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SUPREME COURT RULES COMMITTEE
PUBLIC HEARING
ILLINOIS SUPREME COURT
BOARD/COMMISSION/COMMITTEE/TASK FORCE

Report of proceedings had at the public hearing held at the Administrative Office of the Illinois Courts, 222 North LaSalle Street, 13th Floor, Chicago, Illinois 60601 in the above-entitled cause before Larry R. Rogers, Committee Chairman, commencing at 10:00 a.m. on the 9th day of April, A.D., 2026.

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1 CHAIRMAN ROGERS: We have five speakers that have
2 signed up. One will begin with Lisa Jacobs,
3 representing the Supreme Court Committee on Juvenile
4 Courts who will be speaking on Proposal 25-06.

5 MS. JACOBS: Good morning, Chairman, Justice,
6 Members of the Committee. My name is Lisa Jacobs and I
7 am the Vice Chair of the Supreme Court Committee on
8 Juvenile Courts. Our Committee is chaired by Circuit
9 Judge Ben Roe of the 15th Judicial Circuit.

10 I'm glad to be with you this morning to offer
11 testimony in support of the proposed amendment to
12 Supreme Court Rule 307, which would permit interlocutory
13 appeal as a matter of right from orders granting or
14 denying a petition under Article V of the Illinois
15 Juvenile Court Act when the State has sought to have a
16 minor's petition for adjudication of delinquency
17 dismissed and the minor tried under the criminal laws of
18 the State of Illinois.

19 In February 2025, the Illinois Supreme Court
20 requested that the Committee consider the advisability
21 of a possible amendment to the Supreme Court Rules to
22 allow for interlocutory appeal from transfer orders from
23 Juvenile Court to Adult Court. Article V creates two
24 mechanisms for Juvenile Courts to transfer jurisdiction

1 of a matter involving a minor for prosecution, trial,
2 and sentencing under the adult criminal laws of the
3 State of Illinois.

4 The first mechanism is presumptive transfer in
5 which the State seeks to transfer a youth 15 years old
6 or older charged with a forcible felony.

7 The more common mechanism is discretionary
8 transfer. In discretionary transfers the Juvenile Court
9 has broad discretion to transfer any youth 13 years old
10 or older upon motion by the State if the Court finds
11 that there is probable cause to believe that the
12 allegations in the motion are true and that it is not in
13 the best interest of the public to proceed under the
14 Juvenile Court Act.

15 Among the factors to be considered by the
16 Juvenile Court are the age of the minor, the current
17 alleged offense, any previous delinquent or criminal
18 history, any previous abuse or neglect of the child, and
19 whether or not there is a reasonable likelihood that the
20 minor can be rehabilitated before the expiration of the
21 Juvenile Court's jurisdiction. If the Juvenile Court
22 enters an order for either presumptive or discretionary
23 transfer, the minor is then subject to the processes and
24 procedures of the adult criminal court, and, upon a

1 finding of guilt, is to be sentenced as an adult. This
2 means that the procedural protections of the Juvenile
3 Court Act and the specialized resources of Juvenile
4 Courts are no longer available to that youth, including,
5 but not limited, to confidentiality of proceedings,
6 developmentally tailored sentencing provisions, and the
7 rehabilitative services and interventions available in
8 Juvenile Court.

9 Despite the critical nature of these transfer
10 decisions, under the current framework of the Supreme
11 Court Rules and the Juvenile Court Act, orders
12 determining such transfer are not considered final
13 orders for purposes of Appellate jurisdiction nor have
14 they fallen under the provisions for interlocutory
15 appeals. In charging the Committee on Juvenile Courts
16 to consider the advisability of amendments to the
17 Supreme Court Rules to permit interlocutory appeals,
18 Chief Justice Theis noted that the Court last considered
19 the advisability of such interlocutory appeals in 1979.
20 Since that time, the American Bar Association and the
21 National Conference of Juvenile and Family Court Judges
22 have considered appeals of transfer decisions and had
23 explicitly urged Courts across the country to allow for
24 interlocutory appeals. In doing so, the National

1 Conference states, because of the potentially serious
2 consequences of juvenile charges being transferred to
3 criminal court, counsel for the youth should have the
4 opportunity to request, expedited interlocutory
5 Appellate review if counsel believes that the Juvenile
6 Court Judge has made an error in process or judgment.

7 Similarly, the American Bar Association,
8 Juvenile Justice standards state in relevant part that
9 in order to effectuate the goals of an appeal, no
10 criminal court should have jurisdiction in any
11 proceeding related to any transaction or episode alleged
12 in the juvenile court petition as to which a waiver
13 motion was made until the time for filing an appeal from
14 that determination has passed or if such appeal has been
15 filed until the final decision of the Appellate Court
16 has been issued.

