

Bench & Bar

The newsletter of the Illinois State Bar Association's Bench & Bar Section

Justice Rita Garman, the Longest Tenured Sitting Judge, Is Retiring: A Look at Her Career and Legacy

BY HON. ALFRED SWANSON (RET.)

After 48 years, six months as a judge, Supreme Court Justice Rita Garman is retiring effective July 7, 2022. That is the second longest continuous tenure of a judge in Illinois court history. Her career includes service at every level of the Illinois

courts, from associate judge to chief justice of the Illinois Supreme Court.

When she graduated from the University of Iowa Law School in 1968, Justice Garman didn't expect to be a judge.

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The State of the Illinois Courts: What is Happening In and Around Illinois Courtrooms (Despite the Pandemic)

BY CHIEF JUSTICE ANNE M. BURKE

The following remarks were delivered by Chief Justice Anne M. Burke at the ISBA Bench and Bar Section & ILC Commission on Professionalism CLE Presentation on March 8, 2022.

For more than two years now, the court system, stakeholders, and the many people who work in and around the courts, have been affected, like everything else, by the Covid pandemic. The pandemic has proven

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Her goal was to find a job as an attorney, which was not an easy task for a woman at that time. Nor did she expect to have a number of “firsts” on her career resume.

Looking back on her career, Justice Garman recounts many uphill challenges. When she decided to attend law school, there were no women judges on the Illinois supreme or appellate courts. She was one of eight women in her law school class. She recalled a professor telling her that she was “only in law school to catch a husband” and that she should give up her seat to “a more deserving male candidate who would have a family to support.”

After law school, she had difficulty finding a job as a lawyer. She was turned down for several position, once being told: “I don’t know what I would do with you because no one wants to talk to a woman lawyer.” One position she told me, went to a man who was offered \$1,500 more than she was offered. She said the state’s attorney in Vermillion County wouldn’t even interview her for an open position. Justice Garman said she is pleased that those times are in the past. But, she said, women still face challenges even though they have more opportunities now in the law.

Finally, Justice Garman landed her first job as a lawyer when the head of the legal aid office left and the board chairman asked her to assist just to keep the agency doors open. She received valuable assistance from two experienced legal secretaries at legal aid. More assistance came from court clerks and judges who “were very gracious to [her].” With this assistance, she said she was able to keep the doors to legal aid open and the office running until a new director was retained.

After about six months at legal aid, and with a new director coming on board, the state’s attorney called and asked her to join his prosecutor’s staff to handle juvenile and family cases. Four years later, she joined a law firm in Danville. Then, on Christmas Eve 1973 while driving with her husband and two-year-old daughter to a

family Christmas gathering, she heard on the radio that a woman had been selected to become a judge in downstate Illinois. That’s how she learned she would become an associate judge in Vermillion County. When she was sworn in on January 7, 1974, she became the first woman judge in the fifth circuit.

Justice Garman was elected a circuit judge in 1986 and a year later she became the first woman presiding Judge in Vermillion County. In 1995 when she was assigned to the appellate court, Justice Garman became the first woman to serve on the fourth district bench. In January 2001, she became the second woman to sit on the Illinois Supreme Court.

Justice Garman’s retirement on July 7, 2022, is 48 years, six months to the day from when she was first sworn in as an associate judge. Justice Garman told me she has been privileged to work with exceptional jurists throughout her career. Colleagues told me it was they who were privileged to have worked with Justice Garman. As a colleague, retired Justice Lloyd Karmeier described Justice Garman as “outstanding, pleasant, delightful, prepared.” Justice Mary Jane Theis said that Justice Garman brought her personality to the courts she served: “calm, wise, respectful,” and a good leader.

Justice Theis added that Justice Garman’s “impact on Illinois courts and her legacy is in the body of her work” and her “clear writing and thinking.” In more than 21 years on the Illinois Supreme Court, Justice Garman wrote 240 majority opinions plus numerous dissents and special concurrences. Justice Theis described a Garman opinion as “crisply written” in which the reader readily “knows the issue presented and the standard of review applied.” She said Justice Garman “knows and writes to her audience of lawyers, trial judges and the public. She is writing also to future readers to provide a clear understanding of the law.”

Justice Garman told me this is the right

Bench & Bar

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time to retire so she can travel and, more importantly, spend more time with family. Another factor in her decision to retire now, she said, is the new judicial district map that greatly altered the boundaries of the fourth district, which she served at both the appellate and supreme court levels. She said neither retention option of running in the counties of the old fourth district nor the new fourth district was appealing

given her desire to have more time with family, particularly her three youngest grandchildren who live in Iowa and whose activities she likes to support. At age 78, Justice Garman still loves to travel and looks forward to the chance “to go where I want to go and when.”

A final example of Justice Garman’s wisdom and leadership, according to Justice Theis, came in her recommending Fourth

District Appellate Justice Lisa Holder White be appointed to take her place on the Illinois Supreme Court. When she takes the oath of office on July 8, 2022, as the 121st Justice, Justice Holder White will become the first woman of color to serve on the Illinois Supreme Court and the fifth woman Justice in the Court’s history. Like Justice Garman, Justice Holder White will have served as a judge at every level of the Illinois courts.■

The State of the Illinois Courts: What Is Happening in and Around Illinois Courtrooms (Despite the Pandemic)

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itself to be the ultimate disruptor in every facet of society, including how the courts operate and dispense justice.

The pandemic has prompted a re-examination of how the court system operates and as a result our judicial system has made many lasting and positive advances over the last two years. That is why, in many ways, the pandemic has been—at least for our court system—the challenge we needed.

Fortunately, we have continued to enjoy an atmosphere of communication and collaboration, which has permitted us to maintain that momentum to make further improvements. With the introduction of technology and media platforms, we no longer view “justice” as a place, but as a service. This means that—whether it is a pandemic or a weather-related event that has the potential to disrupt court services—we will be able to ensure that our Illinois courts will remain accessible to court users.

