

NEW DIRECTIONS FOR THE OFFICE OF THE CLERK OF THE COOK COUNTY CIRCUIT COURT

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First Year in Office Progress Report

Chicago Appleseed – Chicago Council of Lawyers – Civic Federation
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INTRODUCTION

The change in administration within the Office of the Clerk of the Circuit Court of Cook County in December 2020 represented an opportunity for meaningful reform of an office that has been notorious for corruption, delays and substandard constituent service. Prior to the November 2020 General Election, Chicago Appleseed Center for Fair Courts, the Chicago Council of Lawyers and the Civic Federation offered joint recommendations for the next Clerk to improve management, technology, transparency and public access issues in the Office of the Circuit Court Clerk through a report, [*New Directions for the Office of the Clerk of the Cook County Circuit Court: Recommendations for Planning and Transitioning to New Leadership*](#) (*New Directions*), in September 2020.

This progress report examines Cook County Circuit Court Clerk Iris Martinez’s first full year in office—December 1, 2020 through November 30, 2021. We find that the Clerk’s Office has made meaningful progress in several areas, particularly compliance with consent decree hiring requirements, creating a centralized call center and rolling out certain aspects of a new electronic case management system. However, much remains to be done to bring the Clerk’s Office up to the standards of technological competence and customer service that are needed in a twenty-first-century public agency.

To be sure, the COVID-19 pandemic has presented unprecedented challenges for the Clerk’s Office and its employees and leaders. For an office that, prior to Clerk Martinez’s tenure, operated on carbon paper and outdated mainframe computers,¹ the transition to Zoom (videoconference) hearings, e-mail court orders, and remote trials (as well as some in-person court proceedings) has proved rocky. A security breach in August 2021 on the Clerk of the Circuit Court website² was another blow, and today the website remains only partially operational.

We conclude, nonetheless, that the Clerk’s Office needs to pivot some of its attention away from crisis response and toward strategic planning. The Civic Federation, Chicago Appleseed and the Chicago Council of Lawyers previously recommended in *New Directions* that the Clerk’s Office undertake an office-wide audit and a mission planning process, and those steps are now significantly overdue. We also suggest below further steps toward completing the other items

1 See e.g., “Handwritten documents, Manila folders, carbon paper – welcome to the Cook County criminal court,” by Megan Crepeau, Chicago Tribune (February 12, 2018), accessible at <https://www.chicagotribune.com/news/ct-met-outdated-clerk-system-criminal-court-20180208-story.html> and “Glitches, confusion over Cook County’s e-filing system are ‘just one more barrier’ for litigants, experts say,” by Elyssa Cherney, Chicago Tribune (August 13, 2018), accessible at <https://www.chicagotribune.com/news/breaking/ct-met-cook-county-efiling-20180806-story.html>.

2 Jackie Kostek, “Website For Clerk Of The Circuit Court Of Cook County Was Reported As Being Down For ‘Maintenance;’ It Turned Out Servers Were Breached,” CBS Chicago, August 27, 2021, available at <https://chicago.cbslocal.com/2021/08/27/website-down-clerk-circuit-court-cook-county/>.

originally recommended in our September 2020 New Directions report.³

The *New Directions* report provided a comprehensive set of recommendations for the next Circuit Court Clerk, covering a variety of areas including management, technology, transparency, ethics and public access. The report included an ambitious timeline of recommendations to be completed within the new officeholder's first 30 days, first six months, and first year in office. The first update, released in April 2021, examined progress made on our recommendations within the Clerk's first 100 days in office. This is the second update on the implementation of recommendations issued in the New Directions report.

³ New Directions for the Office of the Clerk of the Cook County Circuit Court from Chicago Appleseed Center for Fair Courts, the Civic Federation, and the Chicago Council of Lawyers is available at <http://www.chicagoappleseed.org/2020-clerk-transition-report> or <https://www.civicfed.org/CircuitCourtClerk2020>.