17 In response to the Court's request, the
18 Supreme Court Committee on Juvenile Courts can be in an
19 ad hoc work group to consider these issues and to review
20 existing statutory authority and consider the
21 advisability of Amendment to the Supreme Court Rules.

22 Retired Cook County Juvenile Court Judge
23 Stuart Katz ably lead our ad hoc work group in its
24 considerations and the group and the Committee analyzed

1 both presumptive transfers and discretionary transfers,
2 as I described earlier. The group also considered the
3 existing Supreme Court Rules and the provisions of the
4 Juvenile Court Act.

5 Ultimately, the work group proposed language
6 to amend Rule 307; interlocutory appeals has the right
7 and presented recommendations to the full Committee.
8 The recommendations of the work group were adopted
9 without objection by the Committee and forwarded to the
10 Supreme Court for consideration at its September 2025
11 term.

12 The intent of the proposed amendments to
13 Supreme Court Rule are simple. Transferring the minor
14 from the jurisdiction of the Juvenile Courts to be tried
15 and sentenced as an adult is a critical decision with
16 lifelong consequences for that young person, their
17 families and our communities. As the Committee noted in
18 recommending the proposed rule, it is essential to take
19 account of the trauma in delay attached to requiring
20 that a young person be subject to the adult criminal
21 system and during a conviction and a sentence that can
22 be up to natural life before even having an opportunity
23 to appeal the underlying transfer decision. It can take
24 years for criminal cases to get to trial and come to

1 resolution, and, potentially, years more to perfect an
2 appeal. Any youth who has a valid appeal of a transfer
3 decision would lose years of their life navigating this
4 adult system and keeping a minor in secure detention
5 during the pendency of the criminal case has significant
6 adverse consequences and is costly for counties and the
7 Courts. The longer a youth awaits disposition, the more
8 likely it is that they will age out of the juvenile
9 system altogether and become ineligible for the
10 rehabilitative resources it offers.

11 This proposed rule takes account of those
12 realities and also takes account of the recommendations
13 of the National Conference of Juvenile and Family Court
14 Judges and the American Bar Association to more closely
15 align Supreme Court Rules with these standards.

16 On behalf of the Supreme Court Committee on
17 juvenile cases, I ask that the rule be adopted, and I'm
18 happy to answer questions or provide additional
19 information that might aid in your deliberations.

20 Thank you.

21 CHAIRMAN ROGERS: Thank you, Ms. Jacobs.

22 Any questions?

23 MR. LARSEN: Have you received feedback from
24 prosecution?

1 MS. JACOBS: We have not and I don't believe that
2 there is any objection filed for this hearing or any
3 testimony planned for this hearing.

4 MR. LARSEN: Has anyone on the prosecution side --
5 Has there been communication or has their input been
6 sought and they simply didn't respond or ...

7 MS. JACOBS: That, I am not certain of. What I can
8 tell you is there is prosecution representation on the
9 Supreme Court's Committee on juvenile cases, and this
10 would also -- this rule would permit the appeal by the
11 State or by defense.

12 MR. LARSEN: Do you have any sense of how many
13 cases this would apply to where there have been appeals
14 filed in juvenile cases?

15 MS. JACOBS: I do not and the Committee did not
16 look at that specifically partly because of the current
17 process. There are probably fewer appeals filed because
18 they have to wait until final disposition, and, again,
19 it's very likely that a youth has aged-out. So, at this
20 point, there are not a significant number of appeals of
21 the transfer decision statewide.

22 MR. LARSEN: Has there been any work-up as to the
23 essential cost of the additional appeals in terms of
24 judicial resources, state's attorney resources?

1 MS. JACOBS: Not to my knowledge. The Committee
2 did consider those issues, discuss those issues, and,
3 again, weighed the harvesty on people and the need for
4 prompt review of these decisions on behalf of the State
5 or the defense.

6 MR. LARSEN: And the recommendation out of the
7 Committee, that included prosecutors and defense?

8 MS. JACOBS: Yes, it was passed -- it was adopted
9 without any objection or concerns.

10 MR. LARSEN: Thank you.

11 CHAIRMAN ROGERS: Let the record reflect those were
12 questions from Committee Member Robert Larsen.

13 Any other questions?

14 MS. PORTER: Good morning, I am Judge Tracie
15 Porter. I wanted to know if your Committee had or
16 received the recommendations by the Illinois State Bar
17 Association in regard to Rule 604, 660 and 600A, which
18 seem to be very specific to juveniles in the Juvenile
19 Court Act when you made your proposal to
20 Rule 307?

