

M.R. 3140

**IN THE  
SUPREME COURT  
OF  
THE STATE OF ILLINOIS**

Order entered December 1, 2021.

(Deleted material is struck through, and new material is underscored.)

Effective immediately, Illinois Supreme Court Rule 3 is amended, as follows.

**Amended Rule 3**

**Rule 3. Rulemaking Procedures**

**(a) Purpose and Applicability.**

(1) These procedures are adopted to provide for the orderly and timely review of proposed rules and proposed amendments to existing rules of the Supreme Court; to provide an opportunity for comments and suggestions by the public, the bench, and the bar; to aid the Supreme Court in discharging its rulemaking responsibilities; to make a public record of all such proposals; and to provide for public access to an annual report concerning such proposals.

(2) The Supreme Court reserves the prerogative of departing from the procedures of this rule. An order of the Supreme Court adopting any rule or amendment shall constitute an order modifying these procedures to the extent, if any, they have not been complied with in respect to that proposal.

**(b) Supreme Court Rules Committee.** There shall be a Rules Committee which shall be appointed by the Supreme Court. The Administrative Office of the Illinois Courts shall serve as ~~Secretary~~secretary of the Rules Committee. The Rules Committee shall have the following responsibilities:

(1) To implement rulemaking procedures, as provided in paragraph (d) of this rule, for proposed rules or amendments to existing rules received from the Secretary of the Rules Committee~~Administrative Office~~.

(2) To periodically review rules in areas which no other Supreme Court committee, board, or commission is specifically charged with the responsibility for reviewing to ensure that such rules facilitate the administration of justice.

(3) To conduct public hearings and submit the annual report as required by administrative order of the Supreme Court. The annual report shall be a public record.

**(c) Initiation of Proposal.**

Proposed rules and proposed amendments to existing rules of the Supreme Court should be forwarded to the Administrative Office of the Illinois Courts, c/o Secretary—Supreme Court Rules Committee, 222 N. LaSalle Street, 13th Floor, Chicago, Illinois 60601 or submitted via e-mail to RulesCommittee@illinoiscourts.gov. All proposals shall offer specific language for the proposed

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rule or amendment, as well as a concise explanation of the proposal.

**(d) Procedures for Proposed Rules and Rule Amendments.**

(1) If the substance of a proposal received under paragraph (c) of this rule is within the scope of a Supreme Court committee, board, or commission, ~~or Judicial Conference committee~~, the Secretary of the Rules Committee Administrative Office shall forward the proposal to the appropriate committee, board, or commission for review and recommendation.

The Secretary of the Rules Committee Administrative Office also shall forward a copy of the proposal to the Rules Committee, along with notice of the Supreme Court ~~or Judicial Conference~~ committee, board, or commission to which the proposal has been forwarded.

The Rules Committee shall forward a copy of the proposal to the Clerk of the Supreme Court where it will be given a number and placed upon the docket of the Clerk of the Supreme Court.

The committee, board, or commission to which the proposal has been forwarded shall review the proposal for content and style. Within 12 months of the transmission of the proposal from the Secretary of the Rules Committee Administrative Office, the committee, board, or commission to which the proposal has been forwarded shall advise the Secretary of the Rules Committee Administrative Office whether the proposal is recommended for adoption by the Supreme Court. If the proposal is recommended for adoption, or if the committee, board, or commission to which the proposal was forwarded does not make a recommendation within 12 months, the Rules Committee may, upon notification to the committee, board, or commission, shall place the proposal on the agenda for the next public hearing. In its annual report to the Supreme Court, the Rules Committee shall report the docket number, the content of the proposal, any report submitted by the Supreme Court committee, board, or commission ~~or Judicial Conference committee~~ (including a minority report), the response to the proposal, any comments or revisions submitted by the Supreme Court committee, board, or commission, ~~or Judicial Conference committee~~, the Rules Committee's recommendation, and any alternative proposal the Rules Committee developed in response to public comment.

If the committee, board, or commission to which the proposal has been forwarded recommends that the proposal should not be adopted ~~does not recommend the proposal for adoption~~ by the Supreme Court, the Rules Committee shall not place the proposal on the agenda for public hearing, but shall report the nonrecommended status to the Clerk of the Supreme Court and the Supreme Court in its annual report.

