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## 1.01 RULES OF COURT

(a) The Twenty Second Judicial Circuit Court McHenry County, Illinois, adopts the following Rules for the conduct, governance and management of business, operations, proceedings, and other functions and services of the Court.

(b) The Rules shall be applied, construed and enforced so as to avoid inconsistency with other rules of court and statutes governing proceedings, functions and services of this Court. In their application and administration, they shall be construed and employed so as to provide fairness and simplicity in procedure to avoid delay; and to secure just and expeditious determination of all actions and proceedings.

(c) These rules are promulgated pursuant to Section 5/1-104(b) of the Code of Civil Procedure, providing that the Circuit Court may make rules regulating their dockets, calendars and business, and Supreme Court Rule 21(a), providing that a majority of the Circuit Judges may adopt rules governing civil and criminal cases consistent with statutes and Supreme Court Rules.

(d) These rules shall become effective on the \_\_\_\_\_ day of \_\_\_\_\_, 2007; and rules in effect prior thereto will no longer be in effect.

(e) Any amendment of these rules shall be passed by a majority vote of all Circuit Judges of the Twenty Second Judicial circuit.

(f) All rules of this court and amendments thereto, shall be filed with the Director of the Administrative Office of the Illinois Courts, Springfield, Illinois, within ten (10) days after adoption thereof pursuant to Supreme Court Rule 21(d). Said rules and amendments shall be filed with the Clerk of Court in McHenry County

(g) Any amendment to the Circuit Court Rules shall contain Part and Section numbers for appropriate placement within the body of the rules. The Local Rules and Procedures Committee shall specify the placement of any amendment at the time of the amendment's adoption. In the event the Committee does not specify the placement of the amendment, the Chair of the Local Rules and Procedures Committee of the Twenty Second Judicial Circuit is designated to assign the official Part and Section number to all amendments.

(h) In the construction of these rules, the law governing the construction of statutes (5 ILCS 70/1, et seq.) shall apply. In the event of any conflict between the content of a rule and that of an administrative order, the rule shall prevail.

(i) Each rule shall apply to any civil or criminal proceeding, unless contained in a part or section which limits its application.

(j) Any reference in these rules to "he", "she", "his" or "her" is intended to be gender neutral and shall be construed to apply to each gender.

## **1.02 SELECTION OF CHIEF JUDGE**

(a) A majority of the Circuit Judges shall select, by secret ballot, one of their numbers to serve as Chief Judge for a three-year term commencing the first Monday in December of 2006 and shall select a Chief Judge in like manner every three years thereafter. The election shall be held in June of each election year on a date established by the Chief Judge with at least fifteen (15) days written notice. After the term commencing on the first Monday of December, 2006, each following term shall commence on the first day of December.

(b) A Circuit Judge elected to the office of Chief Judge may not serve more than two consecutive three-year terms.

(c) *Acting Chief Judge:* The Chief Judge shall appoint one of the Circuit Judges to act as Chief Judge in the Chief Judge's absence, who shall have the same powers and duties as Chief Judge. In the event the Acting Chief Judge is also unavailable, the most senior Circuit Judge on the premises shall act as Chief Judge.

(d) *Vacancy:* Whenever a vacancy occurs in the office of the Chief Judge, any two Circuit Judges may call a meeting of the Circuit Judges to select a Circuit Judge to fill such vacancy in the same manner as in (a).

## **1.03 AUTHORITY OF THE CHIEF JUDGE**

(a) The Chief Judge may enter any general orders in the exercise of the Chief Judge's general administrative authority, including but not limited to orders providing for the assignment of judges, general or specialized divisions, and times and places of holding court, as provided by applicable statutes (e.g., 735 ILCS 5/1-104), Supreme Court Rules (e.g., Illinois Supreme Court Rule 21), or Local Rules. The Chief Judge may appoint personnel to assist in the performance of the Chief Judge's duties.

