



**SUPREME COURT OF ILLINOIS**

**CHAMBERS OF  
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January 29, 2021

The Honorable Emanuel C. Welch  
Speaker of the House  
House of Representatives  
Springfield, IL 62706

The Honorable Don Harmon  
President of the Senate  
State Senate  
Springfield, IL 62706

The Honorable Jim Durkin  
Minority Leader  
House of Representatives  
Springfield, IL 62706

The Honorable Dan McConchie  
Minority Leader  
State Senate  
Springfield, IL 62706

Dear Legislative Leaders:

I am pleased to provide the Annual Report of the activities for the 2020 Illinois Judicial Conference as required by Article VI, Section 17, of the Illinois Constitution of 1970. In keeping with this Constitutional Mandate, Illinois Supreme Court Rule 41 creates the Illinois Judicial Conference and charges the Conference with considering the work of the courts and suggesting improvements regarding the administration of justice.

On October 2, 2019, the Illinois Judicial Conference (IJC) unveiled the Supreme Court's [Strategic Agenda](#), which was developed by the IJC and approved by the Court. The Strategic Agenda identifies five strategic goals listed below:

1. Accessible Justice and Equal Protection Under the Law
2. Procedural Fairness, Timeliness, and Operational Efficiency
3. Professionalism and Accountability throughout the Branch
4. Understanding of, and Confidence in, the Judicial Branch
5. Sufficient Funding and Effective Use of Judicial Branch Resources

In December 2019, work on these goals began in earnest with the start of implementation year one. The IJC identified 15 new initiatives, which were assigned to existing Supreme Court Commissions, Boards, and Committees, as well as to eight newly created Task Forces. In June of 2020, the IJC created an additional Task Force to address the ongoing challenges with resuming court operations through the next phases of the

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COVID-19 pandemic. This Task Force was charged with analyzing and making recommendations regarding the continuing challenges for the administration of justice arising amidst the pandemic.

For a high level overview of the initiatives undertaken over the last year, please see [At-A-Glance Illinois Judicial Branch—Operational Plan \(2019-2020\)](#).

This report also includes a summary of several Supreme Court decisions from the past year that are offered for the General Assembly's consideration. In offering these cases, the Court is mindful of the distinct roles of the General Assembly and the Court. While we intend no intrusion upon the prerogatives of the General Assembly in the exercise of its authority, we do respectfully offer these cases for your consideration and look forward to the General Assembly's continued responsiveness and support.

On behalf of the Court, I respectfully submit the Supreme Court's Annual Report to the Legislative Leaders of the General Assembly on the 2020 Illinois Judicial Conference. This report is also available to the members of the General Assembly on the Supreme Court's website at [www.illinoiscourts.gov](http://www.illinoiscourts.gov).

Respectfully,



Anne M. Burke  
Chief Justice  
Supreme Court of Illinois

Enclosure

c: Members of the General Assembly

## Annual Report to the General Assembly on the 2020 Illinois Judicial Conference

Article VI, Section 17, of the Illinois Constitution mandates that the Illinois Supreme Court convene an annual Judicial Conference to consider the work of the courts and to suggest improvements regarding the administration of justice. Illinois Supreme Court Rule 41 implements this constitutional requirement by defining the duties and the membership of the Illinois Judicial Conference (the IJC).

During Conference Year 2020, the IJC was focused on completing 15 new initiatives that had been created to achieve the five Strategic Goals set forth in the [Strategic Agenda](#). The five goals are:

- Goal 1: Accessible Justice and Equal Protection Under the Law
- Goal 2: Procedural Fairness, Timeliness, and Operational Efficiency
- Goal 3: Professionalism and Accountability throughout the Branch
- Goal 4: Understanding of, and Confidence in, the Judicial Branch
- Goal 5: Sufficient Funding and Effective Use of Judicial Branch Resources

Each of the 15 initiatives were assigned to either an existing Supreme Court Board, Committee, or Commission, or to a newly created Task Force whose sole objective was to complete its assigned initiative. The IJC met four times to receive reports back on each initiative and served as a clearing house for all reports, recommendations, memorandums, policies, or rule changes proposed as a result of work on each initiative. A summary of the accomplishments under each initiative is detailed below. While the initial deadline for completion of initiatives was October of 2020, the deadline was extended to January of 2021 due to the pandemic.

### 1. Remote Appearances in Civil Cases—Strategic Goal 1

The purpose of this initiative was to promote the increased use of remote appearances in civil cases through improved rules, policy, and education. This initiative was assigned to the Illinois Supreme Court Commission on Access to Justice, and amendments to Supreme Court Rule 241, in addition to the creation of new Rule 45, were implemented as a result. Additionally, at the recommendation of the Commission, the Court approved its first remote appearances policy titled: [Illinois Supreme Court Policy on Remote Appearances in Civil Proceedings](#).

### 2. Statewide Court Technology Assessment and Standards—Strategic Goal 1

The purpose of this initiative was to strengthen the use of technology in courts across Illinois, thereby enhancing remote access to services, court and case information, and court appearances. This initiative was assigned to the Conference of Chief Judges, and they completed a statewide technology inventory in January of 2021. The inventory will guide initiative work in 2021.

### 3. Self-Represented Litigant Coordinators—Strategic Goal 1

This initiative enhanced personal services provided to self-represented litigants in courts across Illinois, making the courts more understandable, user-friendly, and accessible. The initiative

was assigned to the Illinois Supreme Court Commission on Access to Justice, which identified a point person in each circuit to assist self-represented litigants and developed and administered an educational program.

4. Plain Language Legal Court Forms —Strategic Goal 1

The purpose of this initiative was to expand the use of plain language legal forms to make the courts more understandable and accessible for litigants in small claims and eviction cases. This initiative was assigned to the Illinois Supreme Court Commission on Access to Justice, which led to the publication of a suite of standardized complaint forms for self-represented litigants in eviction and small claims cases, in addition to an examination of Rule 10-101, which governs the use of standardized forms. Suggested amendments to Rule 10-101 have been approved by the IJC and are pending with the Court.

5. Court Data and Performance Measures—Strategic Goal 2

The purpose of this initiative was to strengthen and standardize court data across Illinois courts by adopting statewide definitions of terms for current data collected and identifying new data points that need to be captured in the future (such as: open/closed cases, case types, court performance measures, and data on self-represented litigants). This initiative was assigned to a new Task Force, which suggested amendments to the Manual on Recordkeeping that both the IJC and the Court approved. The amendments will be effective on January 1, 2022.

6. Innovative Court Access and Dispute Resolution Methods—Strategic Goal 2

The purpose of this initiative was to explore, study, and recommend non-traditional, innovative, and emerging ways to access the courts and resolve disputes. The two topics chosen by this new Task Force to examine were text messaging reminders and online dispute resolution. As a result of the Task Force's work, the Court adopted new Supreme Court Rule 14, which encourages the adoption of text messaging services. The AOIC has also committed staff resources to examine online dispute resolution programs and their relevance in Illinois in response to the Task Force's work.

7. Procedural Fairness Curriculum—Strategic Goal 2

The purpose of this initiative was to heighten awareness and strengthen the practices of judges and justice partners surrounding procedural fairness, in order to ensure fair and effective case handling and equitable treatment of litigants. To that end, the Illinois Judicial College adopted procedural fairness principles as professional competencies for judges and justice partners (including circuit clerks, trial court administrators, other court personnel) and is committed to incorporating procedural fairness principles into Judicial College curricula for judges and justice partners.

8. Rules Regarding Chief Judge Authority—Strategic Goal 3

The purpose of this initiative was to maintain high levels of professionalism and accountability of judges throughout Illinois by clarifying the authority of chief circuit judges to address judicial performance and conduct. At the recommendation of the Task Force assigned to this initiative, the IJC approved proposed amendments to Supreme Court Rule 21 to clarify the authority of the chief circuit judge to regulate the conduct of judges subject to their supervision. The Court adopted the proposed amendments to Rule 21.