PROCESS OF CREATING THIS REPORT

This report serves as the second major follow-up report to the initial recommendations made in [*New Directions for the Office of the Clerk of the Cook County Circuit Court: Recommendations for Planning and Transitioning to New Leadership*](#) and the first progress report, detailing the Clerk's first 100 days in office, [*New Directions for the Office of the Clerk of the Cook County Circuit Court: First 100 Days Progress Report*](#), which was released in April 2021.

Since the 100 Days Progress Report was released, communication between our coalition and the Clerk of the Circuit Court's Office has improved. The Civic Federation and Chicago Appleseed met with Clerk Martinez in November 2021, and the Clerk's executive staff has committed to ongoing follow-up communications and has agreed to consider our organizations' input on several issues—including our recommendations for information to include on the new Clerk of the Circuit Court website. The Clerk's executive staff suggested holding regular bimonthly meetings, though these have been delayed due to the exigencies of the ongoing pandemic.

Clerk Martinez also released her own first-of-its-kind report, the [*State of the Clerk's Office*](#), detailing progress within her first year in office on December 1, 2021, on the one-year anniversary of Martinez being sworn in as Clerk of the Court.

The findings of the one-year New Directions progress report are based on the following:

- Meetings and communications with the Clerk and the Clerk's executive staff;
- Publicly-available information on the Clerk's website and the Cook County website, including the Clerk of the Circuit Court's State of the Clerk's Office Report;
- Updates provided by Clerk's Office staff at public Cook County Board and committee meetings and budget hearings; and
- Publicly-available information in [*Shakman compliance monitor reports*](#).



EXECUTIVE SUMMARY

While we recognize that the Clerk inherited an office with many structural and operational challenges and despite the known problems in the office, it does not appear that Clerk Martinez formed an effective transition committee or developed a comprehensive transition plan prior to taking office in December 2020. The first several months of the new administration were consumed by understanding the problems inherited by the former Circuit Court Clerk, rather than setting priorities and goals for improvement. After a full year in office, we have seen Clerk Martinez take some steps toward the goals upon which she campaigned but there is still much more work to be done.

New Directions called for a major shift in the Cook County Circuit Court Clerk's Office, from a culture that prioritizes political and judicial interests to one that efficiently and fairly serves court users (litigants and attorneys) and the general public.

The first progress report released by Chicago Appleseed, Chicago Council of Lawyers and the Civic Federation in April 2021 examined the initial transition within the Clerk's first 100 days in office. The *100 Days Progress Report* found that Clerk's Office had failed to adopt many of the recommendations included in the *New Directions* report as priorities. Of four short-term recommendations examined, two had been partially completed (developing a mission statement and establishing an emergency remote operations plan) and two had not been initiated (conducting an office-wide audit and planning for the creation of new positions to oversee accessibility, public service and external information requests).

This update on the Clerk's first full year in office examines progress on all 24 recommendations made in *New Directions*. As shown in the progress summary chart below, the majority of the recommendations made in the *New Directions* report have not been initiated or fully implemented. This update is meant to recognize progress that has been made and highlight our suggestions for the Clerk to complete these initiatives moving forward.

The following is a summary of the progress made on each of the [24 recommendations](#) made in the *New Directions* report. Of those recommendations, eight have not been initiated, nine have been initiated but not completed, four are in progress, and three have been completed.