(b) The Chief Judge may, from time to time, as the Chief Judge deems appropriate, issue administrative orders in accordance with Supreme Court Rule 21(b).

(c) Copies of all administrative orders issued by the Chief Judge shall be filed with the Circuit Clerk, who shall maintain them as permanent court records. All such administrative orders shall be available for inspection as public records.

## **1.04 JUDICIAL ASSIGNMENTS**

The Chief Judge shall assign Circuit Judges and Associate Judges to the various counties within the circuit and, as to such specific duties and responsibilities as he deems appropriate.

## **1.05 JUDGES' MEETINGS**

(a) The Circuit Judges shall, from time to time, upon call of the Chief Judge, hold meetings to discuss and resolve administrative issues of the court, including approval of the Local Rules of Practice, issuance of supplemental orders, special assignments, uniform practices and any other matter relating to the overall functions of the court.

(b) The Circuit Judges shall meet at least twice each year to discuss and take such action as may be requested in connection with business of the Court of the Twenty Second Judicial Circuit. Such meetings shall include the Associate Judges of the Circuit and invited non-judicial staff or guest.

(c) Special meetings may be called at any time by any two Circuit Judges within the Twenty Second Judicial Circuit upon five days notice to all Circuit Judges.

## **1.06 COMMITTEES**

The Chief Judge may create and appoint judges and administrative staff to various standing committees and may create and dissolve ad hoc committees when special circumstances occur. The standing committees may include, but are not limited to:

- Executive Planning
- Public Relations
- Automation/Technology
- Court Services
- Local Court Rules
- Law Library
- Jury
- Marriage Fund Audit
- Court Facilities and Security
- Case Management

The Chief Judge shall be ad hoc member of each said committee.

## **1.07 COURT ADMINISTRATION**

(a) General rules. The Chief Judge may promulgate general rules for court administration.

(b) Court Administration. The Chief Judge shall appoint a Court Administrator, who will function as the chief non-judicial officer of the court. In addition to assisting the development and supervision of the Court's operations, probation, jury, law library, budgeting and personnel systems, the Administrator shall implement the administrative decisions of the Court, and perform such other duties as may be assigned by the Court.

## 1.08 COURT REPORTING SERVICES

### (a) Employees

1. The number of court reporting services employees designated to serve the circuit court shall be determined by the Chief Judges of the 12<sup>th</sup>, 18<sup>th</sup>, 19<sup>th</sup>, and 22<sup>nd</sup> Judicial Circuits with the aid of the Administrative Office of the Illinois Courts.
2. The Chief Judge shall appoint employees to the designated court reporting services positions which employees shall serve at the pleasure of the Chief Judge.
3. The Chief Judge or the Reporter Supervisor under the direction of the Chief Judge, shall assign all such employees to their duties, consistent with Supreme Court Rule 45, The Administrative Regulations, and general administrative powers.

### (b) Electronic Recording

(1) Electronic reporting systems have been approved for use and installed in this Circuit. Pursuant to subparagraph (a) (3) above, court reporting services employees shall be assigned to be trained and to operate the electronic recording systems.

(2) The production of the physical medium storing the electronic recording of any court proceedings shall be monitored by trained court reporting services employees who shall certify that each retained electronic recording was fully and accurately recorded at the time and place indicated. Said certification shall be affixed to and accompany the electronic recording medium, and the medium shall be securely preserved in an unaltered and unalterable condition.

(3) Digital computer recordings of testimony are created for only one purpose. That purpose is to preserve the words spoken in formal courtroom proceedings, hearings and trials in a particular case, so that a transcript – the official record - may be subsequently produced. The digital computer recordings are owned by the Circuit Court of the 22nd Judicial Circuit, and may only be used pursuant to rule.

(4) Any spoken words in the courtroom that are not a part of a proceeding, hearing or trial of a specific case are not intended recordings and may not be listened to, reproduced or used in any way, other than by authorized operators of the system to orient themselves on recording content.

