

TRANSCRIPT OF THE HEARING ON:

ILLINOIS SUPREME COURT STATUTORY COURT FEES TASK FORCE

JULY 13, 2021

10:06 A.M.

Report of proceedings had at the hearing in the above-entitled cause, commencing on the 13th day of July 2021, at the hour of 10:06 a.m. CST. (VIA ZOOM)

REPORTER: PATRICK MCPHERSON

ILLINOIS NOTARY: 885714

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APPEARANCES:
STEVEN PFLAUM, TASK FORCE CHAIR
LARRY MILLER, CHAIRMAN OF THE FRANKLIN COUNTY BOARD
CANDICE ADAMS, CIRCUIT COURT CLERK FOR DUPAGE COUNTY
KAHALAH CLAY, CIRCUIT COURT CLERK IN ST. CLAIR COUNTY
ANDREA LYNNE CHASTEEN, CIRCUIT CLERK OF WILL COUNTY
HOLLY LEMONS, MONTGOMERY COUNTY CIRCUIT CLERK
VARIOUS TASK FORCE MEMBERS (NOT INTRODUCED)

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P R O C E E D I N G S

1
2 MR. PFLAUM: Good morning, everyone, and
3 welcome to a public hearing of the Illinois Supreme
4 Court Statutory Court Fees Task Force. My name is
5 Steven Pflaum. I'm a partner in the Chicago law firm
6 of Neal, Gerber, and Eisenberg, LLP. And I have the
7 privilege of being the chair of the task force.

8 I am sure that those who are watching and
9 participating in today's public hearing have some
10 familiarity with the task force, but let me take just a
11 few moments to make sure that we're all on the same
12 page in terms of what the task force's responsibilities
13 are and what we intend to accomplish today. And then
14 I'm going to ask -- after I do that, the members of the
15 public who are joining us today, and we're very glad
16 you're here, to identify themselves so that we have
17 your names and affiliations for the record.

18 We do have a court reporter who is
19 transcribing today's hearing so that the task force
20 members will be able to consult the testimony and the
21 public as well to the extent that that's desired.

22 So again, as I'm sure that everybody knows,
23 the Illinois Supreme Court created the Statutory Court
24 Fees Task Force essentially to follow up on the CTAA

1 legislation that was enacted in response to the efforts
2 of the original Statutory Court Fees Task Force. The
3 CTAA made significant changes to the system in our
4 state for the imposition of court fees and costs, or
5 what the legislation called assessments, in civil,
6 criminal, and traffic cases.

7 The Supreme Court has created this task force
8 in order to look at the implementation of the CTAA to
9 identify any issues with the implementation and perhaps
10 some corrections that may be needed and also to look at
11 the possibility of additional initiatives to build on
12 the measures that were part of the original
13 legislation. The task force is comprised of judges,
14 lawyers, court clerks, and members of the Illinois
15 General Assembly, and we are assisted by members of the
16 Administrative Office of the Illinois Courts, who play
17 a key role in helping us discharge our
18 responsibilities.

19 The task force has been eager to make sure
20 that we -- to cast as wide a net as possible to make
21 sure that we are aware of whatever issues have arisen
22 and whatever, perhaps, additional initiatives are
23 worthy of consideration, ultimately in the form of
24 potential legislation for consideration by the general

1 assembly or for additional Supreme Court rules to be
2 promulgated by the Supreme Court. So in casting as
3 wide a net as possible, we have solicited input and we
4 have received, happily, some written comments and
5 suggests from a number organizations, and we welcome
6 those and we'll pay careful attention to them.

7 Today's hearing, of course, is part of that
8 public outreach as well where we are seeking from any
9 interested individuals and organizations your thoughts
10 and ideas for consideration by the task force. So
11 that's, basically, you know, what the task force is
12 about and what we hope to accomplish today.

13 So let me try to identify the names that I
14 see in our Zoom windows or at least names that I'm not
15 sure that I recognize to have you -- I'll try to call
16 on you individually. And then if I've missed anybody
17 who's not a member of the task force and is
18 participating via Zoom, I'll ask that you identify
19 yourself and whether you're planning on testifying in
20 the organization or perhaps you're doing so
21 individually.

22 So let me start. The first name that I see
23 that I -- who I don't believe is affiliated with the
24 task force is identified by Kay's iPad. Is that Mr.

1 Miller by any chance?

2 MR. MILLER: Yes. It is. Yes. Thank you.

3 MR. PFLAUM: So please identify yourself for
4 the record, please, and any organization that you may
5 be testifying on behalf of.

6 MR. MILLER: Yeah. My name is Larry Miller.
7 I am the chairman of the Franklin County Board down in
8 Southern Illinois, and I wanted to make some comments
9 and participate in this.

10 MR. PFLAUM: Great. Well, welcome, Mr.
11 Miller, and thank you for participating.

12 The next name that I'm not sure that I
13 recognize is Candice Adams. Ms. Adams, can you please
14 identify yourself and whether you're planning on
15 testifying?

16 MS. ADAMS: Good morning. I'm Candice Adams.
17 I am the clerk of the Circuit Court for DuPage County,
18 and I would like to give testimony today.

19 MR. PFLAUM: Great. Thank you and welcome.

20 The next name that I believe is one of the
21 public members is Kahalah Clay. Ms. Clay, can you
22 please identify yourself?

23 MS. CLAY: Good morning. My name is Kahalah
24 Clay, and I'm the clerk of the Circuit Court in St.

1 Clair County, Illinois, and I'd like to give testimony
2 this morning on behalf of the Illinois Association of
3 Court Clerks along with Ms. Adams.

4 MR. PFLAUM: Excellent. Thank you, Ms. Clay.
5 Appreciate you joining us today.

6 I see a phone number. I'm not sure if that's
7 a member of the public or not. It is an area code 815
8 telephone number. Is that individual -- who's
9 currently muted, is that individual affiliated with the
10 task force, or would that be a member of the public?
11 The person is still muted. I don't know if I could out
12 -- unmute them or not. All right. Well, hopefully,
13 they will identify themselves if they do wish to
14 testify. Have I missed anyone? Let me see --

15 MS. CHASTEEN: Hi. I'm actually the person
16 on the telephone. My name is Andrea Lynne Chasteen. I
17 am the circuit clerk of Will County. I am not
18 testifying today. I am just listening to the
19 conversation. Thank you.

20 MR. PFLAUM: Okay. Thank you for joining us.
21 Thank you for identifying yourself.

22 And then the last name that I'm not sure that
23 I recognize is Holly Lemons. Ms. Lemons?

24 MS. LEMONS: Good morning. I'm Holly Lemons,

1 Montgomery County circuit clerk, and I am also just
2 observing. Thank you.

3 MR. PFLAUM: Okay. Welcome, Ms. Lemons.
4 Thank you for joining us.

5 I thought earlier I had seen, I believe, the
6 lobbyist for -- the name of the lobbyist for the
7 Circuit Clerks' Association, Brittan Bolin, but I'm not
8 seeing that name now. So is Ms. Bolin on the Zoom or
9 not?

10 And have I missed anyone -- any other members
11 of the public who are participating by Zoom? Okay.
12 That seems to be -- looks like I've caught everybody up
13 until now.

14 So again in the public -- in the notice of
15 the public hearing, we allotted 10 minutes for our
16 speakers, but I don't -- we want to hear what you have
17 to say. And I'd also encourage the members of the task
18 force to feel free to ask questions of our speakers as
19 well. And so speakers don't worry that if you are
20 asked questions that it's going to cut in to the amount
21 of time you have to speak. We want to hear everything
22 you have to say, so you won't feel squeezed by time.
23 We don't have any significant time constraints, I
24 think, this morning.

1 So let me start with Mr. Miller and ask you
2 to please present your testimony. Thank you.

3 MR. MILLER: Well, thank you.

4 MR. PFLAUM: You can begin.

5 MR. MILLER: Thank you very much. I
6 appreciate the opportunity to speak to you all. And I
7 want to identify some problems -- try to. I -- I'm --
8 I am new as county chairman, and I've been baptized
9 with a water -- fire hose. So I'm -- and I am a bit
10 challenged with the technology, but I will try to do
11 the best I can.

12 One of the things that has happened because
13 of the enactment of this legislation in our county, we
14 have seen a sizeable reduction of income for us in the
15 county to the point of it's affecting our ability --
16 and of course we've had struggles in the past with our
17 budgets and whatever, excuse me. And basically, the
18 loss that we -- of income that we've seen has been as
19 much as 5.7 percent of our budget, and that's affecting
20 us tremendously. And I realize that that may not be as
21 big a concern for the legislation, but I want to make a
22 couple other statements, too, that for rural Illinois,
23 this has been a real problem for us.

24 And I was looking at the synopsis of the

1 bill, and one of the things that I think it presumes a
2 little bit that because of the court fees and whatever
3 has been unfair and the court is unfair. And I just
4 don't feel like that is the case. I think that in our
5 county -- and I know that that we -- our system is not
6 perfect anywhere in the country because we are all
7 human and we make mistakes. But the fact that one of
8 the things that concerns me about the legislation is if
9 we don't have -- when we have law, the only way to
10 enforce law is there be some kind of in -- you know,
11 punishment for that.

12 And it's a very simple concept, and I'm
13 really concerned -- in our rural areas, we're very
14 fortunate that we -- you know, safety is an issue to us
15 and we've been fortunate that we don't have the issues
16 that many people have in urban areas. But it's coming
17 to our areas because of the fact that -- I believe that
18 we need enforcement of the law, and the only way you
19 can do that is through the court system. And then we
20 look at -- eventually, a no-cash bail is going to be a
21 problem for us.

22 And I view it in our area as just a -- I
23 guess, an incursion into our system that is concerning
24 for us. I -- I'm a simple guy. I -- I'm -- I am a

1 farmer actually, and I like things simple. And I think
2 most things can be simple. But I think that there is
3 never -- I've raised three children and in raising
4 those kids, who are functioning adults today, and I
5 thank my wife for that, much of that -- was that really
6 raising those kids and trying to get them to understand
7 the values that we endorse and that right and wrong had
8 to be sometimes enforced with some kind of punishment.

9 And I think as I see it in our system today,
10 we're moving away from that. And if we don't deal with
11 minor problems, they become bigger problems. People
12 who engage in shoplifting eventually move to other
13 things, probably -- not always but many times. And so
14 I think the value of enforcement and some of that
15 involves court fees, whatever, is an important aspect
16 to our communities and our society. And so I just
17 wanted to share that with you. And I certainly do
18 appreciate the opportunity to voice that.

19 MR. PFLAUM: Thank you, Mr. Miller.

20 Do any task force members have any questions
21 that they wish to pose to Mr. Miller? Judge Robb.
22 We're not hearing you at the moment. Technical
23 difficulties. We've all seen them during the last 16
24 months.

1 JUDGE ROBB: Can you hear me now?

2 MR. PFLAUM: Now we can. Yes.

3 JUDGE ROBB: Okay.

4 MR. PFLAUM: Yep. Yeah.

5 JUDGE ROBB: Thank you.

6 MR. PFLAUM: Great.

7 JUDGE ROBB: Sorry.

8 MR. PFLAUM: Okay.

9 JUDGE ROBB: Chairman Miller, you said you've
10 experienced a 5.7 percent reduction in the budget. Is
11 that overall, or is that in the court budget or
12 specific departments?

13 MR. MILLER: Yes. The -- that reflects total
14 income to our budget and our general fund.

15 JUDGE ROBB: Have you had to do any layoffs
16 of staff?

17 MR. MILLER: Well, we are in the process
18 right now. There's been a lot of changes on our board
19 in the last six months and we are trying to negotiate
20 some contracts with the labor unions and trying to get
21 our arms around the budget, but I believe that is a
22 very strong possibility that will happen. Yes.

23 JUDGE ROBB: Okay. Thank you.

24 MR. MILLER: And since our budget -- much of

1 our budget is in our sheriff's office and then also in
2 the circuit clerks, those areas will be affected
3 because they are such a big portion of our budget.

4 JUDGE ROBB: Thank you.

5 MR. PFLAUM: Any other questions from members
6 of the task force? Judge Fiello.

7 JUDGE FIELLO: Chairman Miller, I certainly
8 appreciate you taking the time to talk to us today.
9 I'm from Southern Illinois as well over in Jackson
10 County, so I always appreciate representation from the
11 south. My question is, first of all, about the budget
12 reduction, 5.7 percent. Is that -- was that caused
13 completely by the reduction in bail, or were there
14 other reasons for that?

15 MR. MILLER: Well, when I look -- and you're
16 asking me some specifics that may be difficult for me
17 to handle, but from our circuit clerk, our total fees
18 that we collected -- that's total that we look at
19 criminal fees, clerk fees, when you add all of those
20 up -- and the bottom line is where I come up with the
21 5.7 percent reduction.

22 JUDGE FIELLO: So these are all fees
23 collected by the clerk, then?

24 MR. MILLER: Yes. And I -- the sheet that I

1 have here is the total -- you know, all the line items
2 and then looking at -- but it -- but the main ones are
3 from -- fact is all of them, actually, are from
4 criminal -- the county criminal fees and the circuit
5 clerk fees. But I would be glad to provide that
6 information if someone would like to see that.

7 JUDGE FIELLO: That would be great if you
8 could do that.

9 MR. MILLER: So how --

10 JUDGE FIELLO: Be helpful for us.

11 MR. MILLER: -- do I -- will someone tell me
12 how I do that? Email it to the task force?

13 MR. PFLAUM: Yes, please.

14 And Ms. Yussman, what's the correct email
15 address that Chairman Miller should use to send that
16 information to?

17 MS. YUSSMAN: Yes. It is my full name -- so
18 I'll spell it out. The email address would be
19 H-A-Y-L-E-Y-Y-U-S-S-M-A-N at Illinois courts dot gov.

20 MR. PFLAUM: And Ms. Yussman, what I'd
21 suggest is after the hearing if you could send an email
22 to Chairman Miller -- I believe we have his email
23 address --

24 MS. YUSSMAN: Absolutely.

1 MR. PFLAUM: -- let's -- so he'll have it
2 that way as well.

3 MS. YUSSMAN: Yes. Absolutely.

4 MR. MILLER: I think I have enough
5 information to be able to get that to you. Thank you.

6 MS. YUSSMAN: Okay. Great. Great. Thank
7 you.

8 MR. PFLAUM: Other questions for Chairman
9 Miller from members of the task force? Judge Doherty?

10 JUDGE DOHERTY: Morning, Chairman Miller. I
11 know that we've also, up here in Winnebago and Boone
12 Counties, had some decrease in revenue. But what makes
13 it hard to sort out the cause is that we went through
14 this period with COVID. We had foreclosures not being
15 filed, those were big fees; we had a lot of evictions
16 not being filed, we had citations not being filed, and
17 we had police departments that for a time were kind of
18 not charging the way they used to charge. Have you
19 been able to sort out how much of your 5.7 percent is
20 due to the Criminal and Traffic Assessment Act as
21 opposed to this unusual year and a half that we've
22 been -- just gone through?

23 MR. MILLER: That's a very good question. I
24 think I can answer that correctly, but the information

1 I have in front of me actually began -- ended -- we
2 looked at previously to June 2018 and then from
3 July -- I'll make sure if I can -- sorry. Pardon.
4 Sorry about that. Was when -- when this law took
5 effect was actually in 2019, and we began right there.
6 It -- and it doesn't appear that the COVID was the
7 issue. That was pre-COVID. So those numbers I'm
8 giving you right now are pre-COVID.

9 JUDGE DOHERTY: Thank you.

10 MR. PFLAUM: Any other questions? I'd like
11 to ask at least one question.

12 Chairman Miller, I mean, obviously, a
13 reduction in income of the magnitude that you've
14 described is significant consideration. And the -- I
15 can say that the original task force was mindful of
16 concerns about impacting the revenues of public
17 entities. One of the things that the original
18 legislation -- what the legislation does is
19 it -- basically, it establishes caps for different
20 classes and types of court assessments.

21 And many -- what we found in response to the
22 act was that many counties actually raised their
23 assessments to the maximum levels that are permitted by
24 the legislation. And so my question for you is, do you

1 know whether or not your county changed their
2 assessment levels in response to the legislation, and
3 do you know if you are at -- currently at the maximum
4 levels authorized by the legislation?

5 MR. MILLER: It is my -- I'm not -- I don't
6 know if I can answer that completely. I don't think
7 that we have changed it since the legislation was
8 enacted, but I don't know where we were at before. But
9 I can provide that information also when I email the
10 other information.

11 MR. PFLAUM: That would be very helpful.
12 If -- maybe if your clerk can provide you with a fee
13 schedule that we --

14 MR. MILLER: Yes.

15 MR. PFLAUM: -- can compare that with the
16 amounts allowed to see whether or not the current
17 legislation would allow adjustments to be made.

18 MR. MILLER: Okay. Yes. Thank you.

19 MR. PFLAUM: Thank you. Any other questions
20 for Chairman Miller? Okay.

21 Again, thank you for joining us this morning,
22 and we look forward to receiving the additional
23 information from you.

24 MR. MILLER: Thank you.

1 MR. PFLAUM: Okay. So we have two additional
2 witnesses, both circuit clerks, and perhaps the two of
3 you have talked about who'd like to go first, and if
4 you have, whatever you've decided is fine. Ms. Clay?

5 MS. CLAY: Yes.

6 MR. PFLAUM: All right.

7 MS. CLAY: Okay.

8 MR. PFLAUM: The floor is yours.

9 MS. CLAY: Thank you. Good morning, and
10 thank you so much to each of you on the Supreme Court
11 Statutory Task Force for giving the Illinois
12 Association of Court Clerks the opportunity to speak
13 with you this morning. My name is Kahalah Clay, and
14 I'm the circuit clerk in St. Clair County. And we want
15 to start by saying that as an association, we are here
16 in the spirit of partnership not opposition. As an
17 essential court partner within the criminal justice and
18 justice system as a whole, we're here to work together
19 with you and not against you as you move forward.

20 And we're here in a spirit of reform as well.
21 So as an association, we are completely for reform and
22 equity and justice. And as an African-American woman
23 born and raised in East St. Louis and a former criminal
24 defense counsel for indigent people, I am all for

1 criminal justice reform.

2 So we want to see people have greater access
3 to justice. We want people to have their due process
4 and all those things. But as we move forward in reform
5 and equity, we would really hope that we could have
6 equal energy in terms of trying to find either
7 alternative funding or maybe scaling back or at least
8 taking a moment to pause and see just how things are
9 going to be impacted in terms of revenue, which is why
10 you all are -- have been brought together.

11 We are here today asking, as we continue to
12 forge a way for reform, that equal consideration is
13 given to the dedicated men and women who work in the
14 circuit clerk's offices, who work in the probation
15 departments, who work in the public defender agencies,
16 who, you know, work in animal control because the
17 decreases in revenue won't just impact our offices.

18 But as the chairman just stated, it will
19 impact the county as a whole and the people who work
20 every day to serve the people in and out of the system.
21 Continued legislation and initiatives will cut revenues
22 needed to fund the system, and layoffs will be
23 inevitable because the monies to support salaries and
24 benefits will not be available.

1 The starting salary in the circuit clerk's
2 office here in St. Clair County is \$28,000 a year
3 before taxes. And many of the deputies here are single
4 mothers with children, and layoffs as a result of a
5 lack of funding could be life-altering for those
6 families if we don't come up with alternative ways to
7 fund the justice system.

8 Just to give you a little perspective,
9 Candice and I, we do have some actual numbers for you
10 this morning. Soft stops in conjunction with the
11 Secretary of State's office -- many of you know those
12 as failure-to-pay. A soft stop was placed on a
13 person's license prohibiting them -- not suspending
14 their license but prohibiting them from renewing their
15 license until the money ordered by the court was paid
16 in full. From 2011 to 2021, soft stops here in St.
17 Clair County were \$4,043,699.95. 2020 alone saw
18 \$309,743.51 brought into the courts and into county
19 government just from soft stops alone.

20 And the current legislation that has come
21 about as a result for reform has stopped soft stops.
22 July 1 was it. So that \$4 million that this county has
23 received just for soft stops alone ceases permanently
24 at this point, and that is going to be a revenue hit

1 that I don't know how we are going to overcome.

2 Someone mentioned cash bail already this
3 morning. That is going to be another multimillion
4 dollar hit on top of the \$4 million for soft stops.
5 And again, as we continue to compile these initiatives
6 and efforts, it's going to become harder and harder for
7 counties and the families who work in the counties to
8 be able to continue to work and continue to provide
9 employment for these families.

10 Again, we want reform, but there must be an
11 effort to provide alternatives in funding so that the
12 court system is still able to function and men and
13 women in our communities can still have their jobs.
14 Extending fee waivers beyond the current guidelines to
15 traffic and DUIs will potentially cause deficits that
16 will never be overcome. Thank you so much for your
17 time, and I will happily answer any questions that you
18 have this morning.

19 MR. PFLAUM: Thank you, Ms. Clay.

20 Task force members, who would like to ask
21 questions of Ms. Clay? Mr. Badlani?

22 MR. BADLANI: Thank you, Clerk Clay, for
23 testifying and for sharing your thoughts. I was just
24 curious of -- as of yet or if, you know, the

1 association is thinking through some of these issues
2 when you mention alternative sources of funding. So
3 let's say the current legislation remains and potential
4 expansions of other waivers are expanded, does the
5 association sort of have a position on, say, unified,
6 fully-funded court system on other alternatives that
7 might sort of fill some of these gaps or started to
8 identify some of those alternative sources, rather than
9 say -- the suggestion of, say, going back to
10 instituting some of these fees?

11 MS. CLAY: Well, I don't think that our
12 position is going back to instituting any of those
13 things because again, I completely understand, having
14 represented many people at their bond hearings, there's
15 always been a difference between people who had means
16 and who didn't. So again, we understand the need. And
17 so we have been asked to come up with some ideas, and
18 we are trying our best to come up with ideas. It's
19 kind of a little difficult sometimes to take off your
20 judicial hat and put on a legislative hat, and so we
21 are really trying.

22 There has been some editing of the -- what is
23 it the court -- the circuit clerk admin fund. We are
24 looking at changing that to be able to be shifted more

1 directly to clerk funding or circuit clerk funding and
2 judicial funding, but that's just one idea that is in
3 its infant -- infancy stage. And so that's why we're
4 reaching out to all the -- I mean, we testified quite a
5 bit over the last six weeks to eight weeks just really
6 trying to get our views out there and so people can
7 really understand that access to justice may be no more
8 if we don't come up with a plan.

9 So thank you for your question. We will
10 continue to try to come up with other ideas, and we
11 just really hope that we will be heard when we come up
12 with those ideas and they can be implemented, if
13 they're feasible. We're very reasonable. We're very
14 reasonable people, so.

15 MR. BADLANI: Thank you very much.

16 MR. PFLAUM: Any additional questions for
17 Clerk Clay? Judge Fiello?

18 JUDGE FIELLO: Good morning. You cited a
19 figure on the soft stop money for, say, 2020 over
20 \$300,000. Is that for the county as a whole or just
21 your office?

22 MS. CLAY: So I believe that my office is the
23 only -- the circuit clerk's office is the only office
24 that does soft stops with the Secretary of State as far

1 as our court fees. So yes -- so that would be just the
2 circuit clerk's office for 2021. And someone also
3 mentioned COVID numbers. In 2020, we did \$465,386.97
4 on soft stops. So even in a pandemic it was still a
5 means for providing revenue.

6 JUDGE FIELLO: I'd like to ask you -- if you
7 know at this point, is how do you intend to deal with
8 just that particular loss of income?

9 MS. CLAY: Come talk to you. I mean, we
10 have -- we really -- we really -- that's why we're
11 here. We really -- we see the train coming down the
12 track and what it could mean for the families that work
13 throughout the county not just here. And so we
14 don't -- we do not know, and so that's why we're asking
15 for anyone -- you know, the legislator -- legislators
16 and everyone to just help us come up with another way.

17 JUDGE FIELLO: So if that particular amount
18 of money is just lost and it's not replaced in any way,
19 is that going to result in layoffs?

20 MS. CLAY: Absolutely. Because it's --

21 JUDGE FIELLO: Thank you.

22 MS. CLAY: -- that in conjunction with cash
23 bond, in conjunction with other initiatives. So yes,
24 it will.

1 JUDGE FIELLO: Thank you.

2 MR. PFLAUM: Any additional questions? Judge
3 Doherty?

4 JUDGE DOHERTY: Yeah. I know that sometimes
5 when other people hear, my budget went down by this
6 amount, our eyes glaze over and think, yeah, that's
7 fine. You know, you'll figure a way around that. What
8 in terms of services to the public or your ability to
9 serve your statutory obligations to the courts would be
10 jeopardized if there were additional cuts of this
11 nature -- or I should say reductions of this nature?

