

Eleventh Judicial Circuit Court Organization, Court Offices and Programs

COURT ORGANIZATION

ILLINOIS SUPREME COURT

Article VI, the Judicial Article of the Illinois Constitution of 1970, provides for a unified, three-tiered judiciary - Circuit Court, Appellate Court, and Supreme Court. The Illinois Supreme Court is the highest court in the State. Cases are normally channeled to the Supreme Court from the Appellate Court, but in cases where a Circuit Court has imposed a death sentence, the law allows direct appeal to the Supreme Court, bypassing the Appellate Court. The Supreme Court can pass rules to allow direct appeal in other cases.

The Supreme Court has original and exclusive jurisdiction in matters that involve legislative redistricting and determining the ability of the Governor to serve in office. The Supreme Court also has discretionary original jurisdiction in cases relating to State revenue and writs of mandamus, prohibition, or habeas corpus.

The Illinois Supreme Court is comprised of seven justices; three represent the First Appellate Judicial District (Cook County), and one each represents the remaining four Appellate Judicial Districts. A majority vote of four is required to decide a case.

APPELLATE COURT

The Illinois Appellate Court is divided into five judicial districts. Cook County comprises the entire First Judicial District, with the rest of the state being divided into the remaining judicial districts of "substantially equal population, each of which shall be compact and composed of contiguous counties". The Eleventh Judicial Circuit, and four other circuits, comprises the Fourth Judicial District of the Appellate Court.

Any party has the right to appeal a decision of the Circuit Court to the Appellate Court, except the State's Attorney, who cannot appeal a verdict of not guilty. Attorneys present arguments to the Appellate Court about whether the trial court made an error in applying the law. They do not re-litigate the facts of the original trial. Three judges hear an appellate case and a majority vote of two is required to decide the case.

The Appellate Court affirms the trial court decision if it finds there has been no error committed in the application of law, or if the error was so minimal it made no difference in the outcome of the trial.

The Appellate Court may reverse the trial court decision or remand the case for a new trial if there has been a substantive error in the application of the law. In this instance, the case is normally sent back to the Circuit Court for further action.

CIRCUIT COURT

The State of Illinois is divided into 22 judicial circuits. Each judicial circuit is comprised of one or more contiguous counties. Circuit Courts, also known as trial courts, are established within each judicial circuit.

The Circuit Court is a court of general jurisdiction, meaning it has original jurisdiction in all matters except those limited cases in which the Supreme Court has original jurisdiction. The trial courts hear a wide variety of civil and criminal cases, ranging from small claims actions to domestic relations to criminal felonies.

There are two types of judges in the Circuit Court: Circuit Judges and Associate Judges. All judges must be licensed attorneys and are officials of the State of Illinois. Circuit Judges are initially elected for a six-year term, either on a circuit wide basis or from their county of residence. Thereafter, every six years they must run circuit wide for retention. The Circuit Judges elect a Chief Judge using guidelines established by local court rules; the Chief Judge provides administrative guidance to the entire circuit. Associate Judges are appointed on a merit basis by the Circuit Judges for a four-year term. Thereafter, the Circuit Judges consider them for retention every four years.

The Circuit Court is provided funding from three sources: (1) State funds finance the Mandatory Arbitration Program, as well as salaries and benefits for judges and court reporters; (2) State funds which provide reimbursement to the counties to offset the costs of several positions in Court Services; (3) County revenues. In order to maintain a productive organization, the judges and their staff work closely with the County Board and County Administrator's office in the areas of office automation, personnel management, and budgeting.

OFFICES AND PROGRAMS

Clerk of the Circuit Court

The office of the Clerk of the Circuit Court is established in Article VI of the Illinois Constitution. This office is the administrative and clerical arm of the Circuit Court, and the Circuit Clerk is a non-judicial officer of the court.

The Office of the Clerk of the Circuit Court maintains official records for the entire court system, and is the official recorder of documents for filing and appeals. The Clerk collects all fines, fees, costs, and penalties assessed, and distributes those monies on a monthly basis to the county, state, municipalities, and townships. Court ordered child support and maintenance payments are made in the Clerk's office and distributed to the proper recipients. The Clerk is responsible for office staff, including court clerks.

This office is responsible for jury duty summons to prospective jurors, preparing payroll for those who serve on jury duty, and providing orientation to all jurors during their period of service to the County.

The Circuit Clerk is an elected office and the term of office is four years.

Court-Annexed Mandatory Arbitration Program

Illinois system of court-annexed arbitration is derived from both statute (735 ILCS 5/2-1001A et. seq.) and from rules adopted by the Illinois Supreme Court (Supreme Court Rules 86-95). While the process of arbitration is not new or unique in the private sector, the court-annexed model is notably different in that it is mandatory for certain classes of cases, but the outcome is non-binding. When utilized in the private sector, arbitration tends to be entered voluntarily by the disputing parties, usually with an agreement the decision will be binding and conclusive. In Illinois and elsewhere, policy makers have determined that courts should require arbitration for some types of civil disputes because it can contribute to a reduction of court congestion, costs, and delay, as well as help diminish the financial and emotional costs of litigation for parties. The goal of the process is to deliver a high quality, low cost, expeditious hearing in eligible cases, resulting in an award that will enable, but not mandate, parties to resolve their dispute without resorting to a formal trial.

The objective of the program is to submit modest sized claims to arbitration, because such claims tend to be easier to manage and faster to resolve in an informal alternative process. There are safeguards designed to insure fairness of the process. These safeguards include the right to petition the court for an order transferring the case out of arbitration before the arbitration takes place, and the right to reject an award believed unacceptable.

For eight years the Eleventh Circuit Mandatory Arbitration Program has been a forum for Small Claims and Law (minor) cases to be resolved expeditiously. Over 6500 cases have been filed in the program, with less than 25% of the awards rejected. The trial rate over the past five years has been only 0.8%.

In Ford and McLean Counties, all civil cases with damages between \$5000 and \$50000 are directed into the program. A panel of three arbitrators hears these cases. Each party makes a brief presentation of their case to the panel that deliberates and makes a decision the same day. The parties then have 30 days to accept the decision. In the event one of the parties is not satisfied with the panel's award, he/she may reject the award and proceed to trial before a judge as if the arbitration hearing had never occurred. In many cases, the arbitration hearing is the only hearing on the merits of the case.

Court Reporters

The Court Reporter is responsible for making a full stenographic report of the evidence and all other proceedings presented in the trial court. While court reporting machines were developed as early as the mid-nineteenth century, manual shorthand was the primary means of preserving the verbatim record until the 1940's. Today, all court reporters are trained in stenotype theory using a 23-key machine.

The majority of court reporters in the country today utilize computer-aided transcription (C.A.T), which was introduced in the courts about 1977. This is a technique in which the strokes from the stenotype machine are electronically recorded to tape or diskette and then fed into a computer where the reporter has stored a dictionary. The dictionary is a list of stenotype strokes matched to their English equivalents. The computer translates the stenotype into English at the rate of up to 2000 pages per hour.

The primary function of a court reporter is to make a verbatim record of all testimony in a court proceeding and, upon request, produce a written transcript of the proceeding. In an average day, a reporter may transcribe from 30000 to 50000 words. The average rate of speech is estimated at 150 to 160 words per minute (about two and one-half words per second). The reporter must be an excellent grammarian and speller, and must have a wide vocabulary – particularly legal, medical, and technical terminology.

There are several qualifications to become a certified Court Reporter, including proficiency examinations, and professional regulations.

Court Reporters are considered to be officers of the Court, and must comply with all statutes, rules and regulations promulgated by the Court Reporting Services Office, local court rules, Illinois Statutes, or policies of the Eleventh Judicial Circuit. All Court Reporters are assigned at the direction of the Chief Judge, and are supervised from day to day by the resident judge, and Chief Judge's Administrative Assistant.

Court Services

The Bill of Rights of the Constitution of the State of Illinois, at Article 1, Section 11 states; *“All penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship”*. Consistent with the constitutional concept of “restorative justice”, Illinois law (730 ILCS 5/5-6-1) requires a presumption of probation in the consideration of sentencing options, and the majority of convicted offenders are, in fact, sentenced to probation. As the sentence of choice in Illinois, probation is a cost effective alternative to imprisonment that can serve the ends of justice, provide for the safety of society, and restore offenders to useful and productive lives.

Court Services is the largest component of the community correctional element of the criminal justice system. In Illinois, Court Services is under control of the judicial branch of

government. Each county Court Services department is responsible to the Chief Judge of the Judicial Circuit.

The mission of Court Services is to protect the public interest and safety by diligently enforcing court ordered conditions of probation through meaningful supervision strategies, and utilizing appropriate supportive resources. The core services of Court Services are to provide appropriate court dispositions for adult and juvenile offenders, and to supervise those persons placed on probation. Court Services departments may also provide a broad range of services including: crime and delinquency prevention; pretrial release; adult and juvenile diversion; juvenile detention; intensive probation supervision; specialized DUI services; community service programs; volunteer programs; and family court services.

Jury Commission Clerks

Jury service is an integral part of our justice system emanating from the Constitution of the United States, which grants every citizen the right to trial by jury. To satisfy this Constitutional mandate, the Eleventh Circuit follows the standards for jury selection and service embodied in the Jury Commission Act (705 ILCS 310).

The Jury Commission consists of three Commissioners, appointed for three year rotating terms by the Circuit Judges, an appointed Administrative Clerk, and staff necessary to perform the duties of the Commission.

The purpose of the Jury Commission is to provide the necessary jurors to serve the court system as needed, and to offer courteous service and information to prospective jurors. The major function of the Administrative Clerk is to prepare lists for the selection of jurors, prepare and mail jury summons, and provide juror assistance and information. The Illinois Statutes strictly regulate the lists and actual selection of jurors in order to assure fairness in the courts.

The list of names is compiled from a combination of registered voters and residents who are 18 years of age, and is by random selection from the pool of prospective jurors.

Petit jurors are sworn to hear evidence in civil and criminal trials and to render a verdict. Grand jurors have the duty to receive complaints in criminal cases, hear evidence presented by the State, and find bills of indictment where they are satisfied there is probable cause to believe a crime has been committed. Petit jurors are so named because fewer people sit on a petit jury than on a grand jury.

Livingston, Logan and McLean Counties have jury commission clerks. In Ford and Woodford Counties, the Circuit Clerk fulfills that role.

Trial Court Administrator

The position of Trial Court Administrator was created by Supreme Court Rule, and is designed to assist the Chief Judge in administering trial court operations on a circuit-wide basis.

The Court Administrator administers personnel policies and procedures applicable to non-judicial court employees, monitors the fiscal management of the trial courts, assists in budget preparation and administration, negotiation of contracts, payroll, purchasing and audit functions. The administrator prepares and administers grants and capital budget forecasting.

The Trial Court Administrator serves as a liaison between the Chief Judge, Administrative Office of Illinois Courts, various County Boards, County Administrator offices, Court Services departments, detention facilities, local governmental units or elected officials, and community service organizations.

The office provides research, evaluates, plans and coordinates automation projects, and prepares the annual report to the Circuit. The office is also charged with overseeing that ADA standards are met for the various programs administered by the Circuit Court.