9. Ethics/Codes of Professional Conduct—Strategic Goal 3

The purpose of this initiative was to promote and maintain high standards for professional conduct among all judicial branch employees and partners by updating or developing Codes of Professional Conduct for each major judicial branch or court employee group in collaboration with each respective group. The Illinois Supreme Court Commission on Professionalism was assigned this initiative and worked with court interpreters, judicial branch state employees, court reporters, and probation officers to update their existing Codes of Ethics or Professional Conduct. In 2021, the Commission on Professionalism will work to develop codes for court stakeholders who lack existing codes, such as mediators, trial court administrators, clerks, etc.

10. Professional Competencies—Strategic Goal 3

This initiative was intended to enhance the knowledge, skills, abilities, and attitudes of judges, court employees, and justice partners on key topics, ensuring professionalism and accountability throughout the judicial branch. As such, the Illinois Judicial College developed timelines for courses on deliberative decision-making, mitigation of bias, procedural fairness, access to justice, courtroom management (including judicial temperament and sensitivity), harassment, and professionalism.

11. Illinois Courts Website—Strategic Goal 4

The development of a new Illinois Courts website is ongoing and will make important information available to judicial branch employees, other partners, and the general public through the development of a modern, informative, and user-friendly website. Launch of the website is expected in May of 2021.

12. Public Relations Plan—Strategic Goal 4

The purpose of this initiative was to raise the profile of the judicial branch – share positive stories, educate about the branch, etc. – through a comprehensive Public Relations Plan. The Task Force assigned to this initiative developed the Public Relations Plan, and it was adopted by the IJC.

### 13. Workload and Weighted Caseload Study—Strategic Goal 5

The purpose of this initiative was to explore and report on the feasibility (including options, methods, costs) of conducting a statewide judicial caseload and workload study that would weight cases, measure judge time, and provide recommendations for more effective allocation of judicial resources. Upon review of the Task Force’s final report, the IJC and the Court approved the AOIC to pursue a contract to engage in a weighted caseload study in 2021.

### 14. Funding, Cost, and Fiscal Needs of the Court System—Strategic Goal 5

The purpose of this initiative was to explore and determine the complete cost of the court system and to identify and explain multiple sources of funding. The work on this initiative provided key information about court system funding, including current court system costs and funding sources. The Task Force assigned to this initiative provided a comprehensive report to the IJC at its January 2021 meeting.

### 15. Statewide Costs of Pre-Trial, Probation, & Detention—Strategic Goal 5

The purpose of this initiative was to better understand, explain, and answer questions about statewide costs of pre-trial, probation, and detention for adults and juveniles. The Task Force assigned to this initiative focused on collecting statewide information about costs, both by individual county and throughout the state, of pre-trial detention, pre-trial supervision, probation, and incarceration. A comprehensive report was provided to the IJC at its January 2021 meeting.

### Added in June of 2020: Court Operations During a Pandemic—Strategic Goal 1

This initiative was created in response to challenges the judicial branch faced as it balanced the administration of justice with the safety of staff and court patrons in light of the COVID-19 Pandemic. Some of the initial topics evaluated by the Task Force included (1) how technology might appropriately be used for jury selection and trials; (2) use of remote proceedings in civil and criminal cases (particularly with regards to assurances of due process); and (3) logistics of maintaining safety for court personnel, litigants and the public. The work of the Task Force is ongoing.

As evidenced by the accomplishments under each initiative, the scope of work undertaken by the Judicial Conference will continue during 2021 with identifying and prioritizing new strategic initiatives. Justice S. Gene Schwarm (ret.), as Project Coordinator for the Judicial Conference Strategic Agenda, Dr. Brenda Wagenknecht-Ivy, as Strategic Agenda Project Consultant, and Alison Spanner, as Director of Strategic Planning, will continue to help guide the IJC throughout Conference Year 2021. As such, the Judicial Conference will continue to honor its constitutional mandate and remain steadfast in its goal of improving the administration of justice in Illinois.

