



**ILLINOIS STATE  
BAR ASSOCIATION**

August 26, 2026

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Committee Secretary  
Supreme Court Rules Committee  
222 N. LaSalle Street, 13<sup>th</sup> Floor  
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**Re:    Proposal 25-09 (P.R. 000347)**  
      **Proposal 26-06 (P.R. 000356)**  
      **Proposal 26-07 (P.R. 000357)**  
      **Proposal 26-08 (P.R. 000358)**

Dear Committee Secretary:

On behalf of its approximately 26,000 members, the Illinois State Bar Association ("ISBA") is pleased to provide its brief comments on the four proposals referenced above. It appreciates the opportunity to share its views on proposed changes affecting the legal profession and the practice of law.

**1.     Proposal 25-09 (S. Ct. Rule 46, Offered by Chicago Legal Aid)**

The ISBA **supports** Proposal 25-09.

This proposal would amend S. Ct. Rule 46 by adding a new subpart (e) related to protective order proceedings. New subpart (e) would require courts to create and maintain a record of all proceedings under the Illinois Domestic Violence Act, the Stalking No Contact Order Act, the Civil No Contact Order Act, and Section 112A of the Criminal Code of Procedure. The ISBA believes that the Proposal promotes transparency in the courts and will materially assist attorneys and courts reviewing protective orders to better, and more completely,

understand the prior orders and their surrounding circumstances. This in turn will aid in the provision of competent representation and the administration of justice.

The ISBA notes for the Committee that survivors of domestic violence and abuse may be vulnerable to respondents who may attempt to use information gained from court records to locate survivors' physical location, contact information, or other information for improper purposes. Hopefully, safeguards already exist within the Rules or court procedures to accommodate the need to protect the safety of those participating in protective order proceedings.

**2. Proposal 26-06** (S. Ct. Rules 277, 286, and New 278, Offered by the Supreme Court Commission on Access to Justice)

The ISBA **supports** Proposal 26-06.

Proposal 26-06 replaces S. Ct. Rule 277 ("Supplementary Proceedings") with a new Rule 277 ("Citation to Discover Assets"); amends Rule 286 ("Appearance and Trial"), and creates a new Rule 278 ("Claims of Exempt Income or Assets from Enforcement of Judgment"). The Comment to proposed new Rule 277 explains that its purpose (along with the other related proposed rules) is in part to "modernize and conform [citation to discover asset proceedings] to applicable statutes, case law, and practice." Comments received from the ISBA's Commercial Banking, Collections, and Bankruptcy Section Council were in support of the Proposal. The ISBA believes that the proposal will conform and clarify current practice and process and eliminate dilatory litigation without harm to consumer debtors. (The ISBA asks the Committee to take positive note of the Comments filed by Robert Markoff, past chair of the ISBA's Commercial Banking, Collections, and Bankruptcy Section Council, regarding this Proposal.)

**3. Proposal 26-07** (S. Ct. Rule 906, Offered by the Supreme Court Committee on Domestic Violence)

The ISBA **supports** Proposal 26-07.

Proposal 26-07 seeks to amend S. Ct. Rule 906 (c) to require lawyers serving as GALs in domestic relations and child custody cases to complete 4 hours of training on "intimate partner domestic abuse" and related issues. The ISBA believes that the additional training would highlight the often-significant role that domestic abuse can play in proceedings involving minors and their guardianship. In addition, it does not appear that the addition of four hours of targeted CLE, over a two-year period, to be so burdensome as to disincentivize attorneys who wish to serve as GALs.

4. **Proposal 26-08** (S. Ct. Rule 753, Offered by the Review Board of the Attorney Registration and Disciplinary Commission)

The ISBA **supports** Proposal 26-08.

Proposal 26-08 would amend S. Ct. Rule 753(d)(4) by allowing parties in an ARDC Review Board matter to correct "material mistakes" in Review Board Reports. An example provided in the Proposal of a "material mistake" are incorrect citations. In addition, the "material mistake" would need to be significant enough to influence the decision-making process, and the proposed correction need to be "indisputably correct." Although the rationale for the Proposal is unknown, it appears to the ISBA that the Proposal would serve the worthwhile interests of procedural efficiency and Review Board Report accuracy.

If you require any additional information or have questions about the above comments, please do not hesitate to contact me.

Very truly yours,



Charles J. Northrup  
General Counsel