

THE ILLINOIS COURT SYSTEM



The Illinois court system makes up the judicial branch of Illinois state government. The Illinois Constitution provides for a three-tiered court system consisting of the trial courts arranged within judicial circuits, a single appellate court divided into judicial districts and a single statewide supreme court. The courts of the judicial circuits--the circuit courts, as they are called--are the sole trial courts in Illinois.

Almost all lawsuits begin their lives in the circuit courts. If the losing party at trial believes the judge applied the law incorrectly, that party has the right to appeal to the appellate court. The appeal must be filed with the judicial district of the appellate court where the circuit court is located. Appellate judges do not retry the case. They only determine whether the trial judge applied the law correctly during the trial.

The Illinois Supreme Court is the highest court in Illinois. It is an appellate court for all but a few specialized cases which only it can hear. A person who is dissatisfied with the decision of the appellate court must petition the supreme court to hear the appeal. It is up to the supreme court to determine which cases it will hear.

The supreme court also acts as the administrator and supervisor for the Illinois courts. It develops many of the rules which govern the procedures followed by the circuit and the appellate courts.

WHO WORKS IN THE COURT SYSTEM?

Our court system depends on many agencies in order to function. The vital role each plays in the life of the Eighteenth Judicial Circuit is discussed in this section.

The Judges

Judges preside over trials and other court proceedings conducted in the circuit. They are obligated to decide cases on the basis of the law. Judges must be United States citizens, licensed Illinois attorneys and reside in the circuit.

The Eighteenth Judicial Circuit presently has a total of 41 trial court judges, consisting of 15 circuit court judges and 26 associate judges.

Circuit court judges are elected by the people and serve six year terms. They select the associate judges and enact the local procedural rules for the court system. Circuit Court Judges must stand for retention at the conclusion of their term. Sixty per cent of the votes cast by the public must be “yes” votes for the judge to be retained.

Associate judges are appointed by majority vote of the circuit court judges and serve four year terms. They must receive the approval of 60% of the circuit judges to be retained in office.

The Divisions of the Court System

The Eighteenth Judicial Circuit consists of five divisions:

- 1) The Felony Division hears criminal offenses for which a sentence of death or imprisonment for a year or more may be imposed.

- 2). The Misdemeanor Division hears criminal offenses for which a sentence of less than one year imprisonment or a fine may be imposed.

3) The Domestic Relations Division hears all cases involving dissolution of marriage (divorce), child custody and visitation, the enforcement of child support, paternity and juvenile matters. Domestic Relations cases do not have a right to a trial before a jury. They are decided by a judge.

4) The Law Division hears all civil cases filed in DuPage County seeking money damages according to the amount of money sought. A case with a value of less than \$5,000 is assigned to small claims. A case with a value of between \$5,000 and \$50,000 is assigned to a panel of three arbitrators that decides the case; either side may reject the arbitrators' decision within 30 days. If rejected, the case is assigned a trial date before a judge or a jury. A case with a value of more than \$50,000 may be referred to mediation; if the mediation process fails, the case proceeds to trial.

5) The Chancery Division hears matters that do not usually involve demands for money. These cases include injunctions (actions which request the court to order a person to do something or to refrain from doing something), mortgage foreclosures, probate (the administration of person's estates), and adoptions. Cases in the Chancery Division do not have a right to a trial before a jury. They are decided by a judge.

The Office of the Chief Judge

The Chief Judge is selected by a secret ballot every three years by the majority vote of the circuit judges. The Chief Judge acts as the overall administrator of the circuit.

The Office of the Circuit Court Clerk

The Circuit Court Clerk is the keeper of all court records, the court seal and the court files. The Clerk keeps track of all future court dates, disburses and keeps an account of all court-ordered child support payments

and collects all fines levied in misdemeanor and traffic court.

The Clerk employs the deputy clerks who bring the case files to the courtroom each time that case is before the judge. Each deputy clerk files all orders entered by the judge and places all witnesses under oath during trials and other hearings.

The Office of the Official Court Reporters

Official Court Reporters record everything that is said during the trial or hearing. They provide a word for word account of the proceedings so that the appellate court can determine whether the trial judge committed an error which would require a new trial.

In many of our courtrooms this process occurs through an electronic court reporting system. The information recorded by this system is stored on a disk from which a written transcript is prepared.

