

1 AMENDMENT TO HOUSE BILL 939

2 AMENDMENT NO. _____. Amend House Bill 939 as follows:
3 by replacing everything after the enacting clause with the
4 following:

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

7 (705 ILCS 105/16.5 new)

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

9 (a) In this Section:

10 "Court" means the circuit court.

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

17 (b) Court staff must treat all litigants fairly and
18 equally. Court staff must not provide assistance for the
19 purpose of giving one party an advantage over another, nor
20 give assistance to one party that they would not give to an
21 opponent.

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

1 (1) Provide public information contained in
2 dockets, calendars, case files, indexes, or existing
3 reports.

4 (2) Provide copies of common routinely employed
5 State and local court rules and procedures, for
6 applicable fees and costs.

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

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

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

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

18 (7) Provide telephone numbers for lawyers referral
19 services, local attorney rosters, or other assistance
20 services, known to the court staff.

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

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

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

28 (705 ILCS 110/1.5 new)

29 Sec. 1.5. Assisting court users; Clerk or deputy clerks
30 prohibition; unauthorized information and assistance. Court
31 staff may not do any of the following:

32 (1) Provide legal advice or recommend a specific of

1 action for an individual. If a court user asks for legal
2 advice, court staff shall advise the person to seek the
3 assistance of an attorney.

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

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

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

21 (5) Recommend specific people against whom to file
22 petitions or pleadings against.

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

25 (7) Recommend what damages to seek or specific
26 individuals from whom to seek damages.

27 (8) Recommend specific questions to ask witnesses
28 or litigants.

29 (9) Recommend specific techniques for presenting
30 evidence in pleadings or at trial.

31 (10) Recommend which objection to raise regarding
32 an opponents pleadings or motions at trial or when and
33 specifically how to raise them.

34 (11) Recommend when an individual should request or

1 oppose a continuance.

2 (12) Recommend when or whether an individual should
3 settle a dispute.

4 (13) Recommend whether an individual should appeal
5 a judge's decision.

6 (14) Interpret the meaning or implication of
7 statutes or appellate court decisions as they might apply
8 to an individual case.

9 (15) Perform legal research.

10 (16) Predict the outcome of a case, strategy, or
11 action.

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