21 MS. JACOBS: There was no formal communication or
22 coordination that I'm aware of, but there are members of
23 the Committee who did have communication with the State
24 Bar Association. I believe you're going to be hearing a

1 little bit more about the ISBA process. It's my
2 understanding that the ISBA and the Supreme Court
3 Committee had similar goals and came to similar
4 conclusions about the need for interlocutory appeals.

5 CHAIRMAN ROGERS: Any other questions?

6 Thank you, Ms. Jacobs.

7 MS. JACOBS: Thank you.

8 CHAIRMAN ROGERS: Next we'll hear from Betsy
9 Clarke, a representative from the Illinois State Bar
10 Association on Proposal 25-06, again, seeking an
11 amendment to Supreme Court Rule 307 addressing
12 interlocutory appeals.

13 MS. CLARKE: Good morning, Chairman. Good morning,
14 Committee members. Thank you for including us in this
15 discussion this morning. My name is Elizabeth Betsey
16 Clarke and I come before you on behalf of the Illinois
17 State Bar Association as a long-time member of its Child
18 Law Committee. We are in support of the proposed
19 changes to Supreme Court Rule 307, interlocutory appeals
20 for the decisions of the Juvenile Court regarding adult
21 prosecution of children and of the proposed comment to
22 the rule clarifying that the appeals are to be
23 expedited.

24 It might help if I told you a little bit about

1 the -- how this came to our attention in the Illinois
2 State Bar, and, that is, that two years ago, Judge Chad
3 Beckett wrote an article for our Child Law Newsletter
4 about the process of juvenile transfer hearings in
5 Juvenile Court -- hearings to transfer children to the
6 adult Court, what factors the Court should consider, and
7 so forth, and, at the end of that article -- and it is
8 cited in the written comments on the State Bar -- Judge
9 Beckett said, it bears noting that a successful transfer
10 petition under the current law may result in a child as
11 young as 13 being ordered to serve a multi-decade
12 incarceration. Even when those sentences are reversed,
13 multi-year incarceration is still likely due to the way
14 transfer decisions are subject to appeal. The State,
15 for example, may immediately appeal dispositive orders
16 in juvenile cases by contrast of juvenile subject to a
17 successful petition transferring the case to adult Court
18 usually must wait until after the adult criminal trial
19 proceedings are concluded. For the victims and their
20 families in these cases, this brings about reverse
21 results in justice delay for the minor -- and he notes
22 the minor in the case that he was referring to -- the
23 result in a 15-year old waiting two and a half years
24 after the initial transfer decision for access to

1 Appellate review.

2 This, then, led our Committee to consider this
3 issue and bring a recommendation before you for an
4 interlocutory appeal. And, while the language is a
5 little different and the placement of the proposed rule
6 is different from the rule from the Supreme Rules
7 Committee, the idea is exactly the same, and we endorse
8 the proposed rule because this anomaly in Appellate
9 review cannot stand.

10 Now, you asked, Member Larsen, a question
11 about how the public viewed this, how the prosecution
12 viewed this, how other State cultures in the Juvenile
13 Court reviewed this interlocutory proposal, and the
14 proposal from the Child Law Committee was overwhelmingly
15 approved by a number of ISBA substantive law groups,
16 including bench and bar, corrections in sentencing,
17 criminal justice, general practice, human rights, racial
18 and ethnic minorities, rural practice and women in the
19 law unanimously endorsed by all of those Committees that
20 are broad-based both geographically and professionally,
21 and it was ultimately approved by the Board of Governors
22 in February of this year.

23 I would just note that justice may be
24 foreclosed if not -- if juveniles are not allowed to

1 appeal immediately from the decision of the Juvenile
2 Court because under Supreme Court Rule 604D, as you are
3 well aware, there is a complex process before a minor --
4 before anyone in criminal court can appeal from a plea
5 of guilty. As you know, the majority of cases in the
6 criminal court are pleas of guilty, so minors may be, if
7 not given this interlocutory right, foreclose entirely
8 from Appellate review of this extraordinary decision.

9 I believe in your comments you note how
10 extraordinary this decision is and it is truly
11 extraordinary. Most developed countries follow what we
12 set as an example here in Illinois with the development
13 of the world's first juvenile court follow international
14 consensus that all children under 18 should be
15 prosecuted in a juvenile court. We do not and as a
16 country we have taken exception and reserve the right in
17 exceptional circumstances to treat children in the adult
18 criminal court, but, in that respect, we stand outside
19 the rest of the developed world, so it is even more
20 important for us to provide immediate interlocutory
21 review on an equal basis to children.

22 Thank you.

23 CHAIRMAN ROGERS: Thank you, Ms. Clarke.

24 Any questions?

1 MS. PORTER: Same question posed earlier: Why
2 should we move the proposed rule that you support to the
3 600 sections of the rule versus the 307? I'm trying to
4 get a better understanding of why you propose or you
5 counter this position.

6 MS. CLARKE: Well, we were not aware of the
7 proposal that was going to come and we hardly endorsed
8 either. The -- The outcome is the same, so wherever you
9 decide this should go, whether in 307 or in the 600
10 rules, that's fine.

11 MS. PORTER: And the reason I bring this up in
12 brief is that I sit in the juvenile court but on the
13 child protection side, not the delinquency side, so, in
14 looking at these rules, I would encourage not only the
15 public defenders but the ISBA to make sure you're
16 balancing what happens in a delinquency case versus a
17 child protection case and the references in Rule 307 and
18 the 600 rules are not really interchangeable depending on
19 what section of the Juvenile Court Act you make
20 reference to. So that's one of my concerns in
21 consideration of determining whether it belongs in 307
22 or it belongs in the 600 rules.

23 MR. LARSEN: And, in that regard, it -- if I
24 understand the proposal, 307 provides for expedited

1 review of the appeal, the 600 series authorizes the
2 appeal of this process; they can be read together, can
3 they not, or are they applicable? I don't see in the
4 proposal for the 600 series reference to expedition of
5 the Appellate process, so are they both required to
6 accomplish the goal that you're pursuing?

7 MS. CLARKE: I don't have the rules in front of me,
8 and I apologize. I know that there is a separate
9 Supreme Court Rule providing for expedition of juvenile
10 appeals, and, that is, I believe, in the 600 section, so
11 that would apply.

12 MR. LARSEN: And, then, given that you got the
13 information from all these different sources, I'll just
14 repeat the questions that I asked earlier: Any
15 information regarding statistically how often these
16 appeals are brought, how often they are successful, and
17 the likelihood of a far greater number of appeals if the
18 expedited process is put in place and what those costs
19 would be? Do you have any of that type of information?

20 MS. CLARKE: Well, I do know, as Ms. Jacobs
21 testified, the numbers of children who are subject to
22 discretionary transfer are very, very small. If you
23 look at the number of children, for example, in the
24 Illinois Department of Juvenile Justice subject to

1 adult -- who are there on adult sentences, the number is
2 quite small.

3 MR. LARSEN: Quite small being less than 50, less
4 than 100? Any number that you're aware of?

5 MS. CLARKE: You're asking me -- I mean --

6 MR. LARSEN: If you don't --

7 MS. CLARKE: The total population of the children
8 in the facilities is under -- well under 200, and this
9 is a very small percentage of that, so I would not see
10 it adding much in terms of increase number of cases. It
11 may encourage -- It may encourage better litigation by
12 all parties at the Juvenile Court stage and it certainly
13 is outweighed by costs, as Ms. Jacobs pointed out, of
14 incarceration and the resulting corollary consequences,
15 as well.

16 MR. LARSEN: Would it be fair to say that those
17 case that are actually referred through this process,
18 generally speaking, are for the most serious offenses?

19 MS. CLARKE: I -- Discretionary transfer, yes, but
20 the ones that are referred are generally for charges
21 that are considered more serious.

22 MR. LARSEN: Sexual assault, that sort of thing?

23 MS. CLARKE: The most recent data on the cases is
24 from 2018. It's a report from the Illinois Juvenile

1 Justice Commission and it does show a breakdown, I
2 believe, of the cases across the states, so it could be
3 referring to that.

4 MR. LARSEN: Thank you.

5 MS. CLARKE: Thank you.

6 May I add, though?

7 CHAIRMAN ROGERS: Sure.

8 MS. CLARKE: I find it extraordinary that there
9 isn't more data.

10 Thank you.

11 CHAIRMAN ROGERS: Any other questions?

12 Thank you.

13 Next we have Mr. Sam Goldberg. He's
14 representing the office of the Cook County Public
15 Defender, again, speaking on Proposal 25-06 seeking
16 amendment of Rule 307.

17 MR. GOLDBERG: Thank you, Chair person, and the
18 Committee for allowing us to make comments on this
19 critical and common sense rule proposal.