(5) Playback of any portion of the computer recording of a proceeding, hearing, or trial of a specific case is authorized in only four situations:

- (i) During the proceeding, hearing, or trial at the direction of the Judge;
- (ii) By a court reporting services employee for the purpose of creating transcript as the Official Record;
- (iii) At the direction of the Court for the use of the Court;
- (iv) Pursuant to the procedure outlined in (c) (3) below.

(6) In all other instances, the contents of the electronic recording medium shall be disseminated by transcript only, which transcript, and not the medium, shall be the official record. Only the Chief Judge may authorize exceptions to these rules upon good cause shown.

(c) Transcripts

(1) A request for a transcript, from either the electronic recording systems or from a court reporting services employee, is obtained by completing a "Transcript Request Form" which is available in the Court Administration office.

(2) Transcripts generated from the electronic recording systems shall be prepared in accordance with applicable statutory authority, rule and administrative regulation and shall utilize the following certification:

I, \_\_\_\_\_, certify the foregoing to be a true and accurate transcript of the electronic recording of the proceeding of the above entitled cause, which recording contained the operator's certification as required by Local Rule 1.03(b)(2).

\_\_\_\_\_

(Signature)

\_\_\_\_\_

(License or Restricted License Number)

Date: \_\_\_\_\_

(3) If the accuracy of a certified transcript generated from the electronic recording system is questioned, the following procedure shall be used: (added effective 7/26/02)

(i) Every challenged portion of the transcript shall be identified in writing and provided to the Reporter Supervisor. A copy of the challenged portion of the transcript shall be given to the certifying court reporting services employee to make the necessary corrections.

(ii) If the certifying court reporting services employee and the person challenging the transcript's accuracy cannot agree upon the challenged portions, those portions shall be identified in writing and provided to the Reporter Supervisor.

(iii) The Supervisor shall cause identified portions to be reviewed against the archived electronic recording for accuracy, and designate necessary corrections to be made by the certifying court reporting services employee.

(iv) If the certifying court reporting services employee, in good faith, is unable to certify the corrections designated, then the dispute will be placed before the judge who heard the transcribed proceeding, with notice to all necessary parties.

(v) The certifying court reporting services employee shall personally appear and present the questioned transcript. The Reporter Supervisor shall present the disputed corrections along with a digital recording of the proceedings. The judge shall review the material presented, make any

necessary changes in the certifying reporter's transcript, and issue a court order certifying the transcript as accurate.

(4) Transcripts generated from stenographic notes shall be prepared and certified by qualified official court reporting services employees pursuant to relevant statute, regulation, and rule and are not affected by subparagraphs (b), (c)(2) and (c)(3) above.

(5) Unless specifically authorized by court order to the contrary, only a transcript certified by one of the official court reporting services employees of this Circuit is the Official Record. The Official Record shall be given preference for use in all courtrooms and as a part of the Record on Appeal for any case from this Circuit.

### **1.09 NON-JUDICIAL APPOINTMENTS**

Non-judicial appointments vested in the Circuit Court shall be made by the Chief Judge with the approval of a majority of the Circuit Judges.

### **1.10 LEGAL HOLIDAYS**

(a) The legal holidays of the Twenty Second Judicial Court shall be those holidays specified by the Chief Judge of the Twenty Second Judicial Circuit.

(b) All matters returnable on said legal holidays shall be continued to the next business day of this Court.

(c) The time for filing all motions and pleadings is extended to the next business day of this Court.

### **1.11 HOURS OF COURT**

(a) Trial Division. Unless otherwise directed by the trial judge, the hours of court are 9:00 A.M. - 4:30 P.M. Courtrooms shall be opened and staffed fifteen (15) minutes prior to the beginning of court.

