Amendment to

THE ILLINOIS SUPREME COURT COMMISSION ON ACCESS TO JUSTICE RESOLUTION ON STANDARDIZED COURT FORMS

(Resolution first approved—10-24-12)

WHEREAS, the Illinois Supreme Court Commission on Access to Justice ("Commission") is tasked with addressing larger systemic issues impacting access to justice in the Illinois courts;

WHEREAS, the Illinois Supreme Court ("Court") has adopted Rule 10-101 and an accompanying Administrative Order establishing a process for the Commission to develop and approve standardized, legally sufficient forms for areas of law and practice where the Commission determines that there is a high volume of self-represented litigants and that standardized forms would enhance access to justice.

WHEREAS, the Commission has created a Standardized Forms Committee, which will be tasked to implement the new Supreme Court Rule and Administrative Order with the assistance of certain specialized subcommittees;

THEREFORE, it is resolved by the Illinois Supreme Court Commission on Access to Justice that:

1. The Commission, through its Standardized Forms Committee ("Committee"), shall establish subcommittees and appoint members to develop standardized forms in accordance with Supreme Court Rule 10-101 and the Court's accompanying Administrative Order.

2. The Commission shall prioritize areas of law and practice where:

    a. There is a higher volume of self-represented litigants; and

    b. The Commission concludes that standardized forms will enhance access to justice for self-represented litigants.

3. The Commission finds that the initial areas of focus for the Committee and any subcommittees it appoints may include:

    a. Small Claims

    b. Divorce

    c. Parentage

    d. Child Support

    e. Collection

    f. Landlord/Tenant

    g. Protective Orders

    h. Expungement and Sealing

    i. Name Change

    j. "Procedures" (e.g., summons, appearance, fee waiver, notice of motion)

    k. Other areas identified by the Commission and/or Committee consistent with Paragraph (2) of this Resolution.

4. For the areas of focus approved by the Commission pursuant to paragraph 3, the Commission delegates authority to the Committee to approve standardized forms on behalf of the Commission. The Committee shall develop a common process for its established subcommittees that meets the requirements of Rule 10-101 and the Court's accompanying Administrative Order.

a. The Committee and all subcommittees shall work in close conjunction with the designated Forms Officer at the Administrative Office of the Illinois Courts ("Administrative Office").

b. Subcommittee membership shall be diverse and include judges, clerks, court personnel and representatives from legal aid organizations and the private bar.

i. Subcommittees can have up to six members and should always include as liaisons the designated Forms Officer and a representative from Illinois Legal Aid Online.

ii. Each subcommittee shall choose one member as chairperson.

c. Each subcommittee shall

i. Determine the "suite" of forms necessary for its particular practice area, including form orders;

ii. Include in the form suite only those forms that the subcommittee concludes can reasonably be used by self-represented litigants, taking into account the complexity of the legal issues involved and whether accompanying resources and/or assistance can adequately prepare the litigant to use the form effectively; and

iii. Develop a document that sets forth the scope for usage of that form suite, defines the forms, orders and documents that will be included in the form suite, the case scenarios that will and will not be supported, and the estimated timeline for the subcommittee's work to complete the proposed standardized forms and submit the proposed form suite to the Committee.

d. Subcommittees as a starting point shall examine existing forms developed by the Conference of Chief Circuit Judges, Illinois Legal Aid Online, Illinois counties that have developed forms for self-represented litigants, and other states that have developed standardized, plain language forms for similar areas.

e. Subcommittees shall ensure that all standardized forms are written in plain language--preferably at a 6th grade level--to the maximum extent practicable and are reviewed for readability so that the forms are easily understandable by the general public. Subcommittees shall field test proposed forms with members of the public for usability before making final recommendations.

f. Subcommittees shall also prepare instructions and checklists for each standardized form suite and include a background statement for each form. The background statement should identify: the purpose of the form; the critical information that a litigant will need to complete the form and/or need

for proof; the court process that follows completion of form; the relevance of the form; that use of the standardized form does not constitute legal advice and is not a guarantee of any particular outcome; and how to find more background legal information related to the form.

g. Subcommittees shall coordinate with the Commission's Language Access Committee to consider translation of the instructions, checklists and background statements into other common languages and formats.

h. Subcommittees shall monitor their priority legal areas on an ongoing basis to determine whether additional standardized forms or changes to approved standardized forms are necessary and appropriate.

5. Any time the Committee approves proposed draft standardized forms, the Committee shall forward those proposed draft forms to the Administrative Office for posting and dissemination to other parties for review and input in accord with the Court's Administrative Order.

6. After the 45-day notice period set out in the Administrative Order has expired for the proposed draft forms, the Committee and its relevant subcommittee shall review all feedback and suggestions received and determine whether any changes are necessary to the proposed forms.

7. After the Committee grants final approval to standardized forms, the Committee shall forward those forms that are approved by the Committee to the Commission and the Administrative Office for posting on the Court's website in accordance with the Court's Administrative Order.

8. For standardized forms that have been approved by the Committee, the Committee shall review any proposed revisions to the forms that are received in accordance with the Court's Administrative Order.

9. If the Committee determines that any changes are necessary to approved standardized forms, the amended forms shall be forwarded to the Administrative Office pursuant to Paragraph 8 of this Resolution. If the Committee determines the proposed changes are not necessary or appropriate, the Committee shall respond to the party identifying the update or change with reasons why a change is not deemed necessary or appropriate and forward that response to the Administrative Office for posting on the Court website.

10. The Committee shall review any proposals for new or additional forms received in accordance with the Court's Administrative Order. If the Committee determines that the proposed new or additional forms may be necessary and meet the criteria in Paragraph 2 of this Resolution, the Committee shall follow the process described in Paragraphs 4 through 8 of this Resolution for consideration of the proposed forms. If the Committee determines the proposed new or additional forms are not necessary or appropriate, the Committee shall respond to the party identifying the proposed forms with reasons why a change is not deemed necessary or appropriate and forward that response to the Administrative Office for posting on the Court website.