



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 2/6/2004, by David Luechtefeld, Frank C. Watson,  
Kirk W. Dillard, John O. Jones

**SYNOPSIS AS INTRODUCED:**

705 ILCS 35/40 new

Amends the Circuit Courts Act. Creates a separate circuit court within each appellate district solely for medical malpractice actions. Requires that the Supreme Court appoint a selection panel to recommend medical malpractice circuit judges from among circuit judges who possess specified qualifications. The Supreme Court then assigns judges to the medical malpractice court. Provides for jury pools to be drawn from the entire appellate district. Effective July 1, 2004.

LRB093 20889 JAM 46844 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning the circuit courts.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Circuit Courts Act is amended by adding  
5 Section 40 as follows:

6 (705 ILCS 35/40 new)

7 Sec. 40. Medical malpractice circuit courts.

8 (a) A medical malpractice circuit court shall be  
9 established in each appellate district of the State, the  
10 jurisdiction of which is limited solely to medical malpractice  
11 actions within the counties comprising that appellate  
12 district. Each medical malpractice circuit court shall be  
13 located in the same municipality where that appellate  
14 district's appellate court is located. A medical malpractice  
15 circuit court may convene anywhere within its appellate  
16 district as the convenience of the court and parties may  
17 warrant.

18 (b) Circuit judges in each appellate district shall be  
19 assigned to the medical malpractice circuit court as follows: 7  
20 in the Second Appellate District, 7 in the Third Appellate  
21 District, 7 in the Fourth Appellate District, 7 in the Fifth  
22 Appellate District, and 11 in the First Appellate District.

23 (c) The Supreme Court shall appoint a medical malpractice  
24 circuit judge recommendation panel consisting of 5 members, 2  
25 of whom shall be representative of medical malpractice  
26 plaintiffs, 2 of whom shall be representative of medical  
27 malpractice defendants, and one of whom shall be a professor of  
28 law. To be eligible to be recommended by the panel as a medical  
29 malpractice circuit judge, a person must be a circuit judge  
30 within the appellate district where the medical malpractice  
31 circuit court is located and must have (i) at least 10 years  
32 experience as a judge in Illinois, at least 5 of those years

1 handling medical malpractice cases, (ii) at least 10 years  
2 experience as an Illinois attorney specializing in medical  
3 malpractice law, or (iii) at least 15 years combined experience  
4 as a judge in Illinois and an Illinois attorney specializing in  
5 medical malpractice law.

6 In recommending medical malpractice circuit judges within  
7 an appellate district, the panel must balance the number of  
8 judges with experience as an attorney representing medical  
9 malpractice plaintiffs with those with experience as an  
10 attorney representing medical malpractice defendants.

11 After receiving the recommendations of the panel, the  
12 Supreme Court shall assign circuit judges within the appellate  
13 district to the medical malpractice circuit court.

14 (d) Each medical malpractice circuit court shall have a  
15 jury administrator who shall work with the circuit court or  
16 subcircuit court jury commissions of the appellate district in  
17 which the medical malpractice circuit court is located to  
18 assure that each jury pool for the medical malpractice circuit  
19 court is drawn from the entire area comprising the appellate  
20 district in which the medical malpractice circuit court is  
21 located.

22 (e) No later than January 1, 2005, all new medical  
23 malpractice cases must be filed with the appropriate medical  
24 malpractice circuit court. A party may by motion request that a  
25 medical malpractice case pending before January 1, 2005 be  
26 transferred to the appropriate medical malpractice circuit  
27 court. That motion shall be granted unless it would cause  
28 extreme detriment to a party.

29 Section 99. Effective date. This Act takes effect July 1,  
30 2004.