6:6,12 7:22 8:9	18:8 19:4,15 20:3	59:13 66:12
confining 47:7	36:24 51:12 53:14	14:19,20	21:4,11 22:8 24:13	criminally 77:9
conflating 80:21	57:21 65:1	coordinations	27:5,8,15,20	crippled 66:5
conflict 3:13,19,	continue 4:11	5:11	28:11,13,21 29:24	current 16:11 59:8
24 4:9,11,14,21	38:3 57:2	coordinator 4:20,	30:1,22 33:11	69:15 76:20 77:13
11:15 77:16	contract 22:12,16	21 6:15,18,22 7:7	34:12,16 36:15	cutting 5:24
conformance	23:2,5,21 24:6,16	8:3 12:19 13:13,	39:21 40:2,5,15	
50:2	25:12,14 27:3 28:1	15,20 14:2,4,6	42:1,3,8,22 46:4	D
confusing 55:21	contracts 23:16	coordinators	50:6,16 51:15	
56:8	24:8,9,21,23 25:5,	2:23 5:12 9:8 10:4	53:6,9,15,21 54:2,	Daley 60:20
confusion 22:10	10,11,22 28:23	14:13	13 55:13,23 56:1,	dates 35:22
26:1	controlling 19:17	coparent 4:19	12 57:6,14 58:5,7	DAVID 9:12 48:21
congestion 30:3	28:13	coparents 9:21	59:1 61:8 64:12	49:2,6 68:21
connection 23:12	conveniensi	12:7 13:1	65:24 67:12 68:18	Davis 25:19
40:19	17:19,24 18:5,13	core 65:18	71:10 77:21 78:3,	day 58:24
connections 29:2	19:5 26:16 29:19,	correct 7:23 28:3,	5,12,18 79:8	de 19:14
consent 39:19	22 30:4	7,14 29:14,15	court's 19:2	deal 3:15 50:17
consequences	convenient 24:11	49:14	34:12,20 37:2,5,11	60:17 62:23 72:3
		correctly 21:10	39:21 43:4 49:22	
		cost 3:15	50:2 51:7,8,9 56:9	
		counsel 10:24	57:23	
			courthouses	
			58:21	
			courtroom 66:7	
			81:7	

dealing 36:9 48:16 52:10 77:11	define 6:11 48:10 51:19 73:6,22 74:22	Dickler 9:2	dismissal 40:24 79:14,22 80:23	driving 39:5
deals 15:11,16 20:4 38:23 39:17 58:1 77:7	defines 6:21	dictated 23:22	dismissed 79:17	due 5:4 40:16 41:23 63:7 72:9
dealt 20:14	defining 47:14,21	difference 45:10	disorderly 63:22 64:1 79:5,7	DUI 39:13
deceit 44:13	definition 47:6 77:3 81:3,4	difficult 4:1 11:14 12:17 25:23 28:24	disposition 36:2 39:12 43:1 53:5 55:23 57:8 77:20, 24	duration 19:21
decide 13:18 38:13	degree 9:15 63:13	difficulty 11:14	dispositions 40:6 41:15 53:19 55:3 57:15 78:22	duty 72:13 76:23 77:14 79:19 81:1
decided 65:12	delay 29:17	direct 4:6 14:5 34:1	dispute 7:8	E
decides 18:9	delaying 28:9,19 29:20	direction 34:14	disputes 3:8 4:16	eager 38:6
deciding 63:13	demonstrate 64:2	directly 36:15 39:20	disrespect 45:8	easy 74:3,14
decision 5:5 8:6 9:21,23 13:21 25:2 27:17 28:12 32:7 45:13 46:7 51:24 52:15 72:5	demonstrated 45:8	directors 76:9	distinction 48:19 51:6	edge 5:24
decision-making 72:4	demonstrating 63:21	disability 67:5	distinguished 60:8 61:4,21	educate 9:24
decisions 4:12 13:17 15:22 31:6, 13 34:18 40:22 41:6 51:23	demonstrative 66:12	disagree 17:4 56:22 62:22	district 16:4,9,12, 18 17:18,22 39:24 41:2 68:18	education 9:20 35:17 36:5,6 57:24 69:6
declined 81:9	denial 27:14	disagreeable 68:13	districts 26:6 60:3	effect 7:22 18:15 40:1
deem 46:9	deny 15:16	disbarment 55:16	diversionary 79:1	effective 11:11
defend 41:13,20 51:3 52:11	denying 17:9,11	discharge 47:22	diverted 79:2,3	effort 48:9
defendant 20:23 23:10 25:11 26:17 28:1 29:2 30:18,20 53:10	Department 63:10	disciplinary 33:20 34:13,18,23 40:10 43:11 52:15 53:14,17 55:12 61:23 67:14 71:13 72:14	divine 20:24	efforts 35:24
defending 26:14 40:17	depends 35:6 51:4	discipline 35:4, 10,18 37:7 39:17, 20 40:3,7 42:4 46:15 66:21 67:21 68:1,2,22 69:1,2 70:6,9,17 78:12 80:17	divorce 6:1	either/or 12:11,12
defense 53:3 72:21 76:2,7,10,12 78:13 79:13	describes 6:12,14	discipline's 64:9	doctors 50:21	elect 54:13
defer 38:13 79:23	deserves 63:16	disciplined 39:23 63:17 66:24	doctrines 18:12	elected 50:22
deferral 79:1	designed 4:15	discretion 54:14	documents 23:1	election 32:12
deferred 42:22 47:16,21 50:7 53:6 55:13,15 65:2,6, 10,14,23 77:22 78:19,21 79:20,22	desirable 16:10	discuss 25:18	door 64:17,21	elects 53:21
deficiencies 35:16	desk 63:12	discussed 24:21 31:24 32:1 43:6	double 20:10 69:11	element 25:24 27:19 28:12
	detail 33:24	discussion 11:7 76:16	draft 11:24	elements 24:18 29:23
	detailed 34:4	dishonesty 44:13 47:9	drafted 28:1,16	emphasize 24:16
	details 3:9	dismiss 17:9 79:11	drafting 5:19 9:4	emphasizes 22:8 27:22
	determine 38:21 43:12 45:15 58:9		dragged 28:11	enacted 28:22
	determined 20:5		drawn 46:11	encompassing 80:8