(2) If the substance of a proposal received under paragraph (c) is in an area where no other committee, board, or commission is specifically charged with responsibility, the Secretary of the Rules Committee Administrative Office shall forward the proposal to the Rules Committee for review of content and style.

The Rules Committee shall forward a copy of the proposal to the Clerk of the Supreme Court where it will be given a number and placed upon the docket of the Clerk of the Supreme Court. If, after review, the Rules Committee determines that the proposal is recommended for adoption by the Supreme Court, the Rules Committee shall place the proposal on the agenda for the next public hearing. In its annual report to the Supreme Court, the Rules Committee shall report the docket number, the content of the proposal, the response to the proposal, the

Rules Committee's recommendation, and any alternative proposal the Rules Committee developed in response to public comment.

If the proposal submitted does not have substantial merit, is duplicative of pending proposals, or is not within the Supreme Court's rulemaking authority, the Rules Committee shall not place the proposal on the agenda for public hearing. However, the Rules Committee shall report the proposal as not recommended in its annual report to the Supreme Court.

(3) If a proposed rule or an amendment to an existing rule is submitted under paragraph (c) by a Supreme Court committee, board, or commission, ~~or a Judicial Conference committee,~~ the Secretary of the Rules Committee Administrative Office shall forward the proposal to the Rules Committee. The Rules Committee shall forward a copy of the proposal to the Clerk of the Supreme Court where it will be given a number and placed upon the docket of the Clerk of the Supreme Court. The Rules Committee shall not review the proposal.

The Rules Committee shall place the proposal on the agenda for the next public hearing. In its annual report to the Supreme Court, the Rules Committee shall report the docket number, the content of the proposal, any report submitted by the Supreme Court committee, board, or commission ~~or Judicial Conference committee~~ (including a minority report), the response to the proposal, any comments or revisions submitted by the Supreme Court committee, board, or commission, ~~or Judicial Conference committee~~, the Rules Committee's recommendation, and any alternative proposal the Rules Committee developed in response to public comment.

**(e) Responsibilities of Other Committees.** Each committee, board, or commission appointed by the Supreme Court, other than the Rules Committee, shall have the following responsibilities:

(1) To periodically review the entire body of rules for which the Supreme Court has indicated the committee, board, or commission is responsible to ensure that those rules continue to facilitate the administration of justice.

(2) To review proposed amendments to existing rules or proposals for new rules transmitted to the committee, board, or commission pursuant to paragraph (c) of this rule. Within 12 months of the transmission of the proposal from the Secretary of the Rules Committee Administrative Office, the committee, board, or commission shall advise the Secretary of the Rules Committee Administrative Office whether the proposal is recommended or not recommended for adoption by the Supreme Court.

If the committee, board, or commission determines that a proposal that has been forwarded to it by the Secretary of the Rules Committee Administrative Office should be adopted, it shall so inform the Secretary of the Rules Committee Administrative Office and provide the Secretary of the Rules Committee Administrative Office with the original proposal and a statement of the committee's, board's, or commission's reasoning.

If the committee, board, or commission determines that a proposal that has been forwarded to it by the Secretary of the Rules Committee Administrative Office should not be adopted, it shall so inform the Secretary of the Rules Committee Administrative Office and provide the Secretary of the Rules Committee Administrative Office with the original proposal and a statement of the committee's, board's, or commission's reasoning.

(3) To designate the committee, board, or commission chair, or another member, to represent the committee, board, or commission at any Rules Committee public hearing where

a proposal recommended by the committee, board, or commission is scheduled to be held out for public comment. The committee, board, or commission chair, or his or her designee, may sit with the Rules Committee for purposes of answering questions or addressing testimony from individuals offering public comment on the committee's, board's, or commission's proposal.

(4) Nothing in this rule shall preclude a Supreme Court committee, board, or commission ~~or Judicial Conference committee~~ from holding a public hearing independently of the Rules Committee, with prior approval of the Supreme Court.

**(f) Submissions Other Than Annual Report.** When the Rules Committee makes a submission of a proposed rule or amendment separate from its annual report, the committee shall, to the degree practicable, comply with the content requirements of the Supreme Court's administrative order concerning notice and hearing and shall accompany the submission with a statement of:

(1) its reasons for believing that the Court should take action on its proposal prior to the time for action on the next annual submission, and

(2) describe the steps taken by the committee to comply with the Supreme Court's administrative order regarding public notice, opportunity for comment, and public hearing.