(b) Administrative Office. The Administrative Office of the 22nd Judicial Circuit will be open for business from 8:00 A.M. until 5:00 P.M., except Saturday, Sunday and holidays as prescribed annually by Administrative Order.

(c) Circuit Clerk's office. The Office of Clerk of the Circuit Court will be open for business from 8:00 A.M. until 4:30 P.M., except Saturday, Sunday and holidays as prescribed annually by Administrative Order. Upon request of the Clerk of the Circuit Court, and upon approval by the Chief Judge, hours may be expanded.

(d) Holiday Court. The hours of holiday bond court will be established by Administrative Order.

### **1.12 COURTROOM PERSONNEL**

(a) A full courtroom staff consists, at a minimum, of a judge, one courtroom clerk and one court security officer. A full courtroom staff shall be maintained at all times unless waived by the court for good cause.

(b) The courtroom clerk shall be the Circuit Clerk or a Deputy Circuit Clerk authorized to swear witnesses. The clerk shall attend court when court is in session unless excused on a case-by-case basis by the judge presiding in the particular courtroom. The clerk shall obtain all necessary files and docket sheets for cases to be heard that day, swear witnesses, maintain custody of all exhibits, until further order of court, and perform such other duties as may be directed by the court.

### **1.13 PROMPT ATTENDANCE AT COURT**

Prompt attendance at Court is required. Judges shall begin court promptly at the designated time. All attorneys and parties shall appear promptly before the Court. In the event that a party or attorney fails to appear promptly, the Court may impose such sanction or take such remedial action as it deems appropriate. In the event that the failure of a party or attorney to appear promptly renders it impossible to proceed, the Court may order the party or attorney failing to appear promptly to pay the reasonable costs and expenses, including attorney's fees, to the opposing party or attorney. If counsel is required to be present in another courtroom in the same jurisdiction at the same time, he shall first check in with the clerk of the courtroom where he cannot be present at the start of the court call, provide the location of the other courtroom where he will be present and so notify all other parties involved. Upon completion of the other court matter, he shall immediately return to any courtroom where he has matters pending.

### **1.14 COURT DECORUM**

(a) It shall be the responsibility of each judge sitting within the Twenty Second Judicial Circuit to enforce proper courtroom decorum of all court staff, attorneys and persons within the courtroom in which he is presiding.

(b) Improper behavior shall immediately be brought to the attention of the particular individual involved and, if not corrected, the Court may take appropriate action.

(c) Disturbances. Any unwarranted loitering, disorderly conduct, or other conduct in a court facility which creates loud or unusual noise or a nuisance, which unreasonably obstructs the usual entrances, foyers, lobbies, corridors, offices, elevators, work areas, stairways, courtrooms, which otherwise impedes or disrupts the performance of official duties by judges and/or court personnel, or which prevents the general public from obtaining the services provided in the various court facilities in a safe and timely manner is prohibited.

(d) Alcoholic beverages and narcotics. No person shall enter into or remain in a court facility while under the influence of alcoholic beverages or drugs. This prohibition shall not apply in cases where a drug is being used as prescribed for a patient by a licensed physician.

(e) Dogs and Other Animals. Dogs and other animals, except Seeing Eye dogs or other guide dogs, shall not be brought into any court facility without leave of Court.

(f) Distribution of Handbills. Distribution, posting or affixing materials, such as pamphlets, handbills or flyers, on bulletin boards or elsewhere within any or upon any court facility is prohibited, except as authorized.

### **1.15 PHOTOGRAPHY, RADIO, TELEVISION, AUDIO RECORDING DEVICES AND CELLULAR TELEPHONES**

(a) Pursuant to Supreme Court Rule 63A(7), the taking of photographs in the courtroom during sessions of court or recesses between proceedings, and the broadcasting or the televising of proceedings, are permitted only to the extent authorized by Order of the Illinois Supreme Court. The Order of the Illinois Supreme Court in *In Re Photography, Broadcasting and Televising Proceedings in the Courts of Illinois*, MR No. 2634, entered November 29, 1983 and made permanent on January 22, 1985, does not permit photography, broadcasting or televising of circuit court proceedings.