	determining 35:1		drink 61:11	end 31:18 80:6 81:19
	Detroit 62:9		driven 39:6	ending 30:9
	dialogue 38:3 57:2		drivers 48:23	

endorsed 12:3 42:8	existing 6:7 37:2, 12,21 41:24 47:23 49:22 50:1,2 54:10,17 76:16	57:17	filed 39:20 70:2	formal 37:10 46:13
enforced 18:22 70:9	exists 36:11 51:6 80:10	factors 27:15 30:5 31:7 35:8,15 58:6	filing 46:13 67:23	formed 55:1
enforcement 5:15 40:10	expanded 62:23	facts 24:3 51:4 60:13	final 19:21,24 20:15 26:17,24	forming 40:6
enforcing 3:10	expanding 70:8, 15	factual 37:4 53:20	Finally 42:3	forms 14:22
engage 4:11	expansion 64:9 66:15 67:20 68:5 77:2,4 81:3	failure 61:18	financial 8:24	forum 17:8,10,12, 19,21,23 18:1,4,5, 13,14,18 19:5,11 22:16 24:8,22 26:8,15 27:4,7,16, 18 28:5,10,16 29:3,6,8,10,19,22 30:2,4,15 31:3 32:12
entered 22:12	expect 13:5	fair 72:21	find 60:22	forums 29:2 52:12,13
enters 80:2	expensive 4:17	fairness 41:22	finding 30:13,14 37:4 42:6 46:18 53:5,20 54:21 55:2,8 60:10 77:11,21,24 78:2	forward 56:3
entire 62:9 68:11	experience 37:20 62:1	fall 27:3 56:13	findings 40:2	found 61:7
entity 40:19	experienced 44:23 52:10	falls 22:20	fine 63:5,24 64:14 68:17 70:11	founded 69:11
entry 37:10	expertise 41:18	false 67:23	fined 67:12	Francisco 68:18 69:12
envision 80:8	explain 64:24 66:1	familiar 34:2 38:10 40:22 41:1, 4,5,8,9 43:10 56:9 71:4	fines 69:12	fraud 36:18 44:13 54:6
equal 8:24 68:2	explained 24:17	familiarity 41:18 52:9	finish 2:19 18:11	free 21:11 63:21
equally 25:2	explanation 21:1 33:22 34:4	families 3:13,23 6:1 7:14	firing 81:15	frequently 5:2 46:16
equating 70:14	exposure 34:7	family 3:8,19,22 5:20 7:1 10:24 11:13 12:22	firm 37:17 47:20 56:20,21 76:8 78:1 81:11	friend 62:22 64:6
escaped 61:20	expressly 27:17	fashion 26:20	firm's 43:6	front 2:9 59:23
essentially 47:16	extension 42:6 49:17	favorable 29:4,5	firms 22:3	full 2:15 42:5 46:11
establish 53:20	extent 71:20	federal 40:2,3,5, 15,21 41:7 42:8 51:19,24 55:14 63:4 78:20	fish 59:15,16	functioning 69:22
established 37:4	extenuating 35:8	feeble-minded 75:18	fishing 59:18	funds 77:8 78:10
establishing 14:20	extra 26:1	feel 2:15 72:12	fit 73:4	fuzzy 73:20 74:9
estate 23:18	extraordinarily 23:8 25:23 43:19	fees 5:15 7:2,4 8:19,22	fitness 44:10 47:11 48:18 80:15	
evaluation 30:5	extreme 3:24	felonies 44:18 48:19 56:14 73:10	fix 16:22	G
events 37:9	F	felony 36:12,23 77:12	flood 62:6	
eventually 54:3		field 9:15	Florida 40:8	
Everleigh's 74:12		Fields 74:13	focused 48:22 49:2	
evidence 24:15, 16 27:12 28:18		fight 50:17 66:8	follow 23:21	game 59:15,16,18 60:15
evidentiary 47:10		file 24:1 75:13	follow-up 7:17 32:23 43:21 46:21	gave 32:7
exact 52:16			forest 60:2 66:3	Geek 22:19,23
exceed 25:6			forever 70:17	general 15:21,23 16:19,23 17:2 21:3,6 23:13
exceeded 14:4,5	fact 20:13 31:11 36:13 37:5 38:3 39:22 40:20 41:16 44:21 45:7 51:14 52:2 53:12 66:16 75:22		forgive 61:12	generally 3:8 5:23
exceeds 14:1 22:7	fact-finding 45:24		form 44:3 53:16	
Excuse 67:7	factor 30:6,22,23			
Executive 51:21				
exercising 64:5				
exhibits 46:17				

6:11 52:4 74:2	guidelines 5:20 6:2 12:4	hearing 2:3,12 16:17 39:18 45:21 46:11,12 55:12 60:12 68:8 75:21 81:19,21	Hooks' 76:17	implemented 56:5
generation 74:15	guilt 78:23,24 79:3,15	hearings 45:18,24	hope 11:16 17:5 47:19	implementing 6:14
gist 19:6	guilty 53:6 54:21 55:2,7 60:10,23 77:21 78:1,2 79:3 80:2	heartedly 12:3	hoped 57:21	implicated 43:16
give 40:1 42:18,21 51:24 54:13 60:19 61:16 71:17,18 73:22	guy 63:11	heated 61:6	hoping 56:6,7,10	importance 35:15
giving 33:19	guys 60:16 61:2 66:5 75:2,22	heightened 4:9	hot 75:22	important 30:3 38:18
goal 4:22 35:10 37:14 45:13	<hr/> H <hr/>	held 25:24 57:13 64:12	hour 58:24	impose 8:3 36:1 53:22 60:14
good 2:1 3:2 4:19 10:12 21:22 33:9, 14,15 58:18 62:21 63:4,16 64:6 65:21 72:10 74:20	half 20:7,10	helpful 24:11	hours 79:10,15 80:24	imposed 35:4 42:4 68:2 69:16
good-bye 64:15	halls 60:7	helps 3:16	house 74:6,13	imposing 40:2
govern 8:17	hand 59:10 74:22 75:12 79:14	Hey 12:16	<hr/> I <hr/>	imposition 37:6
government 60:5 65:3	handle 71:24	high 3:19,24 11:15 59:3	I-80 58:21	improper 15:17 17:1 20:5 21:15 27:11 30:10,14 31:6,13,18,19 32:5,18
graduates 75:16	handled 45:19 55:19	highlight 32:12 39:16	IACDL 76:12,13	improperly 22:20
grandfather 74:12	handling 71:10	highlighted 25:24 28:13	idea 9:18,24 10:3 41:19 62:22	inactive 67:5
grandma's 13:19	hands 64:16,21 68:11	highlights 6:11 27:19,21	ideas 51:11	incentive 24:10
grandmother's 7:10	Hansen 2:1,6 7:16,19,24 8:18 9:10 14:8 15:1,4 20:16 21:19 26:2, 5,10,13 29:8,14,16 32:24 33:4,9 42:17 58:11,16 66:19 67:10,17 68:14 70:4,14,24 75:14, 20,24 81:13	highway 59:2	identical 69:16,17	incited 79:7
grant 15:16 52:24 53:2 57:4 74:22	happen 61:3 62:7 68:10	Himmel 44:5 65:22 80:16	identifiable 6:8	include 32:4,6 36:17 40:14 47:16 67:11 78:2,23
granting 17:11	happened 66:14 67:22 68:6	hire 22:19,22	identified 41:7	included 28:5 33:22
gravamen 65:16, 17	happening 46:23	hiring 71:24	Illinois 2:2 3:12 6:7 17:12 21:21 22:1 29:9,11 33:20 34:7,13,19 36:11 37:15 39:22 40:12 51:8 60:2,5,21 62:2 64:11,20 66:24 68:1,19 69:24 70:1,6,19 74:21 76:1,11 77:5	includes 30:14 46:2
great 3:15,19 5:2 12:4,5 60:20	happy 19:7 34:7 42:10,14 56:24	history 15:4	Illinois's 41:3	including 27:16 34:20,21 35:15,19 36:5 38:15 40:7,8 49:24 50:24 53:5 55:23 77:20,24
GREEN 44:16	hard 74:21	HODYL 32:16,22 44:5,15	imagine 9:1 59:16 63:1 71:5	incompetent 63:6
greeted 24:1	health 9:18 10:2	hold 59:10	immigration 41:13 51:20,21 52:5	inconsistent 41:20 81:5
ground 21:5	hear 69:8 73:14	Holet 59:7	immoral 74:11	increase 45:17 69:8
grounds 17:10,12 21:15 30:10 31:5, 19 32:5	heard 60:13 68:23 69:4 77:15	hook 71:12	impact 46:19 55:19	increased 69:2
guardian 7:6		HOOKS 11:2 50:11 54:4,11,17 70:21 71:1 72:18 73:2	impaired 39:7	increasing 37:13
guess 8:12 10:7 31:16 46:21 47:7, 13 48:7 55:5			implementation 3:9	independent 70:15
guidance 37:24 56:10 57:21,23				

independently 28:1 29:3	interference 51:16	Jeff 47:8		Larkin 33:18,21 76:4
Indiana 67:14	interim 36:16	JEFFREY 44:16	K	Larry 2:7
indication 39:7 44:22	interlocutory 15:8,11 16:3,8,20 17:18,20 19:16 26:20 27:19 29:18 31:12	jeopardy 20:10 69:11	Kathy 21:20,22,24 26:4,9,11 27:1,10, 21 28:3,7,14 29:5, 13,15,21 30:11,16 31:8,20,23 32:13, 20 33:2,5	law 3:8,19,22 7:1 10:24 11:13 18:21 19:14 22:3 24:22 25:3 27:4,9 33:5 36:2 41:14 45:9 47:12 53:9 59:7 63:13 66:24 69:5 74:3 75:16 78:1,5 79:8 81:4,5
indicative 39:1		Jerry 33:17 62:22	KEITH 15:10 19:13 21:2,12,16	lawsuit 22:23
individual 35:11	Internal 62:3	Jim 2:6 42:20	kicks 20:10	lawyer 39:6,22 40:7 42:17 44:6 45:1,16 50:16 53:2,13,15 54:5 57:9,16 58:20 59:16 63:6,7,15,16 65:9,14,16 66:6 67:23 71:3,7,9,11, 13,14 72:2,13,16 73:7,19 74:7 76:8 77:10 78:9 79:4,12 80:3,18,19,22,24
individuals 9:14	international 5:23	job 4:23 7:15	kind 13:18	lawyer's 39:9,14 44:10 80:15
industry 71:16	interrupted 56:20	Joe 25:17	Kim 12:6,9,12,24 13:10 45:17 55:18 56:17 57:5	lawyers 9:22 13:2 21:21 22:1,2 26:22 34:6,14,15 36:11 37:3,9 38:11 40:14 41:12 43:10 48:23 49:23 50:11,20 52:6 59:1,21 62:24 63:1,9 67:13 68:9 69:22 71:21 72:7, 20,22 76:2,10,12 77:7
influence 39:5	interruption 67:6	John 30:7,12 31:4, 9,22 32:2,14 46:21 47:3 48:2 51:17 52:13,20 76:1,3,7	King 63:20	Lawyers' 35:20
inform 53:8,10	intervention 13:13	join 59:22	knew 24:6	lay 72:7
informal 38:17	introduce 46:17	Joliet 58:22	Komie 58:16,18, 19 61:8 67:7,16,18 68:15 69:10 70:12, 16 72:15,23 73:3 74:1 75:9,15,21 76:5 81:11,12	lays 10:20
information 33:24 45:12 46:6	investigations 46:1	judge 9:2,3,5 14:21 46:5 61:8 63:24 64:13,21 70:8 72:16 76:17 81:6		learn 4:18,20 74:3, 4
informed 46:7	involve 54:6 65:15 71:23 73:17	judgement 20:1 37:10 53:22 58:7 77:22 79:19,20,21, 22,24 80:2	L	leave 26:23 54:8
informing 75:10	involved 25:2 65:4	judgements 78:19	la 59:5	leaves 59:23
infractions 68:8	involvement 4:6	judges 11:12 21:23 40:20,21 53:10 61:4 66:7	labels 53:16 54:3	leaving 70:9 72:7
inherent 51:9	involves 16:5 36:19 44:13	judgment 19:21 20:15 26:17,24 27:2 42:22 50:7 53:7	lack 14:19 43:23	legal 71:1,3,17,18, 20
injures 22:21	involving 36:14 44:9,19 62:14	judgments 40:24 47:16 78:21	lacking 7:13	
injury 22:4 23:12	IRS 62:6,19	judicial 3:17 4:6 6:17	laid 29:24	
injustice 22:4	ISBA 2:21 10:23	jurisdiction 10:10 16:9,21 17:23,24 18:13 39:23 62:23 66:24 67:1 68:6	Lake 10:16	