**(g) Distribution of New Rules or Amendments.** Following the adoption of new rules or amendments, the Clerk of the Supreme Court shall promptly cause copies thereof to be distributed.

**(h) Effective Date of Rule Changes.** The effective date of all new rules or amendments shall be as ordered by the Supreme Court. If an effective date is not ordered, the new rule or amendment shall take effect on the following July 1.

Adopted September 28, 1994, effective October 1, 1994; amended December 3, 1997, effective January 1, 1998; amended October 5, 2000, effective November 1, 2000; amended May 24, 2006, effective immediately; amended March 22, 2010, effective immediately; amended June 22, 2017; eff. July 1, 2017; amended Dec. 1, 2021, eff. immediately.

### **Amended Administrative Order, MR No. 10549**

#### ADMINISTRATIVE ORDER

#### MR No. 10549

##### **(a) Public Meetings**

(1) Except as otherwise provided in Rule 3, no rule shall be presented to the Court for adoption without first having been held out for public comment by the bench, bar, and public at a public hearing~~meeting~~ of the Rules Committee.

(2) All proposals for which the Rules Committee has completed its style and content review and those proposals submitted to the Rules Committee by other Supreme Court committees, boards, or commissions ~~and Judicial Conference committees~~ recommended for

adoption by the Supreme Court shall be considered at the next public hearingmeeting. Any proposal on which the Rules Committee has not completed its content review or any proposal which a Supreme Court committee, board, or commissions or ~~Judicial Conference committee~~ has not forwarded to the Rules Committee for placement on the public hearingmeeting agenda will not be considered at the next public hearingmeeting.

(3) A public hearing may be scheduled when either the significance of a particular proposal or the number of proposals ready for public comment would justify holding such a hearing. At least 60 days prior to the date designated for the public hearing, the Rules Committee shall cause notice of the public hearingmeeting and an invitation for comments to be distributed by the most economical means, including notification through the Illinois Court's electronic messaging services, such as list mail or Twitter broadcasts. Additionally, the notice shall be distributed to each clerk of the court to be posted in a conspicuous place. The text of the proposed rules or amendments shall be posted on the Court's website ~~Web site~~ and be available by request from the ~~Administrative Office of the Illinois Courts~~.

(4) Each committee, board, or commission of the Supreme Court may within 21 days following the public hearingmeeting respond to public comments received at the meeting by submitting to the Rules Committee:

(i) any revision to a proposal that was recommended by the committee, board, or commission, or

(ii) responsive comments of the committee, board, or commission.

~~—(5) A committee of the Judicial Conference may within 21 days following the public meeting respond to public comments received at the meeting in the following manner. The committee may submit to the Conference (or the Executive Committee acting in its stead) for approval any revision to a proposal that was recommended by the committee or any responsive comment. The revised rule or response to public comments shall be included in the annual report on proposed rules and amendments unless the Conference instructs otherwise within 21 days of its receipt of the submission.~~

#### **(b) Annual Report on Proposed Rules and Amendments**

(1) The Rules Committee shall submit its annual report on rules to the Chief Justice and file it with the Clerk of the Supreme Court.

(2) The report shall include for each proposal: the docket number, the content of the proposal, any report submitted by the Supreme Court committee, board, or commission or ~~Judicial Conference committee~~ (if applicable) including any minority report, the response to the proposal, any comments or revisions submitted by the Supreme Court committee, board, or commission or ~~Judicial Conference committee~~ (if applicable), the Rules Committee's recommendation, and any alternative proposal the Rules Committee developed in response to public comment.

(3) The annual report shall be a public record.

~~—(4) Whenever a lengthy rule or amendment is recommended, the Rules Committee shall prepare and submit a summary thereof for distribution. Whenever the Administrative Office distributes such a summary, the Office shall make provision for supplying the full text of the~~

~~recommended rule or amendment to any interested person upon reasonable request.~~

Adopted September 28, 1994, effective October 1, 1994; amended December 3, 1997, effective January 1, 1998; amended October 5, 2000, effective November 1, 2000; amended March 22, 2010, effective immediately; amended June 22, 2017, eff. July 1, 2017; amended Dec. 1, 2021, eff. immediately.