I would like to tell you about some programs and initiatives that have recently been initiated in our Illinois circuit courts. One such program is the Illinois Supreme Court’s Technology Modernization Program. Through this program, circuit court Chief Judges and administrators are working with the Administrative Office of the Illinois Courts (AOIC), to identify the courts’ technology needs and to assist them in obtaining funding for necessary upgrades. These upgrades to technology will keep the courts operational, even if a physical location is not accessible due to a pandemic, snowstorm, or other event beyond the courts’ control. These upgrades will also

improve the overall efficiency of court operations. In many cases, technological upgrades are long overdue. However, funding resources at the county level were not previously available. Now, the Illinois Supreme Court has offered grants to those circuits.

Another recent development in the circuit courts is a weighted caseload study for circuit court judges. The goal of this study is to collect data from judges about their time spent on their judicial activities. The information gathered from the judges’ daily input logs will provide empirical data to be used for decisions about the allocation of judicial resources. For example, the data will provide information on the number of hearings that are held remotely, in person, or a combination of both. The study will also reflect the proportion of case work that is conducted *outside* the courtroom. This is an important part of a judge’s workload that is not currently quantified. This data may be used to request additional judges where needed, or to assist chief judges and trial court administrators in determining the proper allocation of resources within a county or circuit.

In January 2021, the Illinois Supreme Court announced the creation of another new statewide program to provide meaningful services and assistance to court patrons, lawyers, and the public. Officially launched on May 17, 2021, **Illinois Court Help** is a free hotline number [(833) 411-1121] that court users, in particular self-represented litigants, can call or text to be directed to local legal aid and community

resources in every Illinois county. Since its initial launch, **Illinois Court Help** has received over 9000 requests from over 5500 court users in 98 of Illinois’ 102 counties. Twenty-five percent (25 percent) of those requests have involved help with e-filing. By embracing a digital-first approach, **Illinois Court Help** is rapidly improving accessibility to court forms, processes, and information for over two million court users across the state. It is the first personalized court information service offered by the Illinois Courts, making the courts and information more comprehensible, approachable and user-friendly.

In March 2021, the Illinois Supreme Court issued new rules permitting remote hearings in adult criminal cases upon waiver by the defendant. In April 2021, a new Jury Orientation Video was produced, ensuring that all courts across the State will be uniformly providing information on fulfilling jury duty responsibilities.

By implementing new ideas and utilizing new technologies to conduct remote hearings and other court proceedings, we have revolutionized the way that justice is dispensed in Illinois, providing our citizens greater access—safely and efficiently. Electronic and on-line platforms are now a valuable tool for our legal system. We envision that their use will continue to expand going forward.

Another way we are seeking to ensure greater access to justice is the new Illinois Supreme Court Policy on Portable Electronic Devices in state courthouses. The court adopted this policy in January of 2022,

with input from the Illinois Supreme Court Commission on Access to Justice and the Conference of Chief Judges. The new policy requires every state courthouse in Illinois to adopt a local rule or order addressing the use of portable devices in courthouse buildings and courtrooms.

We understand that portable electronic devices—such as smart phones and tablets—are essential tools in today’s society and are often necessary for court users, particularly self-represented litigants, to access resources, conduct court business, and present evidence or arguments in their cases. The Court’s approval of the statewide policy on portable electronic devices will increase court users’ access to essential information and lead to equal treatment for all members of the public who enter our courthouses.

As we continue to transition to new systems and technologies, the Court has embarked upon yet another initiative which will enable our courts across the State to provide fairer and more equitable access to justice—the newly created Office of Statewide Pretrial Services (OSPS) for adult criminal proceedings.

Presently, pretrial services in our state’s court system are governed by the Pretrial Services Act that went into effect on July 1, 1987 (725 ILCS 185). Section 1 of that statute provides: **“Each circuit court shall establish a pretrial services agency to provide the court with accurate background data regarding the pretrial release of persons charged with felonies and effective supervision of compliance with the terms and conditions imposed on release.”** Although this Act has been in place for 34 years, the majority of counties in Illinois had limited or no established pretrial services. This was generally due to the fact that the courts served rural populations and the counties simply did not have sufficient resources to comply with the Act.

Recognizing the need for comprehensive and equitable pretrial services throughout the state, the Court established the Illinois Supreme Court Commission on Pretrial Practices in 2017. In April of 2020, the Commission released its Final Report, concluding that despite nearly 60 years of attempted Pretrial reform, the state still

lacked an adequate framework to allow for effective evidence-based pretrial decision-making and least restrictive pretrial supervision. The need to develop statewide pretrial services became even more urgent last year when, on January 22, 2021, the General Assembly enacted, and Governor Pritzker signed into law, the Illinois Safety, Accountability, Fairness and Equity-Today (SAFE-T) Act, which made important changes to the Pretrial Services Act.

When the SAFE-T Act, and its Pretrial Services Act component, take effect on January 1, 2023, Illinois will become the first state in the nation to eliminate cash bail and go to an “in or out system.” To ensure that the mandates of this new legislation are achieved by January 1, 2023, the Illinois Supreme Court recognized that it was imperative for Illinois to have a statewide legal- and evidence-based pretrial system in place to fully support law enforcement, the judiciary and other system stakeholders in making appropriate and informed pretrial release decisions and supervising defendants released into the community safely. As a result, in August 2021, the Illinois Supreme Court created the Office of Statewide Pretrial Services (OSPS). Having a centralized entity oversee the provision of pretrial services is not only critical to the success of the program, but it will also ease the burden on counties facing unfunded mandates and the decreased revenue due to elimination of cash bail.

The transition of pretrial services to a statewide office is taking place in three phases. One of the first tasks of the OSPS was to identify which counties were most in need of pretrial services. OSPS Director Cara LeFevour Smith worked with the Chief Circuit Judges to identify the counties without pretrial services and any others who wished to be included in Phase 1. At present, OSPS is working with 63 of Illinois’ 102 counties to have in place a comprehensive pretrial services program by January 1, 2023. Phase 1 will encompass 15 judicial circuits, 30,932 square miles, and include a population of 1,607,868 Illinois residents. During 2019, there were 33,093 criminal case filings in these 63 counties. During 2023, it is estimated that OSPS will prepare

approximately 28,000 bond reports and risk assessments and supervise approximately 18,000 defendants.