DuPage County Sheriff's Office

The Sheriff's Office oversees over 100 court security officers on duty throughout the court system. Its deputies maintain security in the courthouse for the safety of judges, jurors, litigants and spectators and attend to the needs of jurors.

Office of the Jury Commission

The Jury Commission is responsible for the selection and summoning of potential jurors. It summons jurors at random from a combined list of registered voters, Illinois Drivers License holders, Illinois Identification Card and Illinois Disabled Person Identification Card holders residing in the county.

A person called to jury duty serves for the

duration of one trial if selected to hear a case, or if not selected by the end of the day, is discharged from jury duty.

The Office of the State's Attorney

The Office of DuPage County State's Attorney is the second largest state's attorneys office in the state. It is responsible for prosecuting all criminal matters filed with the Clerk of Court and all juvenile proceedings. It also enforces child support obligations and defends the county and its officials if they are sued.

The Office of the Public Defender

The Public Defender represents indigent persons charged with criminal offenses in cases potentially punishable by jail sentences. Its services are vital to ensure that rich and poor alike are adequately represented at trial.

The Department of Probation and Court Services

The Probation Department assists the court system by providing a variety of services specified by statute. It supervises court-ordered conditions for criminal and juvenile offenders, reports violations of any conditions to the judge, and provides special services, such as counseling and drug treatment, used by judges as part of criminal sentences.

The DuPage County Law Library

The Law Library contains over 30,000 volumes of legal authorities. It is open to lawyers and the public alike from 8:30 a.m to 4:30 p. m. Monday through Friday.

The DuPage County Children's "Safe Harbor Room"

The Safe Harbor Room is open to children

through age 12 who are witness or whose parents or guardians must appear in court or have legitimate business in the courthouse. The room is open Monday through Friday from 8:30 a.m. to 4:30 p.m.

Children must be toilet-trained or have an older sibling who can attend to any diapering.

HOW DOES A CASE COME TO TRIAL?

To understand any trial, it is important to understand the mechanics of trial procedure and the important roles played by the persons involved in the trial. The first question to be answered is:

Will the Case Be Tried Before a Judge or Before a Jury?



A criminal case must be tried before a jury unless the defendant waives this right in writing.

A civil case will not be tried before a jury unless either the plaintiff or the defendant requests a jury trial when filing the lawsuit or the answer to the lawsuit.

What does the Jury do and How is the Jury Selected?

The purpose of a jury is to hear evidence and decide the factual disputes in the case according to the law the judge provides. A

group of 24 to 30 persons is selected by the Jury Commission and sent to the courtroom where the trial is to be held. Here, the judge and the attorneys ask each prospective juror questions to determine if there is something in the juror's background which would make it difficult for that juror to hear the case impartially. When twelve jurors, whom the judge and the parties agree are impartial, have been selected, the trial is ready to begin.

What is an Opening Statement?

Most trials begin with an opening statement. Opening statements are not evidence. Rather, they inform the jury what the case is about and the key issues the jury should consider as the evidence is presented. When the opening statements are concluded, the evidence is presented.

How Is the Evidence Presented?

The party who filed the lawsuit (the States' Attorney in a criminal case or the plaintiff in a civil case) proceeds first by calling witnesses who present evidence in support of the case. Each witness is placed under oath to tell the truth by the courtroom clerk. Questions are then put to them by the lawyer or by the party who called them as a witness. This is called direct examination.



Through these questions, the witness tells what he or she knows about the issues in dispute. If a question is legally improper, the other side may object to the question. If the judge rules the question is improper and sustains the objection, the witness may not

answer the question. If the judge rules the question is proper and overrules the objection, the witness is allowed to answer.

When the questioner is finished, the defendant is permitted to question the witness. This is the right of cross-examination. This process is repeated for each witness. When the States' Attorney or the plaintiff has called its last witness, that party rests its case. At this time, the defendant may call witnesses in his or her behalf and the procedure just described is repeated. When the defendant calls his or her last witness, all the evidence the jury will consider has been presented.

What is a Closing Argument?

When the presentation of the evidence is concluded, the parties are permitted to deliver a closing argument. A closing argument, like the opening statement, is not evidence. However, the parties are permitted to argue the meaning and significance of the evidence to convince the jurors whether or not the charges have been proven. When doing this, the parties may argue only the evidence presented in the case. They cannot argue matters not in evidence. When the closing argument concludes, it is up to the jury to decide the case.

How Does the Jury Know What Law To Use To Decide the Case?

At the conclusion of the closing argument, the judge reads the law the jury must apply to decide the case. Typewritten copies of the law are given to the jury for it to consider as it deliberates, or debates, the evidence presented. The jurors are then taken to the jury room where they elect a foreperson to lead the discussion of the evidence.

What Does the Jury Do With the Law and the Evidence?

During deliberations, the jurors discuss the conflicting evidence and determine what really happened. The law the judge gives them will tell them which issues they must resolve. No one, not even the judge, is permitted into the jury room or allowed to listen to or to participate in these deliberations. The jury's decision must be unanimous.

What If the Jury Has Questions?

If the jury has questions, it submits them in writing to the judge through the foreperson. The judge answers them in writing after informing the parties of the jury's questions. The judge may not answer questions about evidence or help the jury resolve disputed facts. The judge may only answer questions about the law the jury must apply to decide the facts.

What is a Verdict?

When the jury reaches its conclusion, each juror signs a form, called a verdict, declaring the defendant either guilty or not guilty. The verdict is then presented to the judge in open court and it is read to the parties. At this point, the trial is concluded.



How Does a Bench Trial Differ From a Jury Trial?

The procedures in a bench trial, or a trial without a jury, are the same as in a jury trial, with a few notable exceptions. The most obvious is that there are no jurors. Instead, the judge handles both the role of judge and jury. This means the judge not only rules on all questions of evidence and law, but also resolves the disputed facts and reaches a verdict just as a jury would.



PLEASE VISIT US!

We hope you have found this brief pamphlet to be both helpful and informative. Our court system is here to serve you. Please visit us -- Our courtrooms are open to the public daily. We trust that the work in which you find us engaged will remind you of the vital role the power of law plays in our democratic society each day.

**OFFICE OF THE CHIEF JUDGE
505 NORTH COUNTY FARM ROAD
ROOM 2015
WHEATON, IL. 60187-3907**

**Telephone 630-407-8901
TDD 630-407-8910**

**Office Hours
Monday—Friday 8:30 A.M. to 4:30 P.M.
Closed Saturday, Sunday and
ALL legal Holidays**

Web Site
<http://www.co.dupage.il.us/circuitcourt>

**ALL TELEPHONES ARE
AREA CODE 630**

**OFFICE OF THE CIRCUIT COURT
CLERK**

Administration	407-8585
Appeals Section	407-8768
Civil Department	407-8700
Criminal/Traffic	407-8600
Domestic Relations	407-8700
Probate	407-8700
TDD	407-8711

**DuPAGE COUNTY STATE'S
ATTORNEY**

Administration	407-8000
Felony Division	407-8150
Misdemeanor Division	407-8170
Juvenile Division	407-8035
Child Support Division	407-8005
Civil	407-8200
Domestic Violence	407-8200

**DEPARTMENT OF PROBATION AND
COURT SERVICES**

Administration	407-8444
Adult Division	407-8500
Juvenile Division	407-8400
Youth Home	407-2560

OFFICE OF THE JURY COMMISSION
407-8785
TDD 407-8910

OFFICE OF THE PUBLIC DEFENDER
407-8300

**COURT ANNEXED MANDATORY
ARBITRATION** 653-5803

COURT FRIENDS VOLUNTEERS
407-8901

**DEPARTMENT OF PSYCHOLOGICAL
SERVICES**

Administration 407-6400
Caring, Coping & Children 407-2450
Domestic Violence Program 407-6400
Parents & Kids in Partnership 407-2450

**DuPAGE COUNTY PUBLIC
GUARDIAN** 833-6981

**DuPAGE COUNTY SHERIFF'S
OFFICE** 407-2000

**DuPAGE COUNTY BAR
ASSOCIATION** 652-7779

**DuPAGE ASSOCIATION OF WOMEN
LAWYERS** 221-0802

FAMILY SHELTER SERVICE
469-5650

LAWYER REFERRAL SERVICE
653-9109

LEGAL AID 653-6212

SAFE HARBOR CHILDREN'S ROOM
407-8791