20 My name is Sam Goldberg; I'm from the Cook
21 County Public Defender's Office. I'm here representing
22 our office in strong support of this proposed rule
23 change. I think it's worth noting that in the written
24 comment and in the testimony today -- I believe that I'm

1 last on this proposal -- everyone is in support of this
2 rule, and, as Betsey and Lisa made clear, the entire
3 legal community is in support of this rule change.

4 I will briefly talk about some of my
5 experience, why our office supports this rule, and,
6 then, give an example of a young person I represented in
7 juvenile court to show how critical this change can be.

8 So, again, I'm a public defender; I have been
9 a public defender for 13 years. I have represented
10 young people in juvenile court accused of a range of
11 crimes up to and including first-degree murder. I have
12 represented young people who are facing discretionary
13 transfer, and I have won and lost those hearings. I
14 currently represent a young person in adult court who
15 was discretionarily transferred from juvenile court who
16 is now 21 years old and will not be able to effectively
17 appeal that decision.

18 Before I go into why we support this rule, I
19 just want to layout what it looks like now. I think
20 it's important to get that perspective. Right now a
21 child transferred discretionarily from juvenile to adult
22 court cannot appeal until that case is over. What that
23 means is that they sit in -- when they turn 18, they'll
24 sit in adult jail, they go to adult court, when they get

1 sentenced they will go to adult prison for the, likely,
2 two years it takes before the Appellate Court rules.
3 They will get none of the specialized services of the
4 juvenile court because they cannot appeal until this
5 case is over.

6 CHAIRMAN ROGERS: Can you step closer to the mic?

7 MR. GOLDBERG: I'm sorry. I'm used to walking
8 while I talk.

9 Practically speaking, these cases, as we know,
10 are complicated and they take a long time, so what that
11 means is that a kid who is offered a discretionary
12 transfer has to go through the transfer process, has to
13 go through pre-trial, has to go through trial and has to
14 go through appeal. They will likely -- as the kid I
15 represent -- be 21 by the time the Appellate Court
16 rules. Juvenile Court loses jurisdiction at 21. What
17 that means is that they have no meaningful opportunity
18 to appeal because the Appellate Court cannot send it
19 back to Juvenile Court because there's no jurisdiction
20 anywhere. This rule makes sense and the current regime
21 does not.

22 We support the rule because it is fair and it
23 promotes judicial economy. As the rule is proposed,
24 what that means is that a young person, who is

1 discretionarily transferred, will get finality
2 immediately regarding that decision. Finality that they
3 have to go to adult court, which is important for
4 adolescent brain, or if they were erroneously
5 transferred they can while they are still a teenager and
6 they're still developing get all the resources that the
7 juvenile court has to offer and the -- that is focused
8 on reform and rehabilitation.

9 Not only is it fair, but, again, it promotes
10 judicial economy because if a child is erroneously
11 transferred to adult court, then, that person's case has
12 to go through the entire adult court system when it
13 never should have been there in the first place, and
14 these cases are very complicated, so we can avoid
15 burdening the already overburdened adult criminal system
16 by allowing for immediate interlocutory appeal.

17 I want to finish by talking about a client I
18 represented in juvenile court. We'll call him Amari
19 (phonetic). He was 15 years old, he was charged with
20 first-degree murder, and the State filed a petition to
21 discretionarily transfer him to adult court.
22 Thankfully, in our case, the judge denied that petition.
23 He went through the juvenile court system where he
24 actually did plead guilty to the charge. In the

1 juvenile court system, he had the benefit of specialized
2 resources, so he had social workers at the JTDC, he had
3 probation officers who were specialized and trained on
4 how to work with young people, he had access to
5 programming that only the juvenile court system can
6 offer. Not only did he have access to that programming,
7 but his mother and his grandmother also had access to
8 that programming. Amari finished the juvenile sentence.
9 He is now 24 years old, he's married, he has two young
10 children, he has an associate's degree, he has a
11 full-time job, and he has not been arrested since
12 that -- when he was a child at 15. And there will be a
13 time when there's a kid like Amari who is erroneously
14 transferred to adult court, and, under the current
15 rules, that kid will not be able to have the support
16 that Amari got that allowed him to turn into that person
17 he is today because that person -- if we do not make
18 this rule change -- will have sit in adult court and
19 adult jail and adult prison, and that is not fair and
20 that does not promote justice, and that is why our
21 office supports this rule.