In Phase II the OSPS will work with counties that currently have only limited pretrial services. These Phase II counties will join the statewide pretrial services system by January 1, 2024. The remaining counties—those which already have established pretrial services—will make up Phase III and will join the statewide system by January 1, 2025.

My colleagues on the Illinois Supreme Court and I, along with OSPS, are committed to supporting every county in Illinois to ensure the successful implementation of the Pretrial Services Act through reimbursements; through ongoing and comprehensive training in each of the Phases; and by maintaining an open dialogue with all Illinois circuit courts and court system stakeholders to ensure the safety of the public.

I would like to highlight one issue that soon became apparent when OSPS began its work—the lack of public defender services. You may be surprised to learn that, even though we have a Pretrial Services Act that was enacted 35 years ago, not every county in this State has a dedicated Public Defender’s Office. Nor is there any statewide oversight structure in place to ensure that each county’s system for the defense of indigents has enough attorneys with the necessary time, training, and resources to provide effective assistance of counsel at every critical stage of a defendant’s case. The absence of a Statewide Public Defender system is a significant oversight which we are currently working to correct.

Another important issue which the Illinois Supreme Court is addressing is behavioral health. Behavioral health is a catch-all term that encompasses both mental health and co-occurring substance use disorders. Prior to the COVID-19 pandemic, behavioral health was often referenced as “the” public health challenge of our times. However, as the pandemic now enters its third year, it has taken a huge toll on Illinoisans’ mental health and exacerbated the need for behavioral health services.

Mental health issues are also affecting our court systems. It has recently come to

light that approximately 60 percent of local jail inmates struggle or are diagnosed with a mental health disorder. Also, approximately 70 percent of all incarcerated persons have a substance use disorder. These statistics explain why local jails throughout the country are overwhelmed and under-resourced when it comes to treating and managing behavioral health disorders. There is some reason to be optimistic, however. Increased public recognition of the need for behavioral health treatment is one of the top trends in behavioral health care.

On February 2, 2022, Governor Pritzker delivered his State of the State and Budget Address, which makes provisions for an historic financial investment in behavioral health. Some of the proposed Fiscal Year 2023 Budget Highlights include:

- \$140 million to fund Behavioral Health provider rate enhancements,
- \$180 million to preserve and expand the healthcare workforce, and
- \$70 million to 9-8-8 call centers and crisis response services for mental health issues.

Perhaps the most exciting development in behavioral health is the implementation of the 9-8-8 Hotline. This new three-digit phone number provides direct access to the National Suicide Prevention Lifeline, where trained staff are able to answer calls from individuals at risk for suicide, as well as those experiencing other mental health and substance use related emergencies. The Illinois Department of Health Services, Division of Mental Health, is working hard to make this a reality by July of 2022. Funds allocated to 9-8-8 will help provide resources, such as crisis stabilization centers, crisis beds, and peer respite centers, where individuals in need can obtain mental health evaluation and services outside of jails or hospital emergency departments, which are often the only options currently available to law enforcement.

Another advantage of today's virtual age is that telephonic interventions and telehealth conferencing are now being used to deliver mental and behavioral health services. This new trend is expected to become part of normal operations for behavioral health organizations just as it is within the court

system. Thanks to telepsychiatry, individuals across all populations and socioeconomic status have increased access to care.

Because the justice system is so often involved with persons suffering from behavioral health disorders, the Illinois Supreme Court has an obligation to play a role in leading change. Leading the work on these matters is the Illinois Supreme Court's first statewide behavioral health administrator, Scott Block, who was hired last September. In this capacity, Scott serves as the Illinois Judicial Branch's dedicated mental health voice and resource. In addition, he acts as the project director of the Illinois Supreme Court Mental Health Task Force and provides professional guidance on the Illinois Courts' response to behavioral health issues that intersect with the justice system.

The Mental Health Task Force is currently facilitating regional councils and resource mapping workshops, engaging hundreds of judges and behavioral health stakeholders around the state, in a collective effort to identify and implement new opportunities to divert individuals away from the justice system and into treatment when applicable.

Finally, a discussion on "What is Happening in the Illinois Courts" would be incomplete without mention of the Judicial Districts Act of 2021, the historic legislation that dramatically alters the boundaries of the four judicial districts outside of Cook County. As you probably know, our Illinois Constitution of 1970, provides in Article VI, Section 2:

"The State is divided into five Judicial Districts for the selection of Supreme and Appellate Court Judges. The First Judicial District consists of Cook County. *The remainder of the State shall be divided by law into four Judicial Districts of substantially equal population, each of which shall be compact and composed of contiguous counties.*"

Over the past 50 years, the redrawing of our judicial districts was discussed from time to time. However, our judicial districts' boundaries remained the same, despite drastic changes in the population of Illinois—until Public Act 102-0011, otherwise known as the Judicial Districts

Act of 2021. It was enacted by the legislature on June 4, 2021, and signed into law by Governor Pritzker the same day. The Act changes the judicial district boundaries in Illinois for the first time since they were established in 1964.

While redistricting was necessary to ensure more equal representation for the citizens of this State, the problem was that the legislature passed the Judicial Districts Act without any notice to, or input from, the Judicial Branch and the Act provided that it was to take effect immediately upon being signed into law. The legislature failed to realize the significant logistical challenges that would be created by the wide-ranging shift in boundaries, nor did it provide any appropriations to defray the cost of implementing these dramatic changes. It is an unfunded mandate. As a result, the Illinois Supreme Court entered an order on June 7, 2021, pausing the effective date of the legislation until our courts were sufficiently prepared to comply with the legislation's mandates.

Immediately after entering the pause order, the Illinois Supreme Court created a Judicial Redistricting Task Force to study and report on the impact of the new map and to provide recommendations for moving forward. Because of the efforts of the task force members and other dedicated persons, the Court was able to enter an order on December 8, 2021, lifting the pause order, with the new judicial district boundaries going into effect on January 1, 2022.

A comparison of the "old" and "new" judicial districts reveals the dramatic changes to the boundaries of the four judicial districts outside of Cook County. For example, the 5th Judicial District now stretches from Cairo to Champaign - a distance of close to 250 miles, and the 4th Judicial District now extends from Jerseyville to Rockford - an even further distance of over 275 miles. Although the 24 judicial circuits were left intact, the change moves one-third (8) of our 24 judicial circuits into a new appellate district. The eight judicial circuits that moved to a new appellate district are the 5th, 6th, 9th, 10th, 14th, 15th, 17th, and 18th.