(b) The photography, videotaping, audio recording, televising, and broadcasting of events and activities in a courtroom or its environs is also prohibited unless expressly authorized by this rule. For the purpose of this rule, the use of the terms "photographs, videotaping, audio recording, televising or broadcasting" include the audio or video transmission or recordings made by telephones, personal data assistants, lap top computers, and other wired or wireless data transmission and recording devices.

(c) Photographs, videotapes, audio recordings, including broadcasting or televising of non-judicial events and activities, or of judicial personnel, or facilities, may be authorized by the Court for educational, instructional, informational or ceremonial purposes, provided that Court is not in session during such photographing, videotaping, audio recording, broadcasting, or televising. Such non-judicial events and activities would include: weddings, bar association activities, induction ceremonies, award ceremonies, dedication ceremonies, mock trials, seminars, speeches, demonstrations, training sessions, journalistic undertakings, public awareness activities, and similar events and activities.

(d) Micro cassette recorders or hand held dictating devices may be used in the public hallways or conference rooms adjacent to said hallways provided that such use does not interfere with the use of said premises by others present. Any such micro cassette recorders or hand held dictating devices brought into a courtroom must be turned to the "off" position and kept enclosed in a briefcase or similar container. In the event that a person possessing such a device enters into a private hallway, anteroom or judge's chambers, such device must first be given to the court officer in charge of said courtroom.

(e) Communicating via cellular telephone in the courtroom or its environs is prohibited unless expressly waived by the Court. Notwithstanding the foregoing, communicating via cellular telephone is allowed in the public hallways and conference rooms adjacent to said hallways provided that such use does not interfere with the use of said premises by others present. Any cellular telephone brought into a courtroom must be turned to the "off" position and kept enclosed in a briefcase or similar container. In the event that a person possessing a cellular telephone enters into the private hallway, anteroom or judge's chambers, said cellular telephone must first be given to the court officer in charge of said courtroom.

(f) Tape recording by an official or court authorized court reporter in the courtroom or its environs is permitted.

(g) The word "environs" includes the private and public hallways, rooms immediately adjacent to said hallways and to the courtroom, and the jury assembly/deliberation rooms. It shall be understood that, in the interest of a fair trial, the Court may expand the area of environs in a written order.

(h) When the nature of a case or the nature of the media coverage of a case, requires, the Court, on motion of either party or on its own motion, may issue an order governing such matters as extra-judicial statements by parties and witnesses which might interfere with the rights of the accused to a

fair trial by an impartial jury, the seating and conduct in the courtroom of spectators and news media representatives, the management and sequestration of jurors and witnesses, and any other matters which the Court may deem appropriate for inclusion in such an order.

## **1.16 COURT FACILITIES**

(a) The Chief Judge shall designate when and where court shall be held within the circuit pursuant to Article VI, Section 7(c) of the Constitution of the State of Illinois (1970).

(b) Admission to the Courthouse. The Circuit Court shall be open to the public during normal business hours. The building may be closed to the public during normal business hours when situations require this action to ensure safety and the orderly conduct of court business. The decision to close the building during normal business hours shall be made by the Chief Judge or his designee. The building shall be closed to the public after normal business hours.

(c) Preservation of the Building. The willful destruction of or damage to any court facility or its contents, the creation of any hazard, and the throwing of articles of any kind within court facilities or from court facilities is prohibited.

(d) The Chief Judge may, from time to time, appoint a committee of judges to inspect the court facilities within the Circuit and determine if the personnel and resource needs of the Court are being met. The committee shall report to the Circuit Judges as to whether each courtroom, jury room and chambers meet minimum standards as provided by the Supreme Court, and whether the personnel and resources presently being provided to the Courts are adequate. The committee may prepare and submit proposals and recommendations to the County Board for its consideration and action. If appropriate action is not taken within a reasonable time as may be designated by the committee, the provisions of subsection (e) of this rule shall apply.