Status of New Directions for the Cook County Circuit Court Clerk Initiatives within the Clerk's First Year in Office		
Recommendation	Status	Progress
Overall Management		
1. Office-wide audit to review staffing levels, technology and office functions, and identify efficiencies.	Not Initiated	The Clerk's Office did not to pursue an office-wide audit within the first year. The office initially focused on understanding the management issues inherited from the prior administration and on hiring to address understaffing. We believe a comprehensive audit is still necessary.
2. Establish a Clear Mission Statement	Initiated but Incomplete	The Clerk's Office updated its mission statement, although did not engage in a mission planning process.
3. Establish an Emergency Remote Operation Plan	Complete	The Circuit Court Clerk worked with the Shakman Compliance Administrator to finalize a telework policy for employees to work remotely during the COVID-19 pandemic.
Technology		
4. Work with Judges to Improve Remote Hearing Capability	Complete	The Cook County Circuit Court enabled remote capabilities for court hearings in direct response to the COVID-19 pandemic.
5. Create a Functional Case Management System	In Progress	The Clerk's Office has migrated several divisions from the legacy mainframe system to a new Odyssey Case Management System. The Chancery, Civil and Law Divisions went live in the new system in December 2021. The final remaining division, the Traffic Division, is planned for implementation in early 2022. The public and self-represented litigants are not yet able to access case data in the new system.
6. Improve Integration of Data Between the Circuit Court and Other Criminal Justice Stakeholders	In Progress	The Clerk's Office has been making progress on data sharing with other criminal justice agencies through a "data bus" that facilitates exchanges of information from the Circuit Court Clerk's case management system.

Recommendation	Status	Progress
7. Improve E-Filing System	Not Initiated	The Clerk's Office has not focused on updating or improving the existing E-Filing System. We have recommended surveying users and working with the vendor, Tyler Technologies, to significantly streamline and simplify the E-Filing process.
8. Make Judges' Daily Court Calls Available Online	Not Initiated	This recommendation has not been initiated, and the Clerk's website has not been fully functional since a security breach in August 2021.
9. Install a Court Recording System in Every Courtroom	Not Initiated	This recommendation has not been initiated by the Circuit Court. With recording capacity provided through Zoom videoconferencing and authorization already provided by the Illinois Supreme Court, the Court should record court proceedings on Zoom and use those recordings to create the official court record.
10. Implement Court Hearing Reminders for All Litigants	Initiated but Incomplete	The Circuit Court has a system in place for automated text and call reminders for criminal court hearings, which took effect December 1, 2021. This system only applies to criminal cases, however, and not other divisions of the Court. Automatic court date reminders are needed in all other Divisions of the Court.
Public Access to Data		
11. Create a New Office of Data Management to Improve Internal Data Management and Oversee External Data Requests	Not Initiated	The Clerk's Office has not created a unit or designated a specific position to oversee data or information requests.
12. Work with the Illinois General Assembly to amend state statute to make information in the Clerk of the Circuit Court's possession subject to the Illinois Freedom of Information Act	Initiated but Incomplete	The Clerk initially supported a legislative amendment to make the Clerk of the Circuit Court of Cook County subject to the Illinois Freedom of Information Act, but the bill was subsequently weakened to make the Clerk's financial records subject to the Local Records Act.

Recommendation	Status	Progress
13. In the Absence of a Change to FOIA, Voluntarily Release Data and Operations Information	Initiated but Incomplete	The Clerk has indicated willingness to improve the availability of information on the Clerk of the Circuit Court website. However, the website is still under construction with no clear timetable for completion.
Accessibility and User Services		
14. Appoint a Chief Accessibility Officer • Improve ADA and Language Access	Initiated but Incomplete	The Clerk's Office has expressed support for making its services more accessible but has not appointed a Chief Accessibility Officer or announced concrete steps to making Clerk's Office facilities and services more accessible for people with disabilities or people whose first language is not English.
15. Appoint a Chief Public Service Officer • Improve Access to Justice	Initiated but Incomplete	The Clerk's Office has announced several initiatives aimed at improving customer service including establishing a call center, establishing a customer service center in the Domestic Relations Division and increasing staff cross-training. The Clerk's Office has not centralized these access-to-justice initiatives under one division or official.
16. Improve Partnerships with Other Agencies	Not Initiated	It does not appear that the Circuit Court Clerk has initiated suggested partnerships with other government agencies.
Ethics and Oversight		
17. Continue to comply with Shakman Consent Decree Requirements	In Progress	The Clerk's Office has complied with several requirements of the Shakman Consent Decree including finalization of an Employment Plan, policies, a list of employee positions exempt from Shakman hiring requirements and training for staff on the Employment Plan.
18. Eliminate Patronage Hiring in the Office of the Circuit Court Clerk	In Progress	The Clerk's Office has been working closely with the Shakman Compliance Administrator to bring the hiring process in line with Consent Decree requirements. The Clerk's human resources staff worked with the Compliance Administrator to update job descriptions, establish employment policies and train staff.

Recommendation	Status	Progress
19. Ensure stronger Inspector General oversight	Initiated but Incomplete	The Clerk expanded the Inspector General's staff to handle investigations into waste, fraud, abuse and mismanagement, which had not been in place under the previous administration. However, the Clerk's Inspector General still serves in a security capacity that is not central to IG functions, and the Clerk's IG needs to put policies and processes in place to ensure independence.
20. Executive a New Collective Bargaining Agreement	Complete	A collective bargaining agreement with the Teamsters Local 700 union representing Clerk of the Circuit Court employees was approved by the Cook County Board of Commissioners on November 4, 2021.
Budget Transparency and Accountability		
21. Reassess Staffing Levels to Ensure the Best Use of Resources	Initiated but Incomplete	The Clerk's Office has not completed an office audit or desk audit to review and assess current staffing levels. The State of the Clerk's Office Report, however, says the office has created a staffing database and analyzed functions across various operations in order to maximize operational capacity.
22. Conduct a Comprehensive Review of Special Purpose Funds	Not Initiated	The Clerk's Office has not made any commitment to reviewing special purpose funds.
23. Revise Annual Performance Metrics	Initiated but Incomplete	The Clerk's Office has indicated an intention to revise performance metrics.
24. Produce an Annual Report with Budget, Performance and Statistical Information	Not Initiated	The Clerk's Office has not made any commitment to producing an annual report with budget, operational or statistical information.



FINDINGS

The following narrative describes, in detail, the progress the Clerk of the Circuit Court has made on each of the 24 recommendations provided by Chicago Appleseed Center for Fair Courts, the Civic Federation and the Chicago Council of Lawyers in *New Directions for the Office of the Clerk of the Cook County Circuit Court: Recommendations for Planning and Transitioning to New Leadership*.

Overall Management

1. Conduct a complete office audit to identify areas for savings, efficiency improvements, and resource repurposing.

A central recommendation of the *New Directions* report was for the Clerk to conduct an office-wide audit. The audit would ideally review current operations and staffing levels in order to re-evaluate job descriptions and workloads, and find inefficiencies. The audit would also involve evaluating technology and training needs. Clerk Martinez pledged to implement an office-wide audit if elected.⁴

One year into office, an operational audit has not been initiated by the Clerk. Based on communications with the Clerk's Office, the reason it did not initiate an audit was to focus on understanding the management issues inherited from the prior Circuit Court Clerk. The Clerk's Office instead prioritized filling vacant positions to address understaffing and building up human resources to focus on the hiring process.

2. Establish a clear mission statement.

The *New Directions* report suggested that the Clerk produce a revised mission statement that goes beyond a description of the Circuit Court Clerk's required responsibilities to establish guiding principles by which the office will serve the court's numerous stakeholder groups including litigants, judges, attorneys, researchers, journalists and the general public.

The Clerk's administration changed the wording of the previous mission statement slightly. According to the Clerk's staff, this is intended to reflect the need for the office to move forward on technology, as well as a culture change. It does not address *how* the Clerk's office will serve participants in the judicial system or what principles guide the office in carrying out its mission.

⁴ See "Two Angling to Replace Dorothy Brown Pledge to Reform Court Clerk's Office – from Nepotism, to 'Cloud of Deception' to 'Landmines'" by David Struett for Chicago Sun-Times (October 22, 2020), accessible at <https://chicago.suntimes.com/politics/2020/10/22/21527097/dorothy-brown-reform-cook-county-circuit-court-clerk-iris-martinez-bara-bellar>.

The Clerk's Office provided the following revised mission statement:

The mission of the Office of the Clerk of the Circuit Court of Cook County is to provide the citizens of Cook County and the participants in the judicial system an efficient, technological and transparent court system. The Office of the Clerk of the Circuit Court of Cook County will provide all services, information and court records with exceptional service and a workforce that represents the communities of Cook County.

The previous mission statement was:

The mission of the Office of the Clerk of the Circuit Court of Cook County is to serve the citizens of Cook County and the participants in the judicial system in an efficient, effective and ethical manner. All services, information and court records will be provided with courtesy and cost efficiency.

We had been optimistic the Clerk would initiate a mission planning process to identify the principles that would guide the office's priorities and policies with input from stakeholders and members of the public (who are court users). However, such a process has not occurred, and the mission statement did not appear to be posted on the Clerk's website when the website was still functioning in early 2021. Once the Clerk's website is restored, the mission statement and accompanying principles should be posted prominently on the Clerk of the Circuit Court of Cook County's website.

3. Establish an emergency remote operations plan.

The COVID-19 pandemic exposed the need for the Clerk of the Circuit Court to create an emergency remote operations plan for the Clerk's employees and operations. A July 2020 report of the Clerk's Shakman Consent Decree Compliance Administrator raised several concerns about the Clerk's remote working procedures during the COVID-19 shutdown in 2020. The Clerk reportedly worked with the Compliance Administrator to address this issue.

The Shakman Compliance Administrator reported in June 2021 that a Telework policy had been finalized and supervisory training occurred.⁵ The Telework Policy is one of several policies that were required as part of an Employment Plan required by Shakman oversight. However, the Clerk's Office does not have an Employee Handbook. The Compliance Administrator notes in the June 2021 report that the Clerk has discussed with the Compliance Administrator the need for a full-fledged Employee Handbook, both to satisfy the Employment Plan and the Clerk of the Circuit Court's operational need. The Compliance Administrator recommends that the Court require the Clerk to create an Employee Handbook as soon as practicable.⁶ The Clerk should make it an immediate priority to finalize an Employee Handbook, including a remote work policy, and post it on the Clerk of the Circuit Court's website.

⁵ Seventh Report of Susan G. Feibus as Compliance Administrator for the Clerk of the Circuit Court of Cook County, filed June 21, 2021, available at https://28deecac3-bfc7-4d05-9f05-d09ff9a915d3.filesusr.com/ugd/11c424_a0e4f540936243919f2eda8c90072ae9.pdf.

⁶ Seventh Report of Susan G. Feibus as Compliance Administrator for the Clerk of the Circuit Court of Cook County, filed June 21, 2021.

Technology

4. Work with judges to improve remote hearing capability.

At the direction of the Cook County Chief Judge, in direct response to the COVID-19 pandemic, the Circuit Court has been at full capacity for remote hearings since late 2020. The Court secured 400 Zoom licenses for judges and created additional “Zoom rooms” located at most courthouses to assist litigants without access to a phone or computer to attend remote court sessions.⁷

While the remote hearing capacity is an initiative directed by the Office of the Chief Judge of the Circuit Court of Cook County, the Clerk’s Office provides administrative support in these remote hearings and operating Zoom rooms. We are pleased the Court is functioning at full remote capacity.

5. Create a functional case management system.

In *New Directions*, we emphasized the need for a well-functioning electronic case management system. A case management system contains all case record information. It is central to the daily operations of the court and necessary for tracking data that helps evaluate how efficiently and effectively the courts are operating.

The Circuit Court Clerk’s Office has been working for several years to transition away from the legacy mainframe system that was used for decades to a new Odyssey case management system to store all of the court’s case files. A \$36.4 million contract with Tyler Technologies for the Odyssey case management system was approved by the Cook County Board of Commissioners in 2017.⁸ The rollouts of the first two divisions (the County Division in February 2018 and the Criminal Division in November 2019), which occurred prior to Clerk’s Martinez’s administration, were riddled with errors and delays. The rollout of the Criminal Division in 2019 initially drew wide criticism from attorneys and judges for incomplete case information and delays in obtaining documentation.⁹

Since taking office, the new Clerk successfully migrated the Probate, Domestic Relations and Domestic Violence Divisions to the new system in July 2021 without any issues. The remaining Civil divisions—the Chancery, Civil and Law Divisions—were transitioned to the new system in early December 2021. The Traffic Division, the final remaining division, is expected to be completed in February 2022. The Traffic Division is the most complicated to migrate to the new system due to the many fees that must be integrated with the systems of the Illinois Secretary of State and other state agency portals.¹⁰ The Clerk’s Office expects to end use of the legacy

⁷ Cook County Chief Judge, “Zoom Rooms available at most courthouses to help litigants without phone, computer access,” Press Release, December 18, 2020, at <https://www.cookcountycourt.org/MEDIA/View-Press-Release/ArticleId/2806/-Zoom-Rooms-available-at-most-courthouses-to-help-litigants-without-phone-computer-access>.

⁸ See e.g., meeting of the Cook County Technology and Innovation Committee, March 22, 2017, file # 17-1491 at <https://cook-county.legistar.com/MeetingDetail.aspx?ID=538655&GUID=72F4E70C-C7FA-4783-8579-CA09A1AA-51FA&Options=info|&Search>.

⁹ See “Dorothy Brown’s Office Debuts Upgrade to Criminal Court Computers to Wide Ridicule” by Megan Crepeau for Chicago Tribune (November 28, 2019), accessible at <https://www.chicagotribune.com/news/criminal-justice/ct-dorothy-brown-computer-rollout-debacle-20191126-3sblqlrw65cgxi2zm43jiem7hq-story.html>.

¹⁰ Information provided at the Cook County Technology and Innovation Committee Meeting, January 12, 2022, available at <https://cook-county.legistar.com/MeetingDetail.aspx?ID=921268&GUID=C-29CD589-1B9B-4F72-A9F7-161D5941F61B&Options=info|&Search>.

mainframe system by the end of 2022.

We are pleased that the Clerk has moved forward with successfully migrating the Court's case records to the new case management system. The Clerk also reports that the office has trained 250 judges and the majority of courtroom clerks on the new system.¹¹

The new system was expected to improve data transfers between the Clerk's Office and other offices, enhance public access to the court docket and case files, improve operations and business processes and reduce reliance on paper processes. Moving forward, we encourage the Clerk to establish a process for obtaining formal and informal feedback on the system from a variety of court users (including Clerk's employees, attorneys and litigants). We recommend that the Clerk track all complaints and suggestions so that recurring issues can be addressed. We also encourage the Clerk to establish a clear line of communication to ensure that complaints and suggestions are submitted not only to the system vendor, Tyler Technologies, but also directly to designated staff in the Clerk's Office. At present, it is often unclear to users whether responsibility for answering questions or addressing technological glitches resides with the Clerk's Office or with Tyler Technologies.

6. Improve integration of data between the Circuit Court and other criminal justice stakeholders.

Cook County criminal legal system agencies, in coordination with the Cook County Bureau of Technology, have been in the process of implementing a Criminal Justice Enterprise Services Bus (ESB), also known as the "Data Bus," since 2016.¹² As the record holder for the Circuit Court, the Clerk's Office and its new Odyssey case management system play a central role in the exchanges within the ESB.

Based on recent updates from the Cook County Bureau of Technology,¹³ the Enterprise Service Bus project is going well and several phases of exchanges have been successfully implemented. The first phase, implemented in 2018 and 2019, involved sending information about criminal cases from the Circuit Court Clerk to the Cook County Sheriff and an automated court reminder system to remind criminal defendants of their court hearing dates. The Clerk's State of the Clerk's Office report states that current initiatives include improving the process for receiving summons information from the Sheriff and receiving arrest packet images in order to more quickly initiate a case.¹⁴ While representatives from the Cook County Bureau of Technