

AN ACT concerning courts.

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

Section 1. Short title. This Act may be cited as the Reviewing Court Alternative Dispute Resolution Act.

Section 5. Purpose. Conflict resolution techniques such as mediation, settlement conferences, arbitration, and other alternative forms of dispute resolution may reduce costs for civil litigants and simplify issues and reduce caseloads in the reviewing courts. The purpose of this Act is to facilitate the funding of alternative dispute resolution programs in the reviewing courts should the Supreme Court, in its discretion, adopt rules to establish such programs in Illinois.

Section 10. Reviewing Court Alternative Dispute Resolution Fund. The Reviewing Court Alternative Dispute Resolution Fund is created as a special fund in the State Treasury. The Supreme Court may designate an amount to be included in the filing fees collected by the clerks of the Appellate Court for the funding of alternative dispute resolution programs in the reviewing courts. The portion of the filing fees designated for alternative dispute resolution programs in the reviewing courts shall be remitted within one month after receipt to the State Treasurer for deposit in the Reviewing Court Alternative Dispute Resolution Fund. All money in the Reviewing Court Alternative Dispute Resolution Fund shall be maintained in separate accounts for each Appellate Court district that has established approved alternative dispute resolution programs pursuant to Supreme Court rule and used, subject to appropriation, by the Supreme Court solely for the purpose of funding alternative dispute resolution programs in the reviewing courts.

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

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

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

(30 ILCS 105/5.625 new)

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

(30 ILCS 105/8h)

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

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

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

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

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

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

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

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

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

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

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

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

(705 ILCS 235/5)

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

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

(705 ILCS 235/10)

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

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

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