## Supreme Court Decisions That the General Assembly May Wish to Consider

*People v. Ashley*, 2020 IL 123989 (January 24, 2020, modified on denial of rehearing March 23, 2020)

The defendant in this case was convicted of stalking under 720 ILCS 5/12-7.3(a)(2), (c)(1) (West 2014) and was sentenced to serve a prison term of one year and six months by the circuit court. On appeal, the defendant argued that subsection (a) of the stalking statute violated state and federal constitutional guarantees of (1) due process, because it lacks a *mens rea* requirement and is unduly vague, and (2) free speech, because it overbroadly criminalizes a substantial amount of protected speech. The appellate court acknowledged that there was conflicting precedent as to whether a true threat requires a showing of the speaker's subjective intent to threaten or an objective standard for statements that are reasonably understood to convey a threat, but the court determined that defendant's conviction could be sustained based on conduct that was otherwise prohibited by the stalking statute. The Supreme Court affirmed the appellate court, concluding that defendant's conviction for stalking did not rest on the invalid or overly broad portions of the stalking statute.

*Dynak v. The Board of Education of Wood Dale School District 7*, 2020 IL 125062 (April 16, 2020)

At issue in this case is whether Section 24-6 of the Illinois School Code (105 ILCS 5/24-6 (West 2016)) allows a teacher who gives birth at the end of the school year to use their accumulated paid sick leave at the start of the next school year. The school district in this case denied the plaintiff's request to use paid sick leave at the beginning of the school year following the birth of her child, allowing 1.5 sick days but not the additional 28.5 sick days requested. The plaintiff filed a complaint for declaratory judgment. The circuit court held in favor of the school district, and the appellate court affirmed. The Supreme Court affirmed the circuit court and appellate court, holding that the legislature's failure to explicitly state when sick leave for birth must first be taken or to limit such leave to a specific purpose does not leave Section 24-6 open to the teacher's discretion to use sick leave for birth whenever he or she chooses.

*The Williamson County Board of Commissioners, et al. v. The Board of Trustees of the IMRF, et al.*, 2020 IL 125330 (June 4, 2020)

At issue in this case is whether section 7-137.2(a) of the Illinois Pension Code (40 ILCS 5/7-137.2(a) (West 2016)), which alters the certification process and eligibility requirements for elected county board members' participation in the Illinois Municipal Retirement Fund (IMRF), violates the pension protection clause of article XIII, section 5, of the Illinois Constitution (Ill. Const. 1970, art. XIII, § 5). The three plaintiffs, who served on the Williamson County Board of Commissioners (Board), had their continued eligibility and participation in IMRF terminated after the Board failed to adopt a resolution within 90 days of the general election certifying that its members were expected to work at least 1,000 hours per year. This became required in 2016 after the General Assembly enacted Public Act 99-900, which amended parts of section 7-137 of the Pension Code. In an administrative hearing, the Board of Trustees of the IMRF affirmed the termination of the plaintiffs' eligibility and participation. The circuit court reversed the IMRF,

finding that section 7-137.2(a) of the Pension Code was unconstitutional because it violated the pension protection clause of article XIII, section 5, of the Illinois Constitution, and the IMRF appealed directly to the Supreme Court. The Supreme Court affirmed the circuit court's judgment, determining that the legislature's unilateral decision to create section 7-137.2(a) effectively imposed a new requirement for continued IMRF participation that did not exist when plaintiffs began their public employment and that because the newly created requirement in the Pension Code did not exist when plaintiffs began their public employment it cannot be constitutionally applied to the plaintiffs.

*Hernandez v. Lifeline Ambulance, LLC, et al*, 2020 IL 124610 (June 18, 2020)

At issue in this case is whether section 3.150 of the Emergency Medical Services Systems Act (EMS Act) (210 ILCS 50/3.150 (West 2016)) provides immunity from liability to an ambulance owner and its driver, stemming from a motor-vehicle accident caused by the negligent operation of the ambulance while en route to pick up a patient for non-emergency transportation. The plaintiff filed a three-count, first amended complaint after a Lifeline employee ran a red light and collided with plaintiff's vehicle. The defendants moved to dismiss with prejudice two of the counts of both complaints based on the immunity provision of the EMS Act, claiming the ambulance was in the performance of non-emergency medical services at the time. The circuit court granted defendants' motion to dismiss claims grounded in negligence, finding that the EMS Act's immunity did apply when an ambulance has been "dispatched for non-emergency medical services and there is no patient in the vehicle." The plaintiff appealed and the appellate court reversed the circuit court, finding that section 3.150 of the EMS Act fails to take into consideration the statutory definition of non-emergency medical services found in the EMS Act. The appellate court indicated that had the legislature intended to provide immunity for the negligence of an ambulance driver while en route to pick up a patient for transport as suggested by defendants, it could have included the activity within the definition of non-emergency medical services. The Supreme Court affirmed the appellate court, holding that the immunity provision of section 3.150(a) of the EMS Act did not apply under the circumstances of the case and remanded the cause to the circuit court for further proceedings.

*People v. Legoo*, 2020 IL 124965 (June 18, 2020)

The defendant in this case was convicted of being a child sex offender in a public park in violation of section 11-9.4-1(b) of the Criminal Code of 2012 (Code) (720 ILCS 5/11-9.4-1(b) (West 2016)). On appeal, the defendant contended his conviction must be reversed because an exception to criminal liability contained in section 11-9.3(a-10) of the Code (720 ILCS 5/11-9.3(a-10) (West 2016)), allowing a child sex offender to be present in a public park when accompanied by his own child should be read into section 11-9.4-1(b), as the defendant established at trial that he was in the park only to tell his son to come home. The trial court rejected this defense, stating it was not applicable to these facts. On appeal, the appellate court acknowledged "overlap" in the statutes but rejected the defendant's contention and affirmed his conviction. The Supreme Court affirmed the appellate court's judgment, concluding that Section 11- 9.4-1(b) completely bars certain sex offenders from being present in public parks.



*Sharpe v. Westmoreland*, 2020 IL 124863 (September 24, 2020)

At issue in this case is whether a civil union partner is a “step-parent” as defined by the Illinois Marriage and Dissolution of Marriage Act’s (Dissolution Act) (750 ILCS 5/101 et seq. (West 2016)) provisions that grant stepparents standing to seek visitation and parental responsibilities of their stepchildren. Matt Sharpe and Crystal Westmoreland had their marriage dissolved in 2013 and shared equal parenting time though the child’s primary residence was with Sharpe and his civil union partner Kris Fulkerson. When Sharpe died in 2017, Westmoreland no longer let the child live with or visit Fulkerson and Fulkerson’s children, so Fulkerson filed petitions seeking visitation and an allocation of parental responsibilities. The circuit court certified two questions: whether a party to a civil union has standing to request visitation with her deceased partner’s child as a stepparent and whether that party has standing to request parental responsibilities. The appellate court answered both questions in the negative and denied Fulkerson’s petition. The Supreme Court reversed the appellate court, finding that in enacting the Civil Union Act the General Assembly intended to create an alternative to marriage that was equal in all respects, and certified both questions in the affirmative.

*People v. Casler*, 2020 IL 125117 (October 28, 2020)

The defendant in this case was convicted of obstructing justice by furnishing false information (720 ILCS 5/31-4(a)(1) (West 2014)) in the trial court after giving a false name during an arrest. The defendant maintained that the evidence was insufficient to prove that he had the requisite intent to prevent his apprehension, but the appellate court affirmed the judgment of conviction. The defendant alternatively argued that the evidence was insufficient to support his conviction of obstructing justice because his giving of the false name did not materially impede the administration of justice, citing *People v. Taylor*, 2012 IL App (2d) 110222, which in turn relied on the decision in *People v. Comage*, 241 Ill. 2d 139 (2011). The appellate court held that the State was not required to prove that the false name furnished by defendant materially impeded his arrest. The Supreme Court however determined on appeal that the State must prove beyond a reasonable doubt that (1) the defendant knowingly furnished false information, (2) the defendant did so with the intent to prevent the apprehension of any person, and (3) the false information must have materially impeded the administration of justice. For that reason, the Supreme Court reversed the judgments of the appellate court and the circuit court and remanded the case to the circuit court for further proceedings.