(e) Upon the failure of the County Board to act pursuant to subsection (d) of this rule, the committee shall so report to the Chief Judge and submit to the Chief Judge its proposals and recommendations together with the response and action taken by the County Board. If the Chief Judge deems it appropriate, he shall set the matter of the proposals and recommendations of the committee for administrative hearing over which he shall preside. The Clerk of the Court shall give notice of the hearing to the Chairman of the County Board and to any other person whom the Chief Judge deems to be an interested party. The notice shall be by regular US mail, state the time, date and place of hearing, the matter to be reviewed, and include a copy of the proposals of the committee.. The Clerk's certificate of mailing shall be made of record. The hearing shall not be held until after thirty (30) days from the date of mailing notice.

If, after hearing, the Chief Judge finds that deficiencies exist, then he shall delineate the particular deficiencies and specify the corrective action to be taken by the County Board and the time by which the corrective action is to be completed. If the County Board fails or refuses to comply, a proceeding to enforce the Chief Judge's directive may be filed pursuant to Article IV of the Code of Civil Procedure or in a manner as may be provided by the Supreme Court. The Chief Judge may appoint any such experts deemed necessary to examine the facilities and to present evidence at the hearing before the Chief Judge and/or upon hearing of the complaint for mandamus.

(f) When appropriate, the Attorney General or the State's Attorney may represent the Court in the hearing before the Chief Judge and in the complaint for mandamus. If the Attorney General or State's

Attorney is not able to represent the Court, the Chief Judge may designate another licensed attorney at law of this State.

### **1.17 COUNTY LAW LIBRARY**

(a) Law Library. The Twenty Second Judicial Circuit shall have and maintain a Law Library that conveniently serves the legal community and the public.

(b) Law Library Committee. The Twenty Second Judicial Circuit shall have a Law Library Committee. The Chief Judge shall designate the Committee's Chair. The members of the committee shall be the resident Circuit Judges, and include as a minimum a majority of the resident Circuit Judges of the county.

(c) Operation. The committee shall be responsible for the efficient administration of the County Law Library. The committee discharges its authority through the Court Administrator. The daily operations of the Law Library shall be managed by a law librarian or a staff member appropriately trained in the skills required to maintain a law library or legal reference center. Recommendations concerning library policies, budgets and the general operations and procedures shall be submitted to the Law Library Committee Chair for consideration by the committee.

(d) Law Library Fund. Disbursements from such fund shall be by the County Treasurer, on orders of a majority of the resident Circuit Judges of the Circuit Court of the county pursuant to law. See 55 ILCS 5/5-39001 (as amended, 1992).

### **1.18 RECORD KEEPING**

The Clerk shall assign numbers on all cases filed, in accordance with the Supreme Court Manual on Record Keeping and such classification designation as may be required by local court rule or administrative order of Chief Judge.

