

1 AMENDMENT TO HOUSE BILL 554

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 554 as follows:

3 by replacing the title with the following:

4 "AN ACT in relation to courts."; and

5 by replacing everything after the enacting clause with the  
6 following:

7 "Section 5. The Clerks of Courts Act is amended by  
8 adding Section 16.5 as follows:

9 (705 ILCS 105/16.5 new)

10 Sec. 16.5. Assisting court users; clerk or deputy clerk.

11 (a) In this Section:

12 "Court" means the circuit court.

13 "Form" means a model or skeleton of an instrument to be  
14 used in a judicial proceeding or legal transaction,  
15 containing the principal necessary matters, the proper  
16 technical terms or phrases and whatever else is necessary to  
17 make it formally correct and capable of being adopted to the  
18 circumstances of the specific case or transaction.

19 (b) Court staff must treat all litigants fairly and  
20 equally. Court staff must not provide assistance for the

1 purpose of giving one party an advantage over another, nor  
2 give assistance to one party that they would not give to an  
3 opponent.

4 (c) Court staff shall do all of the following:

5 (1) Provide public information contained in  
6 dockets, calendars, case files, indexes, or existing  
7 reports.

8 (2) Provide copies of common routinely employed  
9 State and local court rules and procedures, for  
10 applicable fees and costs.

11 (3) Advise litigants as to where to find statutes  
12 and rules without advising whether or not a particular  
13 statute or rule is applicable.

14 (4) Identify and provide some applicable forms  
15 according to law, without providing advice or  
16 instructions as to any specific course of action.

17 (5) Answer questions regarding content of the form,  
18 but not questions on how the litigant should phrase his  
19 or her response on the forms.

20 (6) Define terms commonly used in court processes  
21 in cases where the definition is not at issue.

22 (7) Provide telephone numbers for lawyer referral  
23 services, local attorney rosters, or other assistance  
24 services known to the court staff.

25 (8) Provide appropriate aids and services for  
26 individuals with disabilities in accordance with the  
27 Americans with Disabilities Act of 1990, 42 USC 12101.

28 (9) Provide simplified forms to help with the  
29 writing and filing of a petition.

30 Section 10. The Circuit Court Clerk Regulation Act is  
31 amended by adding Section 1.5 as follows:

32 (705 ILCS 110/1.5 new)

1       Sec. 1.5. Assisting court users; clerk or deputy clerks;  
2 prohibition; unauthorized information and assistance. Court  
3 staff may not do any of the following:

4           (1) Provide legal advice or recommend a specific of  
5 action for an individual. If a court user asks for legal  
6 advice, court staff shall advise the person to seek the  
7 assistance of an attorney.

8           (2) Apply the law to the facts of a given case, or  
9 give directions regarding how an individual should  
10 respond or behave in any part of the legal process.

11           (3) Recommend whether to file a petition or  
12 pleading, or suggest phrasing or content of pleadings.

13           (4) Fill out forms, or direct litigants as to how  
14 to fill out forms. If the litigant has a physical  
15 disability or is illiterate and therefore unable to fill  
16 in a form, and the litigant explains the disability to  
17 the clerk's staff member and requests appropriate  
18 assistance, then the staff member may fill in the form  
19 with the exact words provided by the litigant and another  
20 staff member must witness the action. If the litigant is  
21 seeking an order of protection, the clerk, in accordance  
22 with the Illinois Domestic Violence Act of 1986, may  
23 provide simplified forms and clerical assistance to help  
24 with the writing and the filing of a petition.

25           (5) Recommend specific people against whom to file  
26 petitions or pleadings.

27           (6) Recommend specific types of claims or arguments  
28 to assert in pleadings or at trial.

29           (7) Recommend what damages to seek or specific  
30 individuals from whom to seek damages.

31           (8) Recommend specific questions to ask witnesses  
32 or litigants.

33           (9) Recommend specific techniques for presenting  
34 evidence in pleadings or at trial.

1           (10) Recommend which objection to raise regarding  
2 an opponent's pleadings or motions at trial or when and  
3 specifically how to raise them.

4           (11) Recommend when an individual should request or  
5 oppose a continuance.

6           (12) Recommend when or whether an individual should  
7 settle a dispute.

8           (13) Recommend whether an individual should appeal  
9 a judge's decision.

10           (14) Interpret the meaning or implication of  
11 statutes or appellate court decisions as they might apply  
12 to an individual case.

13           (15) Perform legal research.

14           (16) Predict the outcome of a case, strategy, or  
15 action.

16           (17) Reveal the outcome of a case before the  
17 information is officially released to the litigants or  
18 public."