

1 AN ACT concerning courts.

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

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
24 Dispute Resolution Fund. All money in the Reviewing Court
25 Alternative Dispute Resolution Fund shall be maintained in
26 separate accounts for each Appellate Court district that has
27 established approved alternative dispute resolution programs
28 pursuant to Supreme Court rule and used, subject to
29 appropriation, by the Supreme Court solely for the purpose of
30 funding alternative dispute resolution programs in the
31 reviewing courts.

1 Section 15. Alternative Dispute Resolution Programs in the
2 Reviewing Courts. The practice, procedure, and administration
3 of alternative dispute resolution programs in the reviewing
4 courts shall be as provided by Supreme Court rule. The Uniform
5 Arbitration Act, the Uniform Mediation Act, and other statutory
6 provisions relating to arbitration, mediation, or other forms
7 of alternative dispute resolution shall not be applicable to
8 any alternative dispute resolution program in the reviewing
9 courts, except as provided by Supreme Court rule.

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

15 Section 70. The State Finance Act is amended by adding
16 Section 5.625 and by changing Section 8h as follows:

17 (30 ILCS 105/5.625 new)

18 Sec. 5.625. The Reviewing Court Alternative Dispute
19 Resolution Fund.

20 (30 ILCS 105/8h)

21 Sec. 8h. Transfers to General Revenue Fund.
22 Notwithstanding any other State law to the contrary, the
23 Director of the Governor's Office of Management and Budget may
24 from time to time direct the State Treasurer and Comptroller to
25 transfer a specified sum from any fund held by the State
26 Treasurer to the General Revenue Fund in order to help defray
27 the State's operating costs for the fiscal year. The total
28 transfer under this Section from any fund in any fiscal year
29 shall not exceed the lesser of 8% of the revenues to be
30 deposited into the fund during that year or 25% of the
31 beginning balance in the fund. No transfer may be made from a

1 fund under this Section that would have the effect of reducing
2 the available balance in the fund to an amount less than the
3 amount remaining unexpended and unreserved from the total
4 appropriation from that fund for that fiscal year. This Section
5 does not apply to any funds that are restricted by federal law
6 to a specific use or to any funds in the Motor Fuel Tax Fund, ~~or~~
7 the Hospital Provider Fund, or the Reviewing Court Alternative
8 Dispute Resolution Fund. Notwithstanding any other provision
9 of this Section, the total transfer under this Section from the
10 Road Fund or the State Construction Account Fund shall not
11 exceed 5% of the revenues to be deposited into the fund during
12 that year.

13 In determining the available balance in a fund, the
14 Director of the Governor's Office of Management and Budget may
15 include receipts, transfers into the fund, and other resources
16 anticipated to be available in the fund in that fiscal year.

17 The State Treasurer and Comptroller shall transfer the
18 amounts designated under this Section as soon as may be
19 practicable after receiving the direction to transfer from the
20 Director of the Governor's Office of Management and Budget.

21 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04.)

22 Section 80. The Appellate Court Act is amended by changing
23 Section 3 as follows:

24 (705 ILCS 25/3) (from Ch. 37, par. 27)

25 Sec. 3. Clerk's salary - destruction of records. The
26 ordinary and contingent expenses of operating the offices of
27 the clerks of the branches of the Appellate Court, including
28 salaries, shall be determined by the Supreme Court and paid
29 from the State Treasury on the warrant of the Comptroller out
30 of appropriations made for that purpose by the General
31 Assembly. The clerk of each branch of the appellate court shall
32 perform the duties usually devolving upon clerks of courts in
33 this State, and shall provide books, stationery and seals for
34 the appellate courts, and shall be entitled to receive the same

1 fees for services in each branch of the appellate court as are
2 allowed for like services in the Supreme Court. All fees paid
3 to or received by any such clerk shall be paid into the State
4 treasury as required by Section 2 of "An Act in relation to the
5 payment and disposition of moneys received by officers and
6 employees of the State of Illinois by virtue of their office or
7 employment", approved June 9, 1911, as amended, except that any
8 filing fees designated by Supreme Court Rule for alternative
9 dispute resolution programs in the reviewing courts as provided
10 in the Reviewing Court Alternative Dispute Resolution Act
11 shall, within one month after receipt, be remitted to the State
12 Treasurer for deposit in the Reviewing Court Alternative
13 Dispute Resolution Fund.

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

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

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

21 (705 ILCS 235/5)

22 Sec. 5. Definition. For the purposes of this Act, "lawyers'
23 assistance program" means a program operated by a
24 not-for-profit corporation that is exempt from the payment of
25 federal taxes under Section 501(c)(3) of the Internal Revenue
26 Code and that provides services that may include the provision
27 of information on addiction and mental health impairments,
28 referrals to treatment programs, peer assistance, prevention
29 education, interventions, relapse prevention, and monitoring
30 of compliance with treatment programs for attorneys and law
31 students.

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

33 (705 ILCS 235/10)

1 Sec. 10. Support for lawyers' assistance programs. The
2 Illinois Supreme Court may support programs that provide
3 assistance to attorneys and law students who are addicted to or
4 abuse alcohol or other drugs or who are in need of mental
5 health assistance.

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

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.