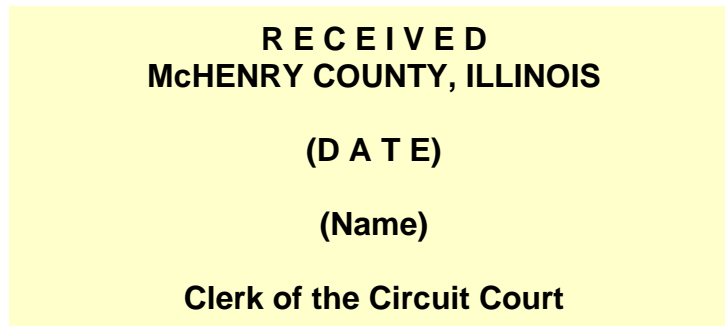
### **1.19 DOCUMENTS AND COURT FILES**

(a) All documents shall be filed with the Clerk of the Court pursuant to Supreme Court Rules. Upon presentment to the Clerk or the Court, the Clerk shall place a file mark on the first page of each document in the upper right hand corner in the space so provided. All pleadings shall include a cause entitlement and number, contain a space at least 2 by 2 inches at the upper right portion of the first page for the Clerk's file mark, and it shall not contain a backing sheet. If such pleading contains more than one page, shall be stapled at the upper left corner. With the exception of the last page of each document, forms and exhibits, only one side of each page shall be used. The case number shall not be placed in such a position that it will be obliterated by the Clerk's file mark. The Clerk shall not file a pleading unless accompanied by the proper filing fee, if any.

(b) Each pleading filed in the Court shall contain the full name, office address, telephone number and State of Illinois attorney registration number of the attorney who has prepared that pleading. In the event a law firm is listed, the full name, telephone number and attorney registration number of the attorney with primary responsibility shall be listed.

(c) All briefs and legal memoranda presented to the Court shall not be filed in the court file nor made a part of the record for appeal. Such briefs and memoranda shall be delivered to the Clerk of the

Court, and the Court Clerk shall stamp copies for the attorneys to show received this date with a stamp using the following words:



The Clerk shall not file briefs and memoranda. Any such briefs and memoranda shall not include any additional motions or legal pleading.

(d) The Clerk is not required to accept for filing any document that does not comply with the Supreme Court Rules or these rules.

(e) Notarizing of pleading by attorney. No pleading or entry of appearance shall be notarized by any attorney or member or employee of his firm, for an opposing party.

(f) Removal of files. Original files, documents or exhibits shall not be removed from the Office of the Circuit Clerk or courtroom except by written order of Court. The party removing such item shall give the Circuit Clerk a receipt therefore. Such files, documents or exhibits shall not be retained by the party removing same for more than two days without further written order of Court.

## **1.20 CUSTODY OF EVIDENCE**

(a) The Court shall take custody of all items admitted into evidence at any proceeding, hearing or trial. The Court shall preserve, safeguard and account for each piece of admitted evidence until the conclusion of the case. and shall bring the evidence back into the courtroom for hearings or trial. During times when court is not in session, every effort shall be made by the Court to secure all contraband items or items of intrinsic value or danger in a secure safe or a locked storage area, and not entrust them to the possession of another.

(b) Items in evidence, removed by order of court from the Court's custody for any reason, shall be specifically listed in a written order or enumerated orally on the record, and entrusted to a named individual, such as a Deputy Sheriff, Bailiff or attorney. When the need for alternate custody has been concluded, all such items shall be immediately returned to the custody of the Court+, and the return of each item shall be memorialized by written order or enumerated orally on the record.

(c) At the conclusion of the case, the Clerk or the Court shall have custody of all items in evidence, preserving, safeguarding and accounting for them until such time as the Clerk may be relieved of custody by order of court.

(d) Items offered but not accepted into evidence by the court shall be retained by the proffering party, unless ordered to be taken into the custody of the Clerk for purposes of future review. Once taken into custody by the Clerk, they shall be preserved, safeguarded and accounted for in the same manner as items in evidence.

(e) This rule applies equally to all types of cases heard in the Twenty Second Judicial Circuit.

### **1.21 DELIVERY OF FILES TO COURT STAFF**

Upon request by the Court, the Clerk shall deliver a file, or any part thereof, in any case to one of the courtroom staff.

### **1.22 FILES PRESENT IN COURTROOM**

The Clerk shall have present in Court the files of case matters set on contested calls, together with such other files as the judge may direct.

### **1.23 COPIES OF PAPERS FILED**

Upon request and the payment of the appropriate fee, the Clerk shall provide copies of any pleading on papers filed in this Court unless otherwise specifically ordered.