input 28:2	issue 26:9,12 27:7,17 39:2,8 45:5,7 52:15 54:20,22 55:5,6 56:8 60:10 63:13 64:3 67:19,20	jurisdictions 40:5 42:5,9	language 12:3 15:19,23 16:23 17:2 20:21,22 21:3 31:15 32:4 37:22 38:2,4 47:20 49:24 53:4 54:13,18 56:21,23 73:22 75:8 77:1,23	
inquiry 36:1,20 38:10,11,19,22 39:11,12 43:14,20 44:3 45:18,23 46:9,19 54:7,15 58:3 68:7 72:8 81:2	issued 22:12	jury 77:11 80:5	large 8:5	
inquiry's 45:13	issues 5:17 6:1 36:5 41:4,10 44:24 52:9 58:2 62:14 70:3 74:19	justice 2:9 28:9 29:17 33:15 35:13 76:4	larger 39:2 44:22	
install 22:19	item 70:19			
instance 49:18				
instances 18:16 29:1 45:4 55:9 69:3	J			
insurance 16:6 23:18	JD 9:16			
interdisciplinary 5:22 10:1				
interest 14:1 40:16 43:16				
interested 11:1				

legislature 23:14, 15:22 24:20	local 7:22 8:2 10:9,20 49:12	mandatory 76:23	miles 57:17 58:24	44:19 47:9 54:6 65:15,17 66:17 73:17 74:1,4,7,8, 19 77:12 78:16 80:15
legitimate 30:24 31:2 40:16	lodestar 5:24	marshaled 28:19	mindful 34:20 57:22	
length 43:6	logistical 56:4	Marshall 74:13	minimal 40:18	
lets 16:6	logistically 55:19	Mary 15:3 25:16 37:18 78:1	minor 3:7 4:11,16 38:24 72:6 78:4 80:22	morals 74:10
letter 33:21 34:5 43:7 47:21 59:4 70:20	long 2:4,16 6:10	master's 9:15	minute 59:21	morning 2:1,12 3:2 21:22 33:14,15 34:22 57:3 58:18 76:15 81:12,20
level 3:24 39:13 41:18 49:7 51:15 52:18 54:15 55:13 56:16 60:11 72:8, 19	longer 4:22 45:20	matter 38:15 54:7 71:8,24 72:1	minutes 2:15,17	motion 15:16 16:24 17:9,11,19 19:5 27:8,10,14 29:22
liaison 2:10	looked 6:4,6 17:7, 16 23:5 56:21	matters 50:20 52:6,7 72:14 73:13	mirror 11:22,23,24	move 56:3 58:12
libel 23:17	lot 9:18 11:14 14:18 45:17 56:12 62:1 72:20,21 76:15	Mclean 5:3 8:12 14:3	mischief 24:7	moving 58:24
license 40:17,18 59:18 79:9	Louisiana 63:12	Meadows 58:23	misdeed 59:12 74:23	multiple 29:2
licensed 66:23 67:13	low 22:23 54:14	meaning 21:6 27:14	misdemeanor 36:12,23 42:21 44:19 45:3 47:5,8, 15,23 48:3,10 49:11 50:13,14,16 51:15 59:1 64:1 71:8,10 73:19 76:22 77:14 80:22	municipalities 60:2
life 61:24 68:11 71:2	low-cost 14:19	meaningfully 46:19	misdemeanors 44:17 48:20 49:8 56:15,16 60:1,5 62:24 63:2 73:10, 12,15,17,23 78:16, 17	mushrooming 28:22
lifetime 40:21	lower 72:19	means 4:13 50:5 79:23 80:1	misheard 31:11	mustering 29:23
light 57:5 59:11	luck 16:2 19:10	meant 47:18	misrepresentation n 44:14	
limit 48:15 51:23 52:3 54:23 57:18 69:15	<hr/> M <hr/>	mechanism 52:17	missed 8:19	NACDL 76:11
limitation 69:18	machine 75:12	mediation 4:5 9:9 10:5 12:20 13:9 35:15	Missouri 6:5	names 11:12 72:3
limitations 5:6 6:13 24:23 51:10, 13	made 12:2 18:17 22:2 33:8 34:9 38:11 40:13 42:12 67:4	meet 38:20	mistaken 70:13	Nancy 2:21,24 3:1 7:18,23 8:4,14,21 9:17 10:12 11:5, 18,21,23 12:8,11, 13 13:4,14
limited 13:24 25:5 34:8 40:18 41:21 68:5	mail 36:17	meeting 2:3 81:22	model 12:4 40:10	national 5:22 76:10
list 9:7 10:4,5 12:19,21 13:6,7 14:21 71:21	main 32:13 57:15	member 10:7 12:22 14:9 19:8 20:19 21:9,13,17 48:24 60:8 61:21 63:23	modification 49:16	nature 51:5 80:14
listen 79:9	majority 62:14	members 2:8,18 3:2 15:6 33:16 34:15 64:24 76:5	modified 48:1	NAVARRO 9:12 48:21 49:2,6 68:21
litem 7:6	make 13:17,21 19:13 24:14 37:23 38:7 39:9 41:6 46:7,10,17 48:12 50:17 63:6 66:7 72:17	memo 16:4 34:5	modify 37:22	necessarily 8:24 31:6 41:19 45:6
literally 6:2 64:15	makes 15:12 30:5	memorandum 33:23	money 64:14	needed 4:22
litigant 13:5	making 6:9 8:7 9:21 25:2 34:18 35:19 40:22 48:19 52:14	mental 9:18 10:2	monitored 36:4	negotiate 28:11
litigants 7:3	malpractice 71:2, 3,20	mentally 75:18	monitoring 38:14	
litigations 7:11	management 36:2 69:6	mentioned 9:12	months 42:19 79:10,16	
littering 79:5		mentors 36:3	moral 36:14,19	
		Mike 59:7		

negotiated 23:7	officials 50:22		partners 37:19	11 64:10 68:4
nice 2:4	oftentimes 39:12	P	parts 12:1	plaintiff 24:12
night 74:13	online 36:6	p.m. 81:23	party 7:10 13:20	27:2 28:18 31:1
nightmare 56:4	opened 59:9	pad 22:13,17	patent 41:14	plaintiff's 16:7
noncontroversial 15:13,15	Operating 74:6	pages 22:14,24	51:19 52:6,7	28:20
noncriminal 64:24	opinion 71:17,19	59:6	patron 74:12	plaintiffs 16:6