12 MS. CLAY: That is a wonderful question, and
13 actually Candice is going to speak to that directly.
14 And she actually has scenarios and numbers, so Candice
15 will speak directly to that, Judge.

16 JUDGE DOHERTY: Thank you.

17 MR. PFLAUM: Okay. We'll look forward to
18 having -- or to hearing that. But before we get there,
19 does anyone else have any questions for Clerk Clay?

20 Okay. I'm not seeing any, so thank you very
21 much for that --

22 MS. CLAY: Thank you.

23 MR. PFLAUM: -- very important testimony.

24 And now the floor is Clerk Adams'.

1 MS. ADAMS: (Indiscernible - simultaneous
2 speech) --

3 MS. YUSSMAN: I'm sorry. Mr. Pilsner has his
4 hand up.

5 MR. PFLAUM: I'm sorry. Who had a hand up?

6 MS. YUSSMAN: Jonathan Pilsner had a hand up.

7 MR. PFLAUM: Oh, I'm sorry. I'm sorry.
8 Maybe it wasn't on my screen.

9 MR. PILSNER: No. That's --

10 MR. PFLAUM: Mr. Pilsner, you have a question
11 for Clerk Clay. Go right ahead.

12 MR. PILSNER: I apologize for having an
13 unstable internet connection and can't connect to
14 video.

15 Ms. Clay, thank you for your testimony. I
16 know that there are a lot of different things that are
17 coming to bear on the finances of clerks' offices,
18 specifically this -- the CTAA and all of these fees,
19 which is what this task force is sort of focused on as
20 well as money bail, this -- the driver's license
21 reform.

22 Do your offices have detailed numbers or the
23 ability to examine the data to give this task force an
24 understanding of exactly how specific changes in the

1 law have impacted it? Because I know we're talking
2 about a lot of broad numbers, but if we go back in time
3 to see, are your offices able to provide that
4 information and give us that sort of data if we wanted
5 to look at it more closely?

6 MS. CLAY: Sure. We can get you whatever it
7 is that you would need to be able to have a bigger
8 picture or should I say a more finite picture of, you
9 know, what you need to be able to be informed on the
10 decisions that you will make. So we would be happy to
11 get that information to you.

12 MR. PILSNER: Thank you very much.

13 MS. CLAY: You're welcome. Thank you.

14 MR. PFLAUM: Okay. Any additional questions
15 for Clerk Clay? All right. I'm hopefully not
16 overlooking anyone with a raised hand at the moment.

17 And I believe that means that, Clerk Adams,
18 you have the floor.

19 MS. ADAMS: Thank you. Good morning. And it
20 is a pleasure to speak before you all today. My name
21 is Candice Adams, and I am the clerk of the Circuit
22 Court for the 18th Judicial Circuit, which encompasses
23 DuPage County. Before taking office in December, I was
24 an attorney who had the privilege of accessing clerk's

1 office throughout the state, and I have been asked to
2 present to you the financial impact we believe
3 reduction in court costs and fees could have on this
4 office in the second largest county in Illinois.

5 I would like to start off, like Clerk Clay
6 said, by saying that I fundamentally agree with much of
7 the criminal justice reform that is currently taking
8 place in this state. It is my position that the budget
9 of a judicial system should not be tied to the amount
10 of crime committed. We should not have a system where
11 policing is encouraged because it's a way to generate
12 revenue, nor should we have a system that shows
13 favoritism to those with means.

14 I'm here, today, however, to discuss some of
15 the financial impact we believe changes to the CTAA,
16 including fee waivers, will have on circuit court
17 clerks offices throughout Illinois. Using fee waivers
18 on traffic, DUI, and misdemeanor cases as an example, I
19 would like to illustrate the financial impact a
20 decrease in fee could have in DuPage County. For
21 historical reference, in 2019, as 2020 was an anomaly,
22 there were over 108,000 of these cases filed in DuPage,
23 and over 90 percent of the fees and fines associated
24 with them were paid without fee waiver.

1 Most of these tickets and most of these cases
2 get paid, and they do not have fee waivers on them.
3 Determining the financial impact fee waivers may have
4 on these type of cases is an imperfect science. We
5 believe, however, after analyzing the numbers including
6 the number of these cases, which include traffic, DUI,
7 misdemeanor and the current number of fee waivers
8 granted on eligible cases, we foresee hundreds of
9 thousands of dollars of revenue reduction in a single
10 year to DuPage County and the clerk of the circuit
11 court's office dependent on how far a fee waiver
12 extends.

13 Many of you may be familiar with SB-626 that
14 we recently testified on. For DuPage County, we
15 forecasted that that fee waiver cost the county and our
16 office \$2.1 million in a single year. A revenue
17 reduction in this amount could mean a decrease in
18 staff, decrease in initiatives that make our
19 courthouses more accessible, and I'll go in to that in
20 just a minute, and a substantial slowdown of the
21 services our office is mandated to provide.