22 So I appreciate the time and I am happy to
23 answer any questions.

24 CHAIRMAN ROGERS: Thank you.

1 Any questions?

2 MR. SPESIA: John Spesia for the record.

3 So my question is: It looks like the -- the
4 expedited appeal process, which is the 90 days will
5 require a decision from the Appellate Court within 90
6 days, is in the Committee comments of their proposal, so
7 I'm wondering why is the -- why is the expedited appeal
8 in the Committee comments and not provided for in the
9 rule itself or is that somewhere else?

10 MR. GOLDBERG: I'm a trial attorney, so you're kind
11 of outside my wheelhouse here, but, sure, makes sense.
12 I don't know if they're somewhere else. I apologize.

13 MR. SPESIA: My concern is that you've achieved the
14 purpose of an expedited appeal in trial court, but
15 you -- I'm just wondering if this expedited appeal in
16 the Committee comments, should -- are you going to get
17 your expedited appeal and a decision within 90 days so
18 that you don't end up in Appellate Court for two years?

19 MS. GOLDBERG: I think we should implement a
20 mechanism that does allow for that kind of expedited
21 appeals. It makes no sense for it to sit for the two
22 years it normally takes. Whether that's going to be in
23 Rule 307 or Rule 604 or in the Committee, I think, the
24 experts here can determine what's best. But, yes, I

1 certainly agree it should be.

2 I will say to Chairperson Larsen, just
3 anecdotally, Cook County, obviously, by far is the
4 biggest and busiest courthouse in Illinois. I would say
5 there's three kids a year who are transferred. It is a
6 very small number, but it is, as Ms. Clarke said, such a
7 critical decision that we have to address it to provide
8 fairness for these peoples whose lives are drastically
9 changed by that decision.

10 MR. HARDEN: My question is: If the appeal occurs,
11 what is the Appellate Court's standard of review to
12 review the decision to allow transfer to adult court?

13 MR. GOLDBERG: The Appellate Court review is abuse
14 of discretion, so it's a very hard standard to meet, so
15 there would have to be real error by the trial court to
16 get it overturned. And, as, I think, Ms. Jacobs said,
17 both sides under this rule can appeal either at the
18 stage of denial or the defense can appeal the granting
19 of the petition of the transfer.

20 CHAIRMAN ROGERS: Any other questions?

21 MR. LARSEN: I have a particular interest in this,
22 so I have a couple of questions.

23 So, the case that you referenced, this was a
24 minor who committed -- plead guilty to first-degree

1 murder?

2 MR. GOLDBERG: Well, he was charged with
3 first-degree murder, but he plead guilty to a lesser
4 offense.

5 MR. LARSEN: But to a murder offense?

6 MR. GOLDBERG: No. It was aggravated battery with
7 a firearm.

8 MR. LARSEN: And, because of the sentencing
9 restrictions in juvenile court, he could not be
10 sentenced to the level of discipline that would have
11 occurred in adult court?

12 MR. GOLDBERG: Well, Illinois does have two --
13 because they have another legislation called the EJJ,
14 the -- I can't remember what it stands for -- but,
15 essentially, what it means is a young person gets two
16 sentences; they get a juvenile sentence and an adult
17 sentence. This is not part of the rule, this is just
18 for context for you. They -- So he was subject to EJJ.
19 So what that meant is when he got sentenced, he got the
20 juvenile sentence, but he also got an adult sentence,
21 what he would have gotten if he been transferred to
22 adult court. And, basically, if you can stay out of
23 trouble until your 21st Birthday, then, the adult
24 sentence is permanently stayed, it never happens. But,

1 prior to your 21st Birthday, if there's probable cause
2 and you pick up an offense of any kind, then, the adult
3 sentence will kick in. So, for someone like Amari, that
4 was the -- where he ended up.

5 Does that make sense?

6 MR. LARSEN: It does.

7 And then -- My last question, I promise. Do
8 you have any sense as to the number of cases where it
9 was actually held by the Appellate Court that the
10 transfer was an abuse of discretion?

11 MR. GOLDBERG: I could not find any last night
12 because I figured this question might come, and, I
13 think, the practical reason I couldn't find any is what
14 I said in my prepared remarks, which is most
15 discretionary transfers are the serious offenses. In my
16 personal experience, I only ever had first-degree
17 murder. Those cases take forever, especially ones of
18 this complicated nature. So by the time the Appellate
19 Court has it -- every time I've ever seen it -- the kid
20 is no longer a kid, they're now 21, so the Appellate
21 Court cannot send it back to juvenile court. So, again,
22 they lose that meaningful opportunity to appeal.

23 So the Appellate Court has not had much
24 opportunity to address these issues because of the

1 nature of the system as it stands, how long everything
2 takes, and they can't appeal until it's a final and an
3 appealable order after trial.