nonissue 57:12	opponents 34:10	paid 6:23 9:1	pattern 18:2,3	18:20
nonlawyer 38:12	opportunities 35:18	panel 9:6,11,13	pay 22:13 61:9	plan 3:10 9:17
normal 49:12	opportunity 46:10 64:18	36:1 38:11,22	62:4	plans 9:4
note 42:3	oppose 22:4	39:11,12 43:14,20	paying 7:4,5 45:6	played 72:5
notice 37:14	76:14	45:13,23 46:9	payment 5:15	plea 79:3
notified 75:13	opposed 7:7	58:3,9 60:8 61:21, 23	payments 62:15	plead 80:1
notify 42:23 65:22	24:18	panels 46:9	pays 8:20 62:10	pleading 67:23
novo 19:14	opposing 38:2	paperwork 63:2	penalties 69:8	69:13
number 35:15	69:24	paragraph 15:17	pending 38:13	pleadings 27:3
43:5 56:11	opposition 17:3	20:20 32:18 70:13, 18	people 8:23 12:2, 21 13:6,8 14:12, 13,17 22:15 24:5 38:9 39:4 44:12 60:6 62:8,17,18 63:5,17 68:11 72:17 79:7	podium 15:6,9
	option 19:19 30:8	pardoned 80:19		point 19:22 20:2 24:20 28:15 33:2 54:19 59:20 67:11 68:22 74:9
O	32:1	parenting 2:22		pointed 56:15
O'BRIEN 2:9	optional 11:2	3:6,9,10,16 4:11, 15,20,21 5:1,3,11, 12,14,21 6:1,6,12, 15,17,21,22 7:7,22 8:3,9 9:7 10:4 12:18 13:15,20 14:2,3,5,19	perceives 66:16	57:5 60:7 61:21 68:16
33:16 76:4	order 16:8 17:8,9, 10,19,20 29:22 39:8 53:6 55:23 57:6 72:1,19 77:21 78:3	parents 3:18 4:5, 9,10,18,20 7:12 12:9 13:1 62:16	percent 3:21	points 34:5 78:1
object 13:23	ordered 3:11	parkers 49:1	period 30:10,11 31:19 32:17 45:20 73:12	police 64:4
objected 42:13	orders 15:16	parking 45:2,6,11	permission 15:8, 12 16:3,20	political 64:3
objecting 6:14	17:13	parrots 31:15	permits 5:1	politicians 50:22
objection 41:12	ordinance 45:3	part 5:19 8:5 9:3 12:15 16:13 17:5,7 29:13 36:1 39:11 68:12 79:5	12 16:3,20	pops 4:3
70:19	49:12 56:14	participants 6:24	Perry 14:3	popular 18:20
objections 6:24	ordinary 42:7	parties 3:10,15 9:1,24 12:16,23 13:8,22 23:4 25:2	person 2:4 44:6 60:12 71:23 72:3,8 78:9,14 79:1	population 40:8
40:13 41:22	organization 5:21,22 31:24	parties' 8:22	personal 18:13 33:3	portion 6:2
obligation 43:12	original 11:24	partly 52:1	persons 50:12,24	position 26:21 48:12 50:12,21 65:21 75:7
51:9 73:6	overcriminalizati on 59:5	partner 76:8	petition 36:16	positions 4:13 8:24
obligations 72:2	overlooks 40:20		phonetic 59:7	post-judgement 7:11
80:17	41:16		picked 13:18	posted 33:24
obtaining 36:3	overreaching 59:20 75:3		pickup 7:8	potential 20:14
obviate 8:8	oversee 34:16		place 8:8 9:4 12:17 16:17 23:10,	potentially 28:9
offense 24:2,4				
49:11,12 65:4				
offenses 49:4,7				
77:12 78:4				
office 36:2 44:6				
51:20,21 69:5				

pounds 59:10	privilege 33:3	20:21 21:20 25:7	purpose 34:3	22:16,18 28:24
power 13:15 69:17	pro 9:6,12 10:6	28:15 29:9 31:11	77:19	42:18 50:3 55:21,
practice 10:1,16	14:20	33:10 36:8 37:20	purposes 13:24	24 69:13,22,23
35:16 36:4 44:10	probation 80:6	40:4,11 48:14	53:4 55:22 77:18	70:8 75:10
47:12 48:18 52:3,4	probation's 69:20	51:18 54:2 76:1,14	put 12:3,17 15:20	reading 50:5 70:7
53:2 66:23 72:24	problem 4:2,3	77:19	42:21 45:5 50:11,	71:19
75:1 78:20 80:16	7:13 9:20 15:19	proposals 33:19	20,23 79:23 80:5	reads 70:11
practices 41:21	20:14 26:7 43:17	42:12,16 58:17	81:10	real 23:18 57:6
65:1	44:6,22	proposed 3:5	puts 63:11	65:4,16,17
practicing 40:14	problem-solving	33:23 36:22 37:2,	putting 24:8 32:17	realistic 64:22
practitioners	4:18	8,23 38:1,6 40:1		realize 18:19 67:8
41:16 52:2,10	problems 6:8	42:1 47:20 53:3,18	Q	reason 11:6 25:8
preamble 35:2	77:23	56:21 63:20 64:22		54:9
58:1	procedures 33:8	77:1,17 78:15	qualified 41:5	reasonable 44:11
precedent 34:23	proceeding 41:23	79:18	question 8:18	59:21
37:2,12,21 43:5,11	proceedings	proposing 3:12	10:8,13 11:17	reasons 3:24 23:9
49:22,23 50:2 51:7	39:18 41:11,18	19:7 54:12 62:21	14:10 17:24 18:1,	55:8 81:9
56:9 77:6 78:6	53:17 70:15 81:23	proposition 43:8	5,6,10 19:14,15,	receiving 39:10
precious 3:17	process 3:7 4:15	prosecuting	16,18 27:6 30:7,12	recent 55:11
prepared 16:5	6:14,19,20 7:1	42:20	31:3,16 43:21	reciprocal 39:17,
presentation	10:22 12:24 13:15	prosecution	46:22 47:7,13 48:7	20 40:6 42:4,7
81:16	34:8,13 39:11	39:15 47:21 55:14,	49:3,15 51:2,16,17	66:21 68:1 70:17
presented 31:10	40:16 41:23 45:20,	15 65:2,3,7,10,14,	52:24 61:14 63:3,4	
preserve 60:3	21 46:11 51:22	23	69:14 70:22,23	recited 6:3
66:4	56:3 62:11 63:7	prosecutor 66:9	75:4 76:17	recognize 11:13
president 76:11	processes 8:8	79:9	questioning	35:14 38:19 39:4
president-elect	profession 44:11	prostitution 74:6,	20:17	43:15 44:23 45:10
22:1	59:22 65:19	7,13	questions 2:18	47:19 53:19 58:5
presidents 50:24	professional	protect 39:9	9:11 19:7 26:3	recognized 40:5
presiding 9:3	33:12 34:21 35:3	protection 35:11	32:24 42:14 47:4	recognizes 51:9
presuppose 8:1	41:9 48:17	protest 79:6	66:18 76:15 81:14,	52:8
pretty 74:2 75:9	professionals	provide 34:3,6	18	recognizing
prevent 55:8	9:18 10:2	37:14,23 56:10	R	37:21
previous 35:9	Professor 15:6,9,	57:21	R-O-L-L-E-Y 43:7	recommend 17:6
primarily 5:4	10 19:13 21:2,12,	providing 3:18	radical 42:6	36:1 38:21
78:21	16,19,23 26:6,16	provision 57:9	raised 6:9	recommendation
primary 10:16	30:8 31:9 32:3	public 2:3 34:16	raising 70:2	13:12,21
68:2	73:5 75:4,6	35:12 79:5 81:19,	random 13:3	recommendation
Princeton 58:22	program 14:11	21	rarely 5:4	s 6:15,16 57:1 69:5
principle 65:19	35:20,21 79:1	Pugh 76:9	rationale 34:4	recommending
print 75:11	programs 4:5	punish 35:10	reach 4:6 25:1,3,4	41:15 47:24
prior 38:19	promote 35:11	45:14	reached 55:7	reconcile 53:11
	proof 75:13	punishment	reaction 37:6	reconvene 81:21
	proper 22:9	57:24	read 7:20 13:11	records 46:3
	proposal 2:21 6:9	purchaser 23:7		redefine 46:24
	15:7 16:22 18:7,21	pure 19:14		

48:4	remember 23:13 50:15 61:2 66:11	reputation 35:12	retrial 20:9,11	routinely 57:14 72:15
redefined 66:5	remembering 6:23	request 43:9 46:10	return 4:12	rule 2:22 3:4,5,12, 20 4:24 5:4,16,19 6:3,11,12,21 7:20 8:5,14,15,17 9:14 10:9,11,14,19,20 11:4,6,9 15:7,11, 20 16:11 17:15,23 19:12 26:8 27:13 30:2,3,17 31:4,17 32:4,9 33:11 36:9, 10,23 38:9 39:16, 17 40:10,11,23,24 41:16,24 42:8,23 43:11,24 46:24 47:6,23 48:4,15 49:13,17,24 50:1,4 51:18 53:4,12 54:10 55:22 56:13 61:22 63:20,23 66:20,22 68:17 69:13,15,22 70:4, 11 71:19 72:11 75:8,10,11 76:16, 18,20 77:2,13,17, 18,20 78:15 79:18 80:8,9,11,21 81:9
refer 54:7 61:23 64:19 72:2,13	rendering 27:16	require 36:24 37:3,9,15 43:18 64:17	revenue 60:15,17, 18,19,23 62:3 66:2	
reference 27:18	Renfroe 33:13,15 43:4 44:2,8,20 45:23 47:2,18 48:11 49:5,14,21 50:9 51:2 52:1,16, 22 53:1,14 54:10, 12,23 55:10 56:6, 19 57:20 58:14,15 68:24 69:4 76:5,21 77:7	required 11:3 46:16 49:19	reverse 20:8	
references 27:14	Renfroe's 68:21	requirement 44:9 50:1 62:5 65:8 69:1	reverted 81:6	
referral 38:19 54:15	rent 25:19	requirements 10:20	review 16:8,10,20 17:18,20 18:7,8,16 19:16 36:20 38:8, 10 39:12 51:21 55:12	
referrals 35:19 72:17	repeat 11:15	requires 13:12 36:11 38:10 61:22 80:21	reviewable 19:14	
referred 36:15,20 38:16 43:14 57:24 81:2	repeated 58:2	research 33:7	reviewed 17:14 19:22	
referring 69:9	report 36:12,24 37:3,9,16 43:23 44:1,17 59:19,22 61:13 62:4 64:18 66:22 73:8,10,12 76:23 77:14 79:19 81:1	residence 16:7 23:10	revised 41:15	
reflects 48:18	reportable 48:6	resident 20:21,23 23:11 29:6 30:18, 19	revisions 42:11	
refusing 45:4	reported 43:8 49:19 55:4 62:19 73:20,23	resolution 3:7,18	revisit 57:4	
regard 17:8 54:1,2	reporting 43:12 44:9 62:8 65:7 66:21 67:4,14 68:24 73:6 78:8 80:12,20	resolutions 55:7	rewritten 31:5	
registration 34:8	reports 57:22 67:23	resolve 4:1,2,13, 16,20 6:19 7:8 50:18 54:14 60:10	Rich 20:18	
regularly 36:4	represent 22:3 39:6 60:6 66:7 71:17	resolved 4:10 6:19 39:19 68:9 78:4	Richard 32:16,22 44:5,15 60:20	
regulate 77:4	representation 41:10 71:8,12	resources 3:14, 17 11:9	rights 64:5	
regulatory 43:18	representative 7:6	respect 64:8	rise 49:7 56:16	
reject 62:20 64:7, 23 66:10	representing 12:16 62:2	respond 34:9	rises 51:15 60:11	
related 3:8 9:15 44:17 45:7 47:4 74:20	represents 66:14 71:7	responds 57:22	risk 39:13 46:3	
relating 17:20 32:7 54:22		response 37:20 43:18 46:5	river 67:13	
relationship 35:21		responsibility 55:1	Robinson 37:17, 18 43:6 47:20 56:20,21	
relationships 44:18		restriction 25:7	Robinson's 78:1 81:11	
relevant 45:12		result 37:9 43:19 51:13 53:20 55:16	Rogers 2:7 11:17, 19,22 13:11 27:6, 13,23 28:4,8 29:1, 7 43:21 49:15 50:3,10 54:19 55:5	
relied 77:6		results 37:3 55:2	role 8:3	
relitigated 64:20		retarded 75:18	roles 12:23	
rely 46:1			Rolewick 35:23	
relying 21:7			Rolley 43:7 78:8	
remedial 38:14 45:15			Rolling 58:23	
remediation 35:24 57:23			Room 79:2	
				rules 2:2 5:13,14 6:5,7 7:22 23:21 33:20 34:20,21 35:3,5,9 41:1,2,3, 4,5,9 46:18 48:15, 17 64:8 70:2 81:21
				ruling 24:14
				rulings 6:16
				<hr/> S <hr/>
				S-T-E-P-H-E-N 58:19
				safe 63:14
				salesperson 23:6
				San 68:18 69:12
				sanction 35:5 68:19
				sanctioned 63:18
				sanctions 59:24 60:12 67:24 68:18
				sands 74:11

satisfies 70:22	service 44:18 79:10,16 80:24	sits 26:7 62:12	specialists 52:3 78:5,20 81:5
Scannicchio 9:5 14:21	services 39:10	sitting 61:5,10 62:22 73:18 75:2	specific 32:6 40:3 42:15
scared 5:6	set 8:5 30:23	situation 14:7 22:11 48:5 75:16 80:7	specifies 29:10
scenarios 80:8	setting 37:13	situations 31:21	sped 58:21
school 59:7 74:4 75:17	settle 20:13	skills 4:18	speech 63:21 66:13
scope 5:23 35:2	settlement 12:15	small 72:24	speed 57:18 59:3
Scott 33:13,15 43:4 44:2,8,20 45:23 47:2,18 48:11 49:5,14,21 50:9 51:2 52:1,16, 22 53:1,14 54:10, 12,23 55:10 56:6, 19 57:20 58:15	severity 35:5	social 9:15	speeder 78:18
seated 33:18	shackles 21:11	society 57:12 59:12 66:15	speeders 49:9
section 10:24 35:2 36:23 43:3 48:16 81:19	Shafer 2:21 3:1 7:18,23 8:4,14,21 9:17 10:12 11:5, 18,21,23 12:8,11, 13 13:4,14 15:3	sole 23:8 26:9,11	speeding 42:19, 24 44:1,12 45:11 48:5 51:5 76:22 79:4
seek 13:13	shake 64:16	solely 31:14	spell 8:19
seeking 4:12 17:18 36:16	shaken 68:11	solemnly 66:10	spelled 26:19
sees 57:12	shells 59:17	solve 7:13	SPESIA 30:7,12 31:4,9,22 32:2,14 46:21 47:3 48:2 51:17 52:13,20
seizing 24:5	shift 74:19	solving 9:21	split 8:20,23
seldom 46:9	shifting 7:3 74:10	someone's 19:4 23:9	spoken 9:5 81:11
select 12:18 13:8	shook 64:21	sophistication 52:18	Springfield 64:2,4
selection 12:24 17:8,10,12,21 18:1,6,14,18 19:11 22:16 24:8 26:8 27:7,16,18 28:6, 10,16 29:3,10 30:15 31:3	short 52:22 54:15 55:7	sorely 7:13	squad 22:19,23 81:15
send 62:10 68:6,7	shot 74:14	sort 5:6 9:6 19:23 20:11 21:3,10 32:21 40:23 41:6 68:17 73:12,14,18, 20 74:10	staff 34:19 38:20, 21 46:2 58:4
senior 38:21	shotgun 59:17	sorts 47:16 78:22	stand 18:6 22:14 43:7
sense 13:21	shoving 22:15	sounds 46:23 73:15	standard 47:10 57:13
sentence 21:1 55:22	show 31:1	soup 60:9	standards 5:13, 14 8:16
separate 50:23	side 20:4 60:15	source 68:3	standing 25:16,19
series 18:12	sign 65:2,6	spared 81:15	stands 18:19 27:9
seriousness 35:7 58:9	signatures 25:21	speak 10:18	start 15:15 22:15 24:5,8 26:2 66:19 74:5
serve 12:23 14:12 76:9	signed 2:13 25:17 28:4	speaker 2:20 75:24	started 57:3
	similar 9:9 10:4 13:9 40:1 47:10 70:3	speakers 2:12 58:13 81:20	state 3:12 4:5 6:4 25:1 29:9,12 34:11 35:13 39:21 40:12 58:20 66:4 67:1 74:19 76:20 77:13
	simple 62:5 71:23 73:9,11	special 16:1,5,13 21:7 23:15,16,19, 20 30:5	state's 65:13
	sin 57:8,10	specialist 72:14	stated 7:21
	single 24:1 39:5 60:17		states 5:16 6:4 39:24 40:7 51:1,8 62:7 64:13 66:21
			statewide 5:14 10:11
			statistics 61:19
			status 67:5
			statute 15:21,24 16:5,13,19 17:2 21:3,6,8 22:7 23:14,16,20 30:23 31:14 74:3
			statutes 6:5 23:15,19 32:6
			statutory 5:9
			staying 70:6
			stays 19:23
			steal 65:18
			stealing 66:17
			step 18:11
			Stephen 58:16,18, 19 67:7,16,18 68:15 69:10 70:12, 16 72:15,23 73:3 74:1 75:9,15,21
			stepping 15:6
			STEVE 12:6,9,12, 24 13:10 55:18 56:17
			STEVEN 45:17
			sticker 45:5
			stop 62:16 63:19 66:2
			straightforward 74:2
			strain 23:23 26:1 28:21
			strategic 72:5
			Street 79:2
			stricken 20:20,22

struck 21:1	77:21 78:4,5,7,12, 18	testimony 25:15	Trademark 51:20	type 19:11 50:22 54:15
struggling 73:5		theft 74:3	traffic 48:22 49:3, 4,7,12 51:15 56:1, 12 57:18 58:23	types 41:14,21 55:3
subject 64:5	supplant 8:6	Theoretically 44:2	tragic 22:4	typically 19:3 46:2
71:24 78:11 80:16, 17	supplier 23:5	thing 13:11 18:19 25:18 50:23 56:3,5 57:5 60:20 64:19 69:16,20	training 14:15,16	
subjected 70:5,10	supply 14:12		trainings 14:15	<hr/> U <hr/>