When the Illinois Supreme Court lifted the pause order, it also set out rules for

filing a notice of appeal in the new judicial districts. Thus, beginning December 8, 2021, all *new* notices of appeal were to be filed in the appellate district as defined by the Redistricting Act. Thus, for example, appeals from the 15th Circuit, which had previously been filed in the “old” 2nd Judicial District, would now be filed in the “new” 4th Judicial District.

As you can see, the past two years for the Illinois courts during the pandemic have been both busy and highly productive.

All the work that has been accomplished is due to the steadfast and devoted efforts of the many members of the Illinois Supreme Court’s numerous commissions, committees, and special task forces, and especially, the commitment and hard work of our administrative offices, particularly Director Marcia Meis. The court was also fortunate to have the assistance of our Clerk of the Court, Carolyn Taft Grosboll, who took on the immense job of transitioning our Clerk’s Office from paper to the new

digital era. Although Carolyn retired last November, our new clerk of the court, Cynthia Grant, is doing a fantastic job of keeping the wheels of our court system turning smoothly.

Of course, one of the court’s best collaborative partners has always been the ISBA. Many thanks to the ISBA for its constant support, diligence, and leadership in working with the Illinois Supreme Court. ■

Oaths of Office Taken by Judge Elizabeth K. Flood and Judge Bianca Camargo: From the Swearing-In Ceremony and Reception for Judge Elizabeth K. Flood and Judge Bianca Camargo

BY SANDRA BLAKE

Diversity and *inclusion* have become watchwords for the legal profession, and in Kane County, they serve as more than aspirations. The December 10 swearing-in ceremony and reception honoring Judge Bianca Camargo and Judge Elizabeth K. Flood reminded all present of the strides being made in the 16th Judicial Circuit. Each of the honorees recognized the strides being made by standing on the shoulders of those who came before.

One of the trailblazers, retired Judge Patricia Piper Golden, spoke about some of the first women attorneys and judges in Kane County in her introduction of Judge Flood. Judge Golden recalled that when she joined the State’s Attorney’s Office in 1975, there was only one other female attorney in the office—Pam Mann. In the early 1980s, a group of 10-12 women attorneys formed what they called the Journal Club. They met at least monthly for dinner, with the original

intent to write articles on legal issues. The meetings took place in the law offices of Susan B. Tatnall, who became the first woman president of the Kane County Bar Association.

Although Judge Golden didn’t mention any specific articles that were published as a result of those meetings, she did note that at the time the Journal Club was getting together, there were no female judges in the 16th Judicial Circuit, which at the time was comprised of Kane, Kendall, and DeKalb counties. The group became a support system for its members and the members promoted one another in professional endeavors. They also wrote a letter to the circuit court judges, lobbying for the appointment of women judges. Although the letter may not have received the immediate consideration they had hoped for, in 1987, Pamela K. Jensen was appointed the first woman associate judge in the 16th Judicial

Circuit. Three additional members of the Journal Club also became judges: Judith Brawka, Patricia Piper Golden and Karen Simpson. Judith Brawka later became Kane County’s first female chief judge in 2012.

It was these women who paved the way for Elizabeth Flood, who is only the fifth woman in the history of the Kane courts to be elected to a full circuit judgeship. Flood was raised in Elgin, attending Hillcrest Elementary, Kimball Middle and Larkin High schools. While in high school, she took a pre-law class in which she and her classmates conducted a mock trial at the old courthouse in Geneva, perhaps sparking an interest in the law. Flood earned a BS degree in Finance from the University of Illinois College of Commerce. While in college, she took several philosophy classes that furthered her interest in the law. After completing her undergraduate degree, she then attended the University of Illinois

College of Law, studying and working her way through law school, including a stint as a skating instructor. Between her second and third year, Flood interned at the Kane County State's Attorney's Office, where she began her legal career in 1995.

She began as a criminal prosecutor. During her eight years in the criminal division, she prosecuted in every criminal courtroom, including traffic, misdemeanor, DUI, and felonies. Flood then transferred to the Kane County State's Attorney's civil division, where she represented county officials and employees in state and federal courts in cases involving election law, employment law, personal injury, property damage, and federal civil rights litigation. In that capacity, she argued before the Illinois Second District Appellate Court and the 7th Circuit Court of Appeals.

When a Kane County judge asked Flood if she'd ever considered applying to be a judge, she said she hadn't. She gave the idea more consideration and warmed to the thought. "The thing that I really liked so much was that our job was to try to do the right thing on behalf of the citizens," she said of being an assistant state's attorney. A judgeship, Flood said, followed in that same vein.

Flood was appointed as an Associate Judge in the 16th Judicial Circuit, in 2013. There, she presided over traffic and misdemeanor cases, bond call, orders of protection, and forfeiture hearings. Since 2016 she has been assigned to the Family Division. In October 2019, Judge Flood was appointed by unanimous vote of the Illinois Supreme Court to be a judge in Kane County. She won a contested election against a female opponent for the seat in November 2020, by a margin of more than 7,000 votes.

See Judge Flood's remarks in the accompanying article.

In his introduction of Judge Bianca Camargo, another trailblazer spoke about the strides being made toward diversity and inclusion in Kane County's judiciary. Currently serving as presiding judge of the Misdemeanor and Traffic Division of the 16th Circuit, Judge René Cruz was the first Hispanic judge in Kane County when he was appointed to the bench in 2012. He was

appointed by the Illinois Supreme Court to fill the seat of retiring Circuit Judge Judith Brawka, in 2016, and was elected to retain that seat in 2018. See **Judge René Cruz: A Lifetime of Service and the Community Service Award Winner for 2021** by Kim DiGiovanni, *Bar Briefs*, September/October 2021.

Judge Cruz noted that "to some extent, all aspects of government should strive to be representative of the demographics they serve." He added that studies demonstrate that diverse representation is meaningful on many levels. In addition to being representative of the community that it serves, "diversity of thought, ideas, experiences and backgrounds exchanged in a work community creates a greater understanding of those we serve." Diversity on the bench may even inspire confidence in the justice system.

Judge Cruz recognized the progress that has been made since his appointment. He nodded to his robed colleagues, which now include four more Hispanic judges, one African American judge and one Asian American judge. Judge Cruz noted that the present composition of the Kane County bench is a close representation of the Kane County population. The most recent addition to the Hispanic judges is Bianca Camargo.

In July 2021, Judge Camargo was appointed by the Illinois Supreme Court to fill the vacancy created by the retirement of Circuit Judge James Murphy. This appointment made her the first Latina circuit judge in Kane County. She is one of only five women to ever be appointed by the Illinois Supreme Court to serve as a circuit judge in Kane County, and is proud to join such a distinguished group.

Born and raised in Aurora, Judge Camargo attended Northern Illinois University (NIU), where she earned a BA degree in Sociology. She joined the Kane County State's Attorney's Office in 2006, as a victim advocate, supporting and guiding violent crime victims through the justice system. Camargo returned to NIU, and earned her J.D. in 2010. She became an assistant state's attorney in Kane County that same year. Her career was marked by hard work and dedication, modeling the

example of her Mexican-born parents who moved to Aurora as teenagers. See **Judge Camargo: The Newest Member of the 16th Judicial Circuit** by Nydia Molina, *Bar Briefs*, September/October 2021.

Judge Camargo is running to retain her seat in the 2022 election. She and her family continue to live in Aurora and remain active in the Aurora community. ■

This article was previously published in the Kane County Bar Association's Bar Briefs, March/April 2022.

Hon. Elizabeth K. Flood Circuit Judge Sixteenth Judicial Circuit Swearing-In Ceremony Address Delivered Dec. 10, 2021

BY HON. ELIZABETH K. FLOOD

I want to thank the chief judge, my colleagues, and everyone who is attending here today, especially my friends and family. Especially on a Friday afternoon. I asked to move this from yesterday, as my parents just returned back to town, and I am grateful to have them here today.

I also want to thank retired Judge Patricia Piper Golden, who has been a role model and mentor to me for a long time. She will not talk about herself, but before coming to Kane County to work in the State's Attorney's Office, Judge Golden was the first woman to become an elected state's attorney in a contested election in the State of Illinois, among her many other achievements as a judge.

As you heard, I met her when I was an intern at the Kane County State's Attorney's Office, where she was the first director of the newly opened Child Advocacy Center, and she was, and has always been, intelligent, fair, hard-working, polished, and kind. I was lucky to learn from her, and to continue to cross paths with her throughout both of our careers.

As I said during my first swearing in as an associate judge in 2013, I am very grateful and proud to be a judge in Kane County. To borrow from Theodore Roosevelt: "Far and away the best prize that life offers is the chance to work hard at work worth doing." As judges, we have the opportunity to walk into court every day and try to make sense out of chaos, set the scales right, and make decisions that ensure the public's faith in the fairness of our judicial system. Every day I am proud to work beside my fellow judges in Kane County, whose dedication, integrity, and work ethic is inspiring.

I was also proud to be only the fourth woman to be appointed by the Illinois Supreme Court to become a Circuit Judge

in 2019. Accepting this appointment meant giving up my associate position and taking the risk of an election to fully earn this title. Many people asked me why I was willing to do this, and, frankly, it is a question I asked myself many times during my campaign, like, practically every day.

I'll provide a little background. I have been very lucky to work with and learn from many talented men and women throughout my career, but there haven't historically been many women in these positions.

In 1996, just a year after I was hired as an assistant state's attorney, Patricia Piper Golden was only the third woman to *ever* become a judge in Kane County, and there was only *one* female circuit judge, Judge Pamela Jensen. In the following two decades, three other women were elected circuit judges—Judith Brawka, Karen Simpson, and Susan Boles (who is here today). Throughout these years, more women *were* appointed as associate judges, many of whom are my colleagues today, and I was lucky to be sworn in as an associate judge with both Judges Tracy and Downs, who I had worked with in the State's Attorney's Office. But because of retirements, at the time of my appointment in 2019, Judge Boles was again our only female circuit judge, out of the 14 elected circuit judges. However, the success of the women before me showed me that, though difficult and still rare, the path was possible.

Circuit judges have the opportunity to shape the judiciary by appointing associate judges. Only circuit judges can become the chief judge, and historically circuit judges have been appointed to be the presiding judges of their divisions and have been assigned to the courtrooms with the most significant legal issues.

When I was a new associate judge, the other female circuit judges encouraged

us all to consider running for office to be a circuit. At the time, that concept was as foreign, and as appealing to me, as flying a spaceship to Mars. (Just to be clear, I do not want to go anywhere where I cannot survive, including space, Everest, and scuba diving, so unappealing).

So why did I take the risk of running to be a circuit judge? The reasons are simple: first, I believe in equal opportunity, and having women in these positions not only gives a more balanced perspective in our judiciary, but it is an example to all others of what is possible with hard work and dedication, regardless of gender. When I campaigned, I was told several times that I do not "look like a judge". But every woman or minority who attains these positions and succeeds, helps to change the perception for others. And I do believe, based on my experiences today with my colleagues, we have come a long way.

On a personal note, I also ran because I do love this work, and I hoped that my career and opportunities to contribute would not be limited by the risks I was unwilling to take, or the work I was unwilling to do.

But to put it mildly, the campaign itself was not easy, as my colleagues, friends, and relatives are aware.

The biggest lesson I would like to share is my firm belief that judges should not be elected by political party. We do not advance anyone's political agenda, and we are required to put politics aside in the courtroom. So partisan elections are, frankly, nonsensical. Judges are required to know and understand law and procedure, as well as the court system, in order to be effective. You would not choose a doctor based on political party, and judges should not be chosen on that basis either. It is my sincere hope that one day judges in Illinois will be elected in

non-partisan elections.

But what I want most today is to thank everyone who supported me, whether it was moral support, or through words, acts, or donations.

I especially need to thank my family, friends, colleagues, and former colleagues, who were with me every step of the way. Many of my friends are attending today, and many were unable to be here, but it is impossible to run a county-wide election in a presidential year without legions of people willing to help and support you in myriad ways. Although the campaign was hard, it made me appreciate my true friends and everyone who cared enough about me and the judiciary to give their time and effort to help with fundraisers, signs, car magnets, social media, parades, and everything else. I am so lucky and eternally grateful.

My family—my parents, daughters

Kate and Ava, and husband Steve: I could not have done it without you. My dad was not only my campaign treasurer (if you're going to run a campaign, it helps to have a retired accountant in the family), but donned a campaign t-shirt to help deliver signs and friend-to-friend cards. My mom was my biggest and most vocal supporter all over the Elgin area. Just ask anyone she talked to over the last two years. My daughter Kate, a new driver at the time, learned all of the county roads delivering signs and car magnets, and my daughter Ava helped me stamp and address endless invitations and thank you notes. They also endured countless nights when I was tired, distracted, or absent, and gave me endless encouragement and hugs. Finally, Steve, my partner in life and through my whole career—no one could have worked harder or been more supportive than you.

I love you and will never believe I deserved everything you did to help me achieve this.

And after all of it, I am very proud today to stand before you as the fifth woman to ever be elected as a circuit judge in Kane County. I am even more happy to be part of this historic ceremony, where, for the first time ever, two women are taking the oath of office as circuit judges, and I welcome Judge Camargo, who you will hear from next, and who is also our first Hispanic female circuit judge.

I am grateful for your time, and for continuing to serve in Kane County.

This is my prize. ■

This article was previously published in the Kane County Bar Association's Bar Briefs, March/April 2022.

Time Standards Are Here for Cases in Illinois Courts

BY JUDGE MICHAEL CHMIEL

On March 25, 2022, the Supreme Court of Illinois entered an *order* which will (should) change the handling of cases in the circuit courts of Illinois. Through its order, the Illinois Supreme Court established time standards for all cases handled at the circuit court level. Because of the importance of this order, it follows in its entirety. It is comprehensive.

For the stage to be set, please consider the most comprehensive civil case, perhaps a law ("LA") case. Under this order, thirty-six months—three years—are allotted. Considering the various cases which may have involved years to handle, this brings into focus the enormity of this directive. Oftentimes, it may have taken this amount of time for the case to be at issue—i.e., no longer subject to a motion to dismiss—or to have discovery completed. Now, the court says 98 percent of these types of cases should be completed within three years. And under the order, most of these cases should actually be completed in considerably less time—i.e.,

18 months.

With the slight margin—2 percent — allowed for cases to exceed the directive, judges will likely look to more actively manage cases assigned to them, lest too many end up tardy. As such, this order effectively encourages jurists to adopt the philosophy that once a case is filed, it is *the judge's case*, rather than that of the litigants, flowing at a perhaps more patient pace.

As some might ask, what's the point? The point is that too often, cases linger and perhaps languish in the court system. This has been noted through statistical analysis of filings in the circuit courts. For years, filings have dropped. Various reasons have been cited for this, but most believe cases are finding other (alternative) avenues for dispute resolution.

Just before the pandemic, the Supreme Court embarked on comprehensive analysis to study what was happening through the Illinois Judicial Conference. This resulted in the creation of the Court Data & Performance

Measures Task Force (the "Task Force"). Initially, the Task Force recommended, and the Supreme Court adopted certain changes to the *Manual on Recordkeeping*, which serves as the bible for organizing cases in the Illinois court system. Those changes took effect at the beginning of 2022 and have worked to ensure cases are properly compartmentalized. Through that work, for example, foreclosure cases are now numbered with "FC" rather than "CH." Eviction cases are now numbered with "EV" rather than "LM."

The Task Force was chaired by Justice Ann Jorgensen of the appellate court of Illinois for the second district (and former chief judge of the 18th Judicial Circuit), with McHenry County Circuit Clerk Kathy Keefe serving as vice chair. The Task Force issued *Report and Recommendations* in the October of 2021 on what was put into the order of March 25. The order pertains to cases filed on and after January 1, 2022 but takes on July 1, 2022.

As noted in the order, amendments may be forthcoming, clerks are required to report statistics under the order, and the Administrative

Office of the Illinois Courts will be providing training for those in the court system. As well, “the *Time Standards for Case Closure in the Illinois Trial Courts* shall not be used as the sole means for judicial discipline.”

Considering all of this, one might next ask, do we have the only court system being subjected to time standards? The answer is “no.” Time standards have been encouraged by and

through the National Center for State Courts for decades. See courtools.org. Many if not most other court systems have time standards. Years ago, for example, the state of California legislated time standards, directing their courts to set them. See www.courts.ca.gov.

As Chief Justice Anne Burke has explained, the pandemic has provided an opportunity to work on things. And work, the Supreme Court

and its collaborators have. Get ready, get set—keep moving! ■

Judge Mike (Michael J.) Chmiel sits as a Circuit Judge and the Presiding Judge of the Civil Division of the 22nd Judicial Circuit of the State of Illinois. He served with the Court Data & Performance Measures Task Force of the Supreme Court of Illinois. He is a Past Chair of the Bench and Bar Section Council and serves as its CLE Coordinator.

IN THE SUPREME COURT OF ILLINOIS

)	
In re: Time Standards for Case Closure)		M.R. 31228 in
Illinois Trial Courts)		
))	

ORDER

In October 2018, the Illinois Supreme Court amended Supreme Court Rule 41 to reconstitute the Illinois Judicial Conference. The amended rule provides that “[t]here shall be a Judicial Conference to consider the work of the courts and to suggest improvements in the administration of justice. The Judicial Conference shall be the body to strategically plan for the Illinois judicial branch.” The Conference subsequently created the Court Data & Performance Measures Task Force (“Task Force”) charged with “developing accurate and uniform data collection for every circuit and based on those data points, establishing time standards for all case types.”

The Task Force was divided into three subgroups—domestic relations & juvenile, criminal, and civil. Each subgroup considered information from the National Center for State Courts, American Bar Association Standards, Conference of State Court Administrators, Conference of Chief Justices, data from individual states, and the few existing time standards in Illinois circuits, all of which was reviewed by members with years of institutional knowledge and experience in Illinois courts.

The Task Force released its Report and Recommendations in October 2021. The Report and Recommendation were reviewed with the Justices of the Illinois Supreme Court in December 2021.

The developed time standards represent the time during which the court exercises control over and is accountable for the progress and timely closure of a case. A case is closed by entry of the final order as prescribed by the 2022 Manual on Recordkeeping (“MRK”). Time to case closure is the standard for efficient use of court time and resources, cost—effective litigation in both private and public sectors, and access to a full and fair hearing with procedural due process. Implementing time standards establishes a statewide expectation for judges, litigants, and attorneys. These time standards require each court to evaluate its actual performance compared to a statewide expectation. They provide a management tool that allows the courts to regularly evaluate their operations and enhance their delivery of services.

The Task Force adopted interim benchmarks for time to case closure at 75%, 90%, and 98% of total cases. By including only 98% of cases rather than 100%, the Time Standards inherently acknowledge that there will always be outlier cases. Further, the 2022 MRK mandates new case types, imposes strict case status criteria for open, inactive, reinstated, and closed cases, and, most importantly, requires that all circuits henceforth uniformly collect and submit data in conformity with the 2022 MRK. Therefore, it was

proposed that Time Standards apply prospectively only on cases filed on or after January 1, 2022.

Additionally, the Task Force stressed that the purpose of the Time Standards is to assist the courts in meeting their fundamental obligation to resolve disputes fully, fairly, and promptly, and are not to be used as the sole means for judicial discipline.

THEREFORE, IT IS ORDERED that:

Effective July 1, 2022, the *Time Standards for Case Closure in the Illinois Trial Courts* are hereby established for cases filed on or after January 1, 2022. The Administrative Director of the Illinois Courts has the authority to amend the *Standards* as is necessary and appropriate.

IT IS FURTHER ORDERED that the Circuit Clerks shall provide the statistical reporting required pursuant the 2022 MRK; and

IT IS FURTHER ORDERED that training for judges and justice system stakeholders shall be overseen by the Administrative Office of the Illinois Courts; and

IT IS FURTHER ORDERED that the *Time Standards for Case Closure in the Illinois Trial Courts* shall not be used as the sole means for judicial discipline.

Order entered by the Court.

FILED
March 25, 2022
SUPREME COURT
CLERK

Family/Juvenile Categories

<i>Case Type/Category</i>	<i>% Complete</i>	<i>Time in Months to Completion</i>	<i>Time in Days to Completion</i>	<i>Notes</i>
DC	75%	9 Months	274 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	90%	15 Months	457 Days	
	98%	18 Months	548 Days	
DN	75%	9 Months	274 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	90%	12 Months	365 Days	
	98%	15 Months	457 Days	
JD	90%	3 Months	91 Days	Date of Filing to Disposition (Case Closed per 1/1/22 RKM)
	98%	6 Months	183 Days	
JA	75%	6 Months	183 Days	Date of Filing of the TPR or Final Order/ Judgment (Case Closed per 1/1/22 RKM)
	90%	15 Months	457 Days	
	98%	24 Months	731 Days	
FA	75%	9 Months	274 Days	Custody & Paternity; Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	90%	15 Months	457 Days	
	98%	18 Months	548 Days	
JV	75%	9 Months	274 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	90%	15 Months	457 Days	
	98%	18 Months	548 Days	
AD	75%	9 Months	274 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	90%	15 Months	457 Days	
	98%	18 Months	548 Days	

Criminal/Quasi Criminal Categories

<i>Case Type/Category</i>	<i>% Complete</i>	<i>Time in Months to Completion</i>	<i>Time in Days to Completion</i>	<i><u>Notes</u></i>
<i>CF</i>	75%	18 Months	548 Days	Date of Filing to Sentencing/Dismissal (Case Closed per 1/1/22 RKM)
	90%	24 Months	731 Days	
	98%	30 Months	913 Days	
<i>CM DV</i>	75%	6 Months	183 Days	Date of Filing to Sentencing/Dismissal (Case Closed per 1/1/22 RKM)
	90%	9 Months	274 Days	
	98%	12 Months	365 Days	
<i>DT MT</i>	75%	9 Months	274 Days	Date of Filing to Sentencing/Dismissal (Case Closed per 1/1/22 RKM)
	90%	12 Months	365 Days	
	98%	15 Months	457 Days	
<i>TR OV QC CV</i>	75%	3 Months	91 Days	Date of Filing to Sentencing/Dismissal (Case Closed per 1/1/22 RKM)
	98%	6 Months	183 Days	
Civil Case Categories				
<i>Case Type/Category</i>	<i>% Complete</i>	<i>Time in Months to Completion</i>	<i>Time in Days to Completion</i>	<i>Notes</i>
<i>Complex: ED FC LA CH PR</i>	75%	18 Months	548 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	90%	24 Months	731 Days	
	98%	36 Months	1096 Days	
<i>General: AR GC LM MR</i>	75%	12 Months	365 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	90%	18 Months	548 Days	
	98%	24 Months	731 Days	
<i>Summary: EV MH SC TX</i>	75%	6 Months	183 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	98%	12 Months	365 Days	
<i>GR</i>	75%	6 Months	183 Days	Date of Filing to Appointment of Guardian (Case Closed per 1/1/22 RKM)
	98%	12 Months	365 Days	

Other Case Categories

<i>Case Type/Category</i>	<i>% Complete</i>	<i>Time in Months to Completion</i>	<i>Time in Days to Completion</i>	<i>Notes</i>
CC	75%	6 Months	183 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	98%	12 Months	365 Days	

OP*	98%	3 Months	91 Days	Date of Filing to Order/Judgment (Case Closed per 1/1/22 RKM)
CL	75%	3 Months	91 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	98%	6 Months	183 Days	
MX	75%	9 Months	274 Days	Date of Filing to Final Order/Judgment (Case Closed per 1/1/22 RKM)
	90%	12 Months	365 Days	
	98%	15 Months	457 Days	

*There is an assumption the majority of Order of Protection cases are initiated by a petition for an emergency order. The case is closed upon entry of the first order in the case. If the first order is for an emergency order of protection, any further interim or plenary proceedings are post-judgment.