22 With less staff, we certainly cannot provide
23 the customer service that we are accustomed to. Daily,
24 I have the monitors up as to how long our wait times

1 are for people to get served, and those would
2 dramatically increase with a reduction in our staff
3 here.

4 We would also have to decrease other
5 initiatives like the development of online forms or
6 e-orders or things that make the process run smoothly,
7 and we would certainly have to prioritize what in our
8 office helps us get what we're mandated to do versus
9 what in our office helps our self-represented litigants
10 seek access to justice. And if we're not required to
11 do that, we're going to have to place the majority of
12 our resources and money doing the programs that we are
13 required to do. One moment because I have some other
14 numbers.

15 In addition to cutting resources in our
16 office, the introduction of fee waivers could be
17 extremely burdensome to the courthouse. The
18 introduction of fee waivers on the cases could mean
19 thousands of new filings and may force courthouses to
20 add a courtroom dedicated solely to hearing fee waiver
21 applications. It would require additional resources
22 that we simply would not have the ability to provide.

23 And it's not just our office and the
24 courthouse that this would affect. It would be adding

1 another judge, having state's attorneys present to help
2 with the cases as well and other members. Sheriff's
3 department would have to provide deputies, things of
4 that nature. Again, based on Senate Bill 626 that we
5 discussed earlier, we forecasted 17,000 new fee waivers
6 being filed in Cook -- or in DuPage County alone.

7 Criminal justice reform is needed. We
8 certainly agree, but we cannot execute the mandates
9 that are asked of us unless we have the funds to do so.
10 We are asking that before any decision is made that
11 will cause a decrease in revenue for the clerk's office
12 that an alternative revenue source is established so
13 that we can continue to carry out our statutory
14 responsibilities. We are already struggling, like
15 you -- many of your questions suggest, to figure out
16 how to replace the funds that we know aren't coming.

17 And to answer questions as to what the data
18 looks like, we're not entirely sure we can predict what
19 it will look like, but 2023 hasn't hit us yet, and so
20 we don't know what cash bail is going to look like. We
21 don't know what the removal of the warrant fee is going
22 to look like.

23 We can give you our best guess, but -- and
24 how we're going to accommodate those may require us

1 going back to our counties to ask for more for our
2 general fund, which is something that we don't have to
3 do now. So be -- any reduction in revenue to this
4 office will certainly impact the counties, our office
5 tremendously, and the other people that receive some of
6 the fees associated with these types of cases. And I'm
7 also happy to answer any questions.

8 MR. PFLAUM: Thank you, Clerk Adams.

9 Judge Donnelly.

10 JUDGE DONNELLY: Yes. I noted that so far
11 the focus has been on soft stops or on the potential
12 for bail making an incursion into income. Has the
13 clerk's office done any estimates -- or your
14 association -- as to whether the CTAA had any
15 substantial effect in diminishing income? Our thought
16 was -- and we consulted with clerks when we formulated
17 the statute, was that it was fairly revenue neutral as
18 opposed to traffic or other things. But I wondered if
19 you had made any study or assessment of what the impact
20 of what the CTAA was on revenue?

21 MS. ADAMS: I'm happy to take that a little
22 bit. We have looked at the numbers as to how the CTAA
23 has impacted us. One of the big parts of it is that
24 COVID hit us, right, kind of almost immediately as it

1 rolled out, so having true numbers we're not entirely
2 sure of. We do think, ultimately, as it stands right
3 now it may be revenue neutral -- it may be. We just
4 don't know after 2021 how it's going to look
5 right -- quite yet to see the impact that it has in our
6 office. We do know, though, that a reduction in the
7 fees would be a huge hit to our office.

8 MS. CLAY: And I think also, Judge Donnelly,
9 that it -- a lot of it is county specific in terms of
10 how the CTAA has impacted certain counties. So some
11 counties don't have very many -- there was one case
12 type I can remember that was, what, two or three years
13 ago when we had to redo all of that. But there was one
14 case type in particular that we felt after the change
15 in the dollar amount -- it either went from no fee to a
16 very nominal fee -- that we stood to lose because of
17 the CTAA in St. Clair County hundreds of thousands of
18 dollars a year, just on that one case type.

19 And I think we are -- like I stated a little
20 bit ago, if we could just get a pause, maybe, because
21 it is neutral and it has -- the court still has the
22 potential to thrive, not just survive, but thrive with
23 the CTAA the way it is. But we are speaking on bond
24 and we are speaking on the soft stops and things

1 because those are things that will take us from neutral
2 to the red if we are not mindful of it and if we don't
3 express to you all and to our legislators what the
4 potentials are.

5 MR. PFLAUM: Thank you. Any additional
6 questions? Judge Doherty?

7 JUDGE DOHERTY: In terms of comparing the
8 effect of the CTAA in the past on criminal fees versus
9 in the future if there are fee waivers in traffic,
10 considering the number of cases and the rate of
11 payment, can we expect the same outcome if we
12 eliminate -- or if we allow for waivers in traffic
13 cases as we did in criminal cases?