### **1.24 DOCUMENTS TO BE IN ACCORDANCE WITH FORMS HEREWITH**

All required documents, including publication notices, shall be substantially in compliance with the forms included in these Rules.

### **1.25 PROHIBITION AS TO GRATUITIES**

No attorney or person shall give, either directly or indirectly, any gratuity or gift to any employee of the 22<sup>nd</sup> Judicial Circuit, or any officer serving the Court where such attorney has had or is likely to have any professional or official transaction with the Court. No employee of the 22<sup>nd</sup> Judicial Circuit, or any officer serving the Court, accept any gratuity or gift, either directly or indirectly, from any attorney or other person who has had or is likely to have any professional or official transactions with the Court.

### **1.26 JURORS**

(a) Jurors: Selection and Terms of Service. All matters pertaining to the selection of jurors, terms of jury service and organization of the Jury Commission shall be consistent with statutes and shall be governed by administrative orders.

(b) Failure to Respond to Jury Summons. Whenever a person lawfully summoned to jury duty has failed to appear and has failed to provide a reasonable and timely excuse, the Jury Commission shall assign a new date not less than thirty (30) days from the original date of service and issue a notice by first class mail advising the person of the delinquency and the new date.

(1) If a juror summoned, in (a) above, fails to appear and complete his or her jury duty, the jury commissioners may, upon proper notice to, the prospective juror, motion the Court for a hearing instanter on a Petition For Rule To Show Cause why the prospective juror should not be held in contempt of Court for failing to appear and complete his or her jury duty.

(2) If the Court grants the jury commissioner's Petition, in (1) above, and a Rule to Show Cause issues, then the Court shall set the matter for hearing and require that the prospective juror be served personally or by proper substitute service pursuant to the Illinois Code of Civil Procedure. 735 ILCS 5/2-203.

(3) At said hearing on the Rule To Show Cause, the Presiding Judge, or his designee, may take testimony and may, on good cause shown, excuse the prospective juror, cause his or her name to be returned to the jury list, defer the juror to a date certain or enter such other orders or sanctions as may be appropriate.

(c) Compensation of Jurors. All prospective and impaneled grand and petit jurors shall be compensated in a timely fashion from the County Treasury for per diem services and travel expenses. Said amounts are set by the County Board pursuant to statute. Approximately once each week, a list of jurors shall be submitted to the County Treasurer, indicating in itemized format the amount to be paid to each juror for per diem fees and travel expenses. Upon receipt of such a list, the Treasurer shall issue appropriate checks. The stub of each check shall certify the number of days served by the juror.

(d) Jury Service at Coroner's Inquest. Jury service for inquests of the County Coroner shall be provided by the Jury Commission, according to such rules and procedures as it deems appropriate.

(e) Examination of Juror Personal History and Profile Forms.

(1) Juror Personal History and Profile forms are confidential and are not public records.

(2) Any such forms shall be kept on file by the Jury commission for a period of three (3) years from the date they are filled out.

(3) The only persons allowed to examine said forms are:

- a. the Jury commission;
- b. the judges of the Court;
- c. the Circuit Court Clerk and Deputy Clerks;
- d. parties to a trial and their attorneys, during the jury selection process, but only concerning jurors on the panel for that cause; and
- e. persons authorized access by court order.

(4) The answers contained on any such form shall not be publicly disclosed.

(5) Parties to a case and their attorneys may examine such forms after conclusion of jury selection only by order of the trial judge, or in his absence, by order of the Presiding Judge of the division in which the case is pending. Requests by other individuals or entities must be made to the Chief Judge or his designee.

(f) Contact with Jurors. No party, agent of a party, or attorney shall communicate or attempt to communicate with any member of the petit jury during his term of service with the Court. The Jury Commission shall report all such incidents to the Chief Judge or his designee.

(g) The Juror Profiles provided to attorneys and/or parties before or during trial proceedings shall be returned to the trial judge at the conclusion of the trial.