



Sen. Denny Jacobs

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09300HB4847sam003

LRB093 14813 AMC 50915 a

1 AMENDMENT TO HOUSE BILL 4847

2 AMENDMENT NO. _____. Amend House Bill 4847, AS AMENDED,
3 with reference to page and line numbers of Senate Amendment No.
4 1, on page 32, immediately below line 26, by inserting the
5 following:

6 "Section 20. The Circuit Courts Act is amended by adding
7 Section 40 as follows:

8 (705 ILCS 35/40 new)

9 Sec. 40. Medical malpractice circuit court pilot program.

10 (a) As a pilot program beginning January 1, 2005, a medical
11 malpractice circuit court shall be established in the Fifth
12 Appellate District of the State, the jurisdiction of which is
13 limited solely to medical malpractice actions within the
14 counties comprising that appellate district. The medical
15 malpractice circuit court shall be located in the same
16 municipality where the Fifth Appellate District's appellate
17 court is located. The medical malpractice circuit court may
18 convene anywhere within the Fifth Appellate District as the
19 convenience of the court and parties may warrant.

20 (b) Up to 7 circuit judges in the Fifth Appellate District
21 shall be assigned to the medical malpractice circuit court by
22 the Supreme Court.

23 To be eligible to serve as a medical malpractice circuit
24 judge, a person must be a circuit judge within the Fifth

1 Appellate District and must have (i) at least 10 years'
2 experience as a judge in Illinois, at least 5 of those years
3 handling medical malpractice cases, (ii) at least 10 years'
4 experience as an Illinois attorney specializing in medical
5 malpractice law, or (iii) at least 15 years' combined
6 experience as a judge in Illinois and an Illinois attorney
7 specializing in medical malpractice law.

8 The Supreme Court shall assign circuit judges to the
9 medical malpractice circuit court by December 1, 2004. The
10 Supreme Court may assign associate judges to the medical
11 malpractice court as necessary; those associate judges must
12 meet the qualifications required by this subsection for circuit
13 judges.

14 (c) The medical malpractice circuit court shall have a jury
15 administrator who shall work with the circuit court jury
16 commissions of the Fifth Appellate District to assure that each
17 jury pool for the medical malpractice circuit court is drawn
18 from the entire area comprising that district.

19 (d) No later than January 1, 2005 and until December 31,
20 2008, all new medical malpractice cases in the circuits
21 comprising the Fifth Appellate District must be filed with the
22 medical malpractice circuit court. A party may by motion
23 request that a medical malpractice case pending before January
24 1, 2005 be transferred to the medical malpractice circuit
25 court. That motion shall be granted unless it would cause
26 extreme detriment to a party. Cases pending in the medical
27 malpractice circuit court on December 31, 2008 shall remain in
28 that court unless otherwise transferred; the medical
29 malpractice circuit court shall cease to exist upon its
30 disposition of all cases pending in that court on December 31,
31 2008.

32 (e) By July 1, 2007, the Supreme Court shall report to the
33 Governor and the General Assembly on (i) the effectiveness of
34 the medical malpractice circuit court; (ii) the number of cases

1 heard in the court; (iii) the length of time those cases were
2 in the court system; (iv) whether the pilot program should be
3 continued in the Fifth Appellate District; and (v) whether the
4 pilot program should be extended to other appellate districts.

5 (f) The Supreme Court may adopt rules for the
6 implementation of this Section."; and

7 on page 52, line 21, after "law", by inserting ", except that
8 the changes made to Section 40 of the Circuit Courts Act take
9 effect on July 1, 2004".