submission 46:1, 5	support 4:13 8:15 10:15 40:11 46:17	things 6:19 7:10 14:22 22:8 32:3 36:17 47:11,17,22 53:8 61:1 62:16 65:15 67:11 72:10 77:24 80:21	transaction 65:9	U.S. 20:2 65:11
submit 13:22	supreme 2:2,9 5:9,16 6:5 8:16 10:11,18 11:4 15:7 20:3 33:11 34:12 36:15 39:21 51:8 55:12	thinking 46:12 66:11	transfer 15:17 17:11 67:4	unable 5:10
submitted 33:21 76:14	suspension 36:16	thought 8:5 12:5 22:6 32:22 70:12	transferred 23:9	unbeknownst 28:8
subparagraph 30:9	sweeps 76:17	throw 19:8	Transportation 63:10	underlying 46:3 55:16 80:13
subsection 31:17 77:19	system 3:16 11:19 53:16,21 54:3 55:12 58:5,7 61:18	ticket 25:17 42:19, 24 44:1,12 48:5 51:5 76:22	trap 37:13	understand 7:19 24:17 27:17 57:13 75:19
subset 4:8		tickets 45:3,8,11	traveling 58:22 59:2	understanding 10:23 21:10 52:17 76:20
substance 36:4 39:7 44:24	<hr/> T <hr/>	ticking 19:23	trial 4:10 19:15 21:21 22:1,2 25:8 26:22 29:24 58:20 61:4 64:16 69:14 75:1 78:3 80:4,18	understood 49:16
substantial 37:19 40:7 45:10 61:16	table 73:4	time 2:4,14 3:3,22 9:23 10:18 18:2,9 19:23 20:12,16 33:18 39:6 40:23 41:6 45:12,20 59:23 61:6,14,22 63:6,22 71:8 80:22	tribunal 40:19 71:11	undoes 32:21
success 5:2	taking 36:2	time-consuming 4:17	tribunals 51:12	undue 28:20
successful 4:7 13:16	talk 5:18 36:8 58:16 76:24 80:13	times 12:13 63:17, 20	trigger 57:16,19	unduly 22:7 24:15 28:19 32:11
successfully 4:19	talked 30:8	tires 63:14	triggering 57:16	unfair 23:8
sudden 61:11,12	talking 49:9,10 52:14 56:11 62:2 75:17 79:20,21	today 3:4 34:3 74:16 76:13 77:15	triggers 57:19	unfairly 27:19,21
suddenly 24:5	talks 9:14 23:13 77:18 78:6,19	toddler 22:21	tripping 49:22	UNIDENTIFIED 10:7 14:9 19:8 20:19 21:9,13,17 48:24
sue 16:6	teaching 7:12 13:17	told 17:17	troubling 57:6,7, 11	unique 51:22
sufficiency 41:22	technical 17:6	tolerated 65:17	truck 63:14	uniquely 9:19
sufficient 55:15	technically 19:17 42:24	tool 11:11	trucking 63:13	United 51:1,8 62:7
suggested 5:5,8 34:10 37:21 38:2 42:11 64:9	television 22:20	tracking 15:22 17:1	true 29:12 50:9 72:23	universally 27:24
suggestion 18:17	televisions 22:18	tracks 15:20 21:3	trusted 12:22	unknowingly 28:5
suggestions 57:1	tend 3:13 9:22 41:2,17 52:2,6		turn 63:24	Unlike 39:18
suited 9:19 76:19	terms 47:21 56:11 57:21,23 66:14 76:17		Turning 63:3	unwary 37:14
sum 78:11			turpitude 36:14, 19 44:19 47:9 54:6 65:15,17 66:17 73:18 74:1,4,7,8 77:12 78:16 80:15	utilize 3:14
summary 40:23				
supervision 42:22 48:6 50:7 53:6,9,11 55:24 57:7,8,14 60:8,19, 21 65:24 76:22				

<hr/> V <hr/>	walked 64:20 wall 22:21 wanted 16:7 23:16 32:23 33:7 57:4	34:17 38:5,6 42:10,15 46:19 56:22 61:19 71:13, 15,22 72:12,17,22
vacate 16:15 61:13		workable 75:8
vacated 78:3 80:3, 7	wanting 10:2 16:14	working 7:14 14:11,21,23 61:18 67:18 68:17
valuable 30:22	war 66:8	
vanishes 20:12	warden 59:19	workload 19:2 37:13
vendors 24:7	warehouse 62:9	
venue 15:17,21,24 16:1,5,13,19 17:1, 2 18:13,17 20:4,11 21:3,6,7,15 22:7,9 23:14,15,16,19,20 24:2,14,19 25:4 27:11 30:10,14,23 31:5,13,14,19 32:5,6,17 67:22 68:9	warrant 47:7	works 65:21
	Washington 62:1	worse 24:7
	watch 61:3	write 75:7
	website 34:1 36:7	writing 13:22 68:16 81:10
	week 20:3	written 11:6 46:1 61:19
	weighed 29:24	wrong 20:12 61:14 66:16 69:14
	weight 30:6,24	
verdict's 61:10	whac-a-mole 4:2	wrongdoing 52:12 77:10,11
versus 24:16	wilfulness 58:10	
vice 2:7 11:17,19, 22 13:11 27:6,13, 23 28:4,8 29:1,7 43:21 49:15 50:3, 10 54:19 55:5 76:4	willfulness 35:7 58:2	wrote 37:20 59:4 70:20
	WILLIAM 11:2 50:11 54:4,11,17 70:21 71:1 72:18 73:2	<hr/> X <hr/>
victims 22:3	willy-nilly 24:9	Xerox 75:11
village 45:4 59:23 60:1,7,24	windshield 45:5	<hr/> Y <hr/>
villages 60:18	wisdom 18:9 74:24	yard 59:23
violated 46:18	withhold 79:23	year 10:6 14:16 24:1
violation 21:6 35:5,7 43:24 45:4 65:22	witnesses 46:14, 17	years 34:23 35:22 58:20 62:12 80:5
violations 35:9 49:3 56:14 58:2	wonderful 66:2 69:20	yesterday 59:9
virtually 25:10	wondering 32:10	York 40:8
visit 64:6	Woodford 23:3	younger 61:2
volume 63:2	word 31:18 47:1,5, 8,14,23 48:3,8,10 54:8 81:3	
<hr/> W <hr/>		
wait 22:14 26:17 45:19 59:21	words 21:14 59:6 61:15	
walk 64:16	work 4:22 5:15 9:15,19 10:23 13:1	