4 CHAIRMAN ROGERS: Any other questions or comments?

5 MR. GOLDBERG: Thank you.

6 CHAIRMAN ROGERS: Thank you, Mr. Goldberg.

7 Next we'll have Judge Ortiz representing the
8 Commission on Access to Justice speaking on
9 Proposal 25-08, which seeks amendment of Supreme Court
10 Rule 10-101 regarding standardized forms.

11 MR. ORTIZ: Thank you.

12 Good morning, Mr. Chairman, Justice O'Brien,
13 and Ladies and Gentlemen of the Committee. I'm honored
14 to be here. My name is Judge Ortiz; I'm the Judge and I
15 share the Access to Justice Commission and I'm very
16 pleased to be here to discuss proposed amendments to
17 Supreme Court Rule 10-101, which pertains to
18 standardized court forms.

19 The rule contains several areas of ambiguity on
20 key issues, such as, whether prior versions of statewide
21 standardized forms should be accepted for filing, what
22 constitutes a modification to a statewide standardized
23 form, and where standardized forms may be accessed, and
24 these ambiguities have contributed TO inconsistent

1 practices across the state.

2 When addressing recurring issues, it would be
3 helpful to point to clear, specific provisions within
4 the rule, and the proposed amendments are intended to
5 provide that clarity and provide for greater -- and
6 promote greater uniformity statewide. Importantly,
7 these changes do not alter the underlying intent of the
8 rule, rather, they are designed to better support
9 clerks, court staff, and self-represented litigants.

10 So the key proposed amendments are, first,
11 acceptance of prior versions of statewide forms. One of
12 the primary clarifications is that prior versions of
13 statewide forms can be accepted for filing.
14 Specifically, the use of an older version of a statewide
15 form by itself should not be a basis for rejection of a
16 filing. This issue has arisen in practice in objecting
17 solely for this reason is not consistent with the intent
18 of Rule 10-101, which is to enhance access to justice
19 and court efficiency.

20 This clarification is also necessary because
21 not all Courts consistently link to the most current
22 version of the statewide forms on their County Websites.
23 Some County Websites lead directly to specific form
24 files rather than to the Illinois Court forms and

1 Du Page. As a result, outdated versions may continue to
2 circulate.

3 To address this, the proposed changes include
4 language identifying best practices, specifically,
5 encouraging Courts to link to the Illinois Court's form
6 landing page for the current versions of the statewide
7 forms, and we believe this should help ensure user
8 access that users access the most up-to-date versions
9 and discourage older versions to continue to circulate.
10 While the goal is that the most current version of the
11 statewide form be used, version differences alone should
12 not create a barrier to Court access.

13 The second proposed modification is defining
14 what constitutes a modification of statewide forms, and
15 the proposed amendments introduce a clearer definition
16 of what it means to modify a form. Adding information
17 to a form is permitted; however, altering the structure
18 or intended purpose of a form is not permitted. The
19 proposed amendments further clarify that the underlying
20 PDF of a statewide form may not be modified. There have
21 been instances where users or counties alter PDF forms
22 to serve different purposes while the form still stated
23 that it was approved by the Illinois Supreme Court.
24 Because these edits occur at the file level, there's

1 often no visible indicators such as strikethroughs or
2 annotations that the statewide form has been changed.
3 The form appears identical to the officially approved
4 version and we feel that addressing this -- in
5 Rule 10-101 is the multi-effective manner of managing
6 this issue.

7 The proposed amendments also provide
8 clarification on mandatory use forms while Rule 10-101,
9 generally, does not require the use of statewide forms.
10 Certain forms are mandated by statute or rule and the
11 current version of the rule does not explicitly
12 reference these mandatory use forms. The proposed
13 amendments clarify that where a statewide form is
14 required to be used by statute or rule, its use is
15 mandatory.

16 The proposed amendments also provide
17 clarification on the definition of forms. A clarifying
18 definition was added to assure that all elements of
19 statewide form sets are covered by Rule 10-101. Forms
20 would include any statewide standardized Court form,
21 additional or related forms, instructions, and other --
22 or other informational materials developed or provided
23 by the Commission.

24 In addition of the proposed amendments would

1 provide clarity for clerks and Courts on providing
2 forms. The proposed amendments add a comment to the
3 rule clarifying that Clerks and Court staff can provide
4 statewide forms to Court users without it being
5 considered legal advice even if the user does not
6 request a specific form by name. The proposed amendment
7 or proposed comment, rather, references the existing
8 Illinois Supreme Court policy on the systems to Court
9 patrons by Circuit Clerks, Court staff, law librarians
10 and Court volunteers, safe harbor policy for short,
11 which states that clerks and county -- rather -- clerks
12 and Courts may provide statewide forms based on the
13 user's description of their legal issue. This does not
14 constitute the unauthorized practice of law.

