



THE CHICAGO BAR ASSOCIATION

321 South Plymouth Court
Chicago, Illinois 60604-3923
Tel (312) 554-2000
Fax (312) 554-2054
www.chicagobar.org

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September 29, 2022

Via Email

Supreme Court of Illinois Rules Committee
222 N. LaSalle Street, 13th Floor
Chicago, IL 60601

Dear Members of the Supreme Court of Illinois Rules Committee,

I'm writing you in my capacity as President of the Chicago Bar Association and on behalf of the Board of Managers. I would like to commend the Supreme Court Committee on Equality for proposed amendments to Supreme Court Rule 434 that essentially codify the application of *Batson v. Kentucky*. This is a welcome change.

The CBA submitted the proposed amendments to Supreme Court Rule 434 offered by the Supreme Court Committee on Equality to CBA Committees and the Board of Managers for review and comment. We provide the following comments we received for your consideration.

First, in section (d)(4), we would suggest the term "explicit bias" be included in addition to "purposeful discrimination." While the two terms are similar, they are not interchangeable. The nuanced difference between them relates to intent, and we believe the inclusion of both terms is necessary.

Next, in reference to section (d)(6), we recommend that the presumptively invalid reasons may be better characterized as examples in the "Committee Comments" to the Rule rather than the Rule itself. We would suggest not limiting the reasons to those listed, but refer to them as "examples include, but are not limited to."

Finally, several question whether section (d)(7) is needed, as such conduct is currently managed on an individual basis at the discretion of the trial judge. The Sheriff's Deputy and/or clerk routinely communicate nonattentive conduct to the Court, which is handled on an individual basis.

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The CBA appreciates the Rules Committee's consideration of the above suggestions.
Thank you for allowing the CBA to participate in this important process.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'T. Tomasik', with a stylized flourish at the end.

Timothy S. Tomasik
President