14 MS. CLAY: I'll go. Okay. So traffic
15 and -- traffic cases and DUIs are oftentimes the
16 leading case types in terms of revenue. So to extend
17 fee waivers into those will definitely cause an issue.
18 St. Clair County, the -- all circuit clerks are
19 required to report K. It's a report that we turn in to
20 the AOIC. We here have one of the largest
21 self-represented litigant populations with my hometown
22 and a lot of other places. And so again, it just
23 depends on where you are.

24 When we submitted the numbers to Brittan that

1 she gave to the AOIC in terms of what counties' ratios
2 are in terms of how -- what county pays higher -- you
3 know, what their -- when people pay. And so my numbers
4 were, obviously, much higher for ordered but not paid,
5 and Candice's were much lower for ordered and not paid.

6 So it's just -- a lot of is just going to
7 depend on where your pockets of community members who
8 are unable to pay versus community members -- so that's
9 why I do think it would be a good idea for all of us to
10 get -- or as many of us who can, get you any of the
11 information that you need so then you have a bigger
12 picture of how it impacts Cook versus Cairo or Madison
13 versus Winnebago. And then you have a whole picture,
14 not just a big one, but a whole picture of all the 102
15 counties that provide access to justice to the -- to
16 all of our citizens.

17 JUDGE DONNELLY: So if could follow up, I
18 think that Clerk Adams said that on traffic cases that
19 there's about a -- or has been about a 90 percent pay
20 rate. Is that comparable on the criminal side?

21 MS. ADAMS: You know, we would -- I would
22 have to pull those numbers for you, but I believe that,
23 no. There are much more -- many more fee waivers.
24 There's a larger percentage of fee waivers that are

1 granted on the criminal side than 90 percent. There's
2 certainly a lot more fee waivers that are granted on
3 the criminal side percentage-wise of criminal cases.

4 MR. PFLAUM: Okay. I think I saw Clerk
5 Blakeman -- or former Clerk Blakeman.

6 MS. BLAKEMAN: No longer a circuit clerk but
7 now with AOIC. Yes.

8 MR. PFLAUM: Yes.

9 MS. BLAKEMAN: I'm Katie Blakeman. I just
10 wanted to add -- of course, I'm -- I have just been
11 added to the task force to support on behalf of AOIC.
12 But just wanted to add that I think what -- from my
13 understanding what my role will be on the task force is
14 to assist in the collection and aggregation of all of
15 this data that we're talking about here. I did do an
16 extensive analysis of the potential impact of CTAA when
17 the legislation was first proposed and worked with
18 sponsors on that. And I am prepared to assist in
19 collecting any data that would be helpful.

20 We did also just complete a -- an analysis of
21 the financial impact of cash bail, and those findings
22 will be published very soon, hopefully within the next
23 week. They have to go to the court first, of course,
24 but just wanted to let all of you know that I am here

1 to help support the collection and aggregation and
2 analysis of all of that data.

3 MR. PFLAUM: Thank you, Ms. Blakeman and
4 welcome.

5 Any -- Judge Fiello?

6 JUDGE FIELLO: I would be interested to know
7 a couple of things. One is whether with the advent of
8 more remote hearings whether the clerks have seen a
9 reduction in people coming to the court house and a
10 reduction in the people actually coming to the clerk's
11 office for assistance?

12 And number two, whether the association has
13 thought about or looked in to possible savings to
14 clerk's offices with the advent of more remote hearings
15 or online dispute resolution that would keep people out
16 of the court house or maybe involving themselves with
17 the clerk's office?

18 MS. ADAMS: I'm -- we're happy to provide
19 numbers on that. I think that we can pull those and
20 get those over to you pretty easily. But I will tell
21 you at least here in DuPage County -- and I know other
22 counties differ -- we have not done any traffic courts
23 through Zoom. So all of those cases are still in
24 person.

1 MS. CLAY: We have not done traffic through
2 Zoom either. Our numbers are just too large. And we
3 have -- even through the pandemic we have constant
4 window traffic. We have pro ses -- like I said a very
5 large pro se population here and they utilize us very
6 much. So we have a lot of window traffic here on both
7 the criminal and the civil side.

8 MS. ADAMS: Yeah. Even when you ask people
9 to show up on Zoom they still come in. We're happy to
10 see them.

11 MS. CLAY: Or they call and ask how to use
12 it, so they still need us.

13 MR. PFLAUM: Any additional questions that
14 anyone wishes to ask this morning? Okay. All right.

15 Well, thank you both for your testimony and
16 look forward to receiving any additional information
17 that you wish to provide as well. And unless any
18 members of the task force have anything else that they
19 want to raise -- seeing no hands, this, then, will
20 conclude today's public hearing.

21 I want to again thank everyone, especially
22 the members of the public, for attending. Your
23 testimony's been valuable and will be carefully
24 considered by the task force as well as any additional

1 information you're able to provide us with. So our
2 hearing today, then, is adjourned. Thank you,
3 everyone.

4 (Whereupon, the proceeding concluded at 10:59 a.m.)

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Legal Transcriber

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