15 Finally, additional updates in addition to the
16 changes described previously. The proposed amendments
17 include several organizational and structural
18 improvements to Rule 10-101. These updates are intended
19 to approve re-ability and usability for all Court
20 stakeholders.

21 Thank you for your consideration. I'll be
22 pleased to try to answer any questions you may have.

23 CHAIRMAN ROGERS: Thank you, Judge Ortiz.

24 Any questions?

1 MR. BEYLER: In Paragraph F, it says, handwritten
2 or typed additions. Does a strikethrough count as an
3 addition or not?

4 MR. ORTIZ: No, it doesn't, but I'm aware of that
5 comment and we had no objection to adding and
6 strikethroughs to the language so that Section F would
7 read, handwritten or typed additions and strikethroughs
8 are permitted. So we have no objections to that.

9 MS. SOUCIE: My question was with respect to
10 Section F, as well. In reading the proposed rule and
11 proposed changes, it seems to me, like, someone could
12 review that and read that as saying that they could not
13 edit the form in a way -- for instance, I will take
14 standardized forms in my office, edit them to compile a
15 form that is consistent with my firm's formatting
16 requirements, but it does not say, approved by the
17 Supreme Court, right, it's a Word document that we then
18 transfer.

19 I read the proposed rule to sort of eliminate
20 my ability to do that. Would you be opposed to language
21 adding clarification to your point, meaning, that you
22 cannot file a document that is edited or modified in a
23 way inconsistent with this rule that says, quote,
24 approved by the Supreme Court?

1 MR. ORTIZ: I think that that would be consistent
2 with the intent of the proposed amendments.

3 MS. SOUCIE: Thank you.

4 CHAIRMAN ROGERS: Any other questions or comments?

5 Thank you, Judge Ortiz.

6 MR. ORTIZ: Thank you, very much.

7 CHAIRMAN ROGERS: The next speaker will be Supreme
8 Court Clerk Cynthia Grant speaking on behalf --
9 representing the e-Business Policy Advisory Board
10 addressing Proposal 25-10, which seeks amendment of
11 Supreme Court Rule 9 on electronic filing of documents.

12 You may proceed.

13 MS. GRANT: Good morning, Mr. Chairman. Good
14 morning, members of the Committee. My name is Cynthia
15 Grant and I serve as the chair of the e-Business Policy
16 Advisory Board. On behalf of the Board, thank you for
17 your time in considering this matter.

18 For a number of years now the Board has
19 focused on standardizing the reasons why Court filings
20 can be rejected in an attempt to reduce the number of
21 filings that are rejected throughout the State. The
22 proposal in front of you is in furtherance of that
23 objective.

24 In the spring of 2025, the Board was informed

1 that e-filings in certain counties were being rejected
2 if there was no signature on the document. Now, the
3 Board has taken the position that a lack of the
4 signature on the document is not a reason why a clerk
5 should reject a document. If there was a question about
6 a signature, it should be left to the judge to decide.

7 Further, the issue of rejecting an e-filed
8 document, in particular, without a signature was
9 problematic to the Board because, as many of you know,
10 in order to submit an e-filing, you have to create an
11 account with one of the e-filing providers, so when a
12 filer submits a file, we know who submitted it.

13 As such, the Board leaves a logical solution
14 to that problem with the amendment to Rule 9 stating
15 that if a filer has submitted a filing electronically
16 using their own log-in and password, that will suffice
17 as the signature requirement pursuant to Rule 137.

18 Mr. Chairman, I stand willing to answer any
19 questions of the Committee.

20 CHAIRMAN ROGERS: Thank you.

21 Any questions? Hearing none.

22 Thank you, very much.

23 MS. GRANT: Thank you.

24 CHAIRMAN ROGERS: That's the last speaker who

1 signed up for the Public Comment Hearing.

2 Thank you all for attending and participating.

3 (10:44 a.m. proceedings concluded.)

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Michelle M. Scalise, being first duly sworn,
on oath says that he is a Certified Shorthand Reporter
doing business in the City of Chicago, County of Cook,
and the State of Illinois.

That she reported in shorthand the proceedings
had at the foregoing public hearing;

And that the foregoing is a true and accurate
excerpt of the proceedings had at the said public
hearing.

Michelle M. Scalise

Michelle M. Scalise, CSR
CSR No: 084-004616

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