Case Category Descriptions

Family & Juvenile

<i>Category Code</i>	<i>Category Title</i>	<i>Category Description</i>
DC	Dissolution with Children	Dissolution of marriage or civil union, declaration of invalidity (annulment), petitions for legal separation, or separate maintenance as defined in 750 ILCS 5/303 when at the time of filing there are minor children
DN	Dissolution without Children	Dissolution of marriage or civil union, declaration of invalidity (annulment), petition for legal separation, or separate maintenance as defined in 750 ILCS 5/303 when at the time of filing there are no minor children
JD	Juvenile Delinquent	Addicted minors as defined by the Substance Use Disorder Act (20 ILCS 301/1-1 et seq.) in the Juvenile Court Act of 1987 (705 ILCS 405/4-1 et seq.) or delinquent minors as defined by the Juvenile Court Act of 1987 (705 ILCS 405/5—101 et seq.)
JA	Juvenile Abuse & Neglect	Dependent, neglected or abused minor as defined by 705 ILCS 405/2-1, et seq. of the Juvenile Court Act of 1987
JV	Juvenile	Minors requiring authoritative intervention as defined by 705 ILCS 405/3-1 et seq. of the Juvenile Court Act of 1987 or to any other proceedings initiated under 705 ILCS 405/1-1 et seq. of the Juvenile Court Act of 1987
FA	Family	Proceedings to establish the parent-child relationship, notice to putative fathers, and certain actions relating to child support
AD	Adoption	Cases filed pursuant to 750 ILCS 50/0.01 et seq

Criminal & Quasi-Criminal

<i>Category Code</i>	<i>Category Title</i>	<i>Category Description</i>
CF	Criminal Felony	Complaint, information or indictment is filed in which at least one count charges a felony as defined in the Unified Code of Corrections (730 ILCS 5/5-1 et seq.) (Class M, X, 1, 2, 3, or 4)
CM	Criminal Misdemeanor	most serious charge carries a penalty of less than one-year imprisonment, limited to Class A, B or C offenses as defined in the Unified Code of Corrections (730 ILCS 5/5-1 et seq.)

DV	Domestic Violence	Violation of domestic battery under Section 12-3.2 of the Criminal Code (720 ILCS 5/12-3.2).
DT	Driving Under the Influence (DUI)	charging a violation of a statute, ordinance, or regulation governing driving or operating under the influence of alcohol, other drug, or combination thereof under Section 11-501 of the Illinois Vehicle Code (625 ILCS 5/11-501), Section 5-7 of the Snowmobile Registration and Safety Act (625 ILCS 40/5-7), and Section 5-16 of the Boat Registration and Safety Act (625 ILCS 45/5-16) and not classified as a felony
MT	Major Traffic	Class A, B, or C as defined by Supreme Court Rule 501(f)(1)(i), except DUI cases.
TR	Minor Traffic	Class P or B as defined by Supreme Court Rule 501(f)(1)(ii)
OV	Ordinance Violation	violation of a local ordinance is charged, other than a traffic ordinance
QC	Quasi-Criminal	Any offense classified as Petty or Business as defined in the Unified Code of Corrections (730 ILCS 5/5-1 et seq.), which is not otherwise defined as a DT, MT, TR, or CV case
CV	Conservation	As defined by Supreme Court Rule 501(c)

Time Standards for Case Closure in the Illinois Trial Courts Effective July 1, 2022

Civil

Category Code	Category Title	Category Description
ED	Eminent Domain	Proceedings involving compensation to an owner for property taken for public use
FC	Foreclosure	Residential or commercial foreclosure proceedings
LA	Law	Tort, contract, and a variety of other actions in which the damages sought are greater than \$50,000
CH	Chancery	Complaints for equitable relief in matters such as contract actions, trusts, and title to real property
PR	Probate	Estates of decedents and missing persons
AR	Arbitration	Arbitration-eligible cases are defined by Supreme Court Rules 86—95
GC	Governmental Corporation	Petition seeking consideration by the court on new matters not included in the permanent case containing such matters as organization, appointment of officers, approval of bonds, and routine orders confirming annexation
LM	Law Magistrate	Tort, contract, and a variety of other actions in which the damages sought are \$50,000 or less
MR	Miscellaneous Remedy	Review of administrative decisions (other than of a tax commission) and a variety of other actions that include change of name, demolition, and corporation dissolution
EV	Eviction	Commercial or residential eviction proceedings and for any proceeding for ejectment
MH	Mental Health	Proceedings involving hospitalization, discharge, or restoration to legal status
SC	Small Claims	Tort or contract for money not in excess of \$10,000, exclusive of interest and costs (defined in Supreme Court Rule 281)

TX	Tax	Annual tax sale, petitions for tax deed, objections, and a variety of other actions relating to the collection of taxes
GR	Guardianship	<i>Guardianship of a minor, person with a disability, or an estate of any person under the Probate Act of 1975, as amended</i>

Other

<i>Category Code</i>	<i>Category Title</i>	<i>Category Description</i>
CC	Contempt of Court	Direct or indirect contempt of court, for charges initiated against a person who is not a party to the action in which the contemptuous conduct allegedly occurred, including a juror who has been impaneled
OP	Order of Protection	Any petition for an order of protection, petition for stalking no contact order, firearms restraining order, or civil no contact order
CL	Civil Law	Civil law violations as defined in Supreme Court Rule 585
MX	Miscellaneous Criminal	Variety of actions for civil processes relating to criminal proceedings such as search warrants, grand jury proceedings, statutory summary suspensions (when no DT case exists), probationer transfers, eavesdropping, seized property, sealing and expungement petitions (when nocriminal case exists), habeas corpus and administrative subpoenas

Recent Appointments and Retirements

1. Pursuant to its constitutional authority, the supreme court has appointed the following to be circuit judge:

- Hon. Kavita Athanikar, 18th Circuit, March 3, 2022
- Chad Miller, 4th Circuit, March 4, 2022

2. The following judges have retired:

- Hon. Robert G. Gleeman, 18th Circuit, March 2, 2022
- Hon. John P. Callahan, Jr., Cook Country Circuit, March 31, 2022
- Hon. Paul P. Gilfillan, 10th Circuit, June 8, 2022 ■