



Sen. John J. Cullerton

Filed: 3/10/2004

09300SB2757sam001

LRB093 18243 LCB 48485 a

1 AMENDMENT TO SENATE BILL 2757

2 AMENDMENT NO. _____. Amend Senate Bill 2757 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Reviewing Court Alternative Dispute Resolution Act.

6 Section 5. Purpose. Conflict resolution techniques such as
7 mediation, settlement conferences, arbitration, and other
8 alternative forms of dispute resolution may reduce costs for
9 civil litigants and simplify issues and reduce caseloads in the
10 reviewing courts. The purpose of this Act is to facilitate the
11 funding of alternative dispute resolution programs in the
12 reviewing courts should the Supreme Court, in its discretion,
13 adopt rules to establish such programs in Illinois.

14 Section 10. Reviewing Court Alternative Dispute Resolution
15 Fund. The Reviewing Court Alternative Dispute Resolution Fund
16 is created as a special fund in the State Treasury. The Supreme
17 Court may designate an amount to be included in the filing fees
18 collected by the clerks of the Appellate Court for the funding
19 of alternative dispute resolution programs in the reviewing
20 courts. The portion of the filing fees designated for
21 alternative dispute resolution programs in the reviewing
22 courts shall be remitted within one month after receipt to the
23 State Treasurer for deposit in the Reviewing Court Alternative

1 Dispute Resolution Fund. All money in the Reviewing Court
2 Alternative Dispute Resolution Fund shall be maintained in
3 separate accounts for each Appellate Court district that has
4 established approved alternative dispute resolution programs
5 pursuant to Supreme Court rule and used, subject to
6 appropriation, by the Supreme Court solely for the purpose of
7 funding alternative dispute resolution programs in the
8 reviewing courts.

9 Section 15. Alternative Dispute Resolution Programs in the
10 Reviewing Courts. The practice, procedure, and administration
11 of alternative dispute resolution programs in the reviewing
12 courts shall be as provided by Supreme Court rule. The Uniform
13 Arbitration Act, the Uniform Mediation Act, and other statutory
14 provisions relating to arbitration, mediation, or other forms
15 of alternative dispute resolution shall not be applicable to
16 any alternative dispute resolution program in the reviewing
17 courts, except as provided by Supreme Court rule.

18 Section 20. Expenses. The expenses of conducting
19 alternative dispute resolution programs in the reviewing
20 courts shall be determined by the Supreme Court and paid from
21 the State Treasury on the warrant of the Comptroller out of
22 appropriations made for that purpose by the General Assembly.

23 Section 70. The State Finance Act is amended by adding
24 Section 5.625 as follows:

25 (30 ILCS 105/5.625 new)

26 Sec. 5.625. The Reviewing Court Alternative Dispute
27 Resolution Fund.

28 Section 80. The Appellate Court Act is amended by changing
29 Section 3 as follows:

1 (705 ILCS 25/3) (from Ch. 37, par. 27)

2 Sec. 3. Clerk's salary - destruction of records. The
3 ordinary and contingent expenses of operating the offices of
4 the clerks of the branches of the Appellate Court, including
5 salaries, shall be determined by the Supreme Court and paid
6 from the State Treasury on the warrant of the Comptroller out
7 of appropriations made for that purpose by the General
8 Assembly. The clerk of each branch of the appellate court shall
9 perform the duties usually devolving upon clerks of courts in
10 this State, and shall provide books, stationery and seals for
11 the appellate courts, and shall be entitled to receive the same
12 fees for services in each branch of the appellate court as are
13 allowed for like services in the Supreme Court. At the time of
14 filing a petition or record, the petitioner or appellant shall
15 pay to the Clerk of the Appellate Court the sum of \$25, plus
16 the amount designated for alternative dispute resolution
17 programs in the reviewing courts as provided in the Reviewing
18 Court Alternative Dispute Resolution Act. The respondent or
19 appellee, before entering an appearance or filing any paper,
20 shall pay to the Clerk of the Appellate Court the sum of \$15,
21 plus the amount designated for alternative dispute resolution
22 programs in the reviewing courts as provided in the Reviewing
23 Court Alternative Dispute Resolution Act. All fees paid to or
24 received by any such clerk shall be paid into the State
25 treasury as required by Section 2 of "An Act in relation to the
26 payment and disposition of moneys received by officers and
27 employees of the State of Illinois by virtue of their office or
28 employment", approved June 9, 1911, as amended, except that the
29 portion of filing fees designated for alternative dispute
30 resolution programs in the reviewing courts as provided in the
31 Reviewing Court Alternative Dispute Resolution Act shall,
32 within one month after receipt, be remitted to the State
33 Treasurer for deposit in the Reviewing Court Alternative

1 Dispute Resolution Fund.

2 The clerks shall, on the order and under the direction of
3 the court, destroy any or all the records certified by the
4 clerk (or a judge) of a trial court in cases finally decided
5 more than 21 years prior to the entry of the order.

6 (Source: P.A. 83-294.)

7 Section 85. The Lawyers' Assistance Program Act amended by
8 changing Sections 5 and 10 as follows:

9 (705 ILCS 235/5)

10 Sec. 5. Definition. For the purposes of this Act, "lawyers'
11 assistance program" means a program operated by a
12 not-for-profit corporation that is exempt from the payment of
13 federal taxes under Section 501(c)(3) of the Internal Revenue
14 Code and that provides services that may include the provision
15 of information on addiction and mental health impairments,
16 referrals to treatment programs, peer assistance, prevention
17 education, interventions, relapse prevention, and monitoring
18 of compliance with treatment programs for attorneys and law
19 students.

20 (Source: P.A. 92-747, eff. 7-31-02.)

21 (705 ILCS 235/10)

22 Sec. 10. Support for lawyers' assistance programs. The
23 Illinois Supreme Court may support programs that provide
24 assistance to attorneys and law students who are addicted to or
25 abuse alcohol or other drugs or who are in need of mental
26 health assistance.

27 (Source: P.A. 92-747, eff. 7-31-02.)

28 Section 99. Effective date. This Act takes effect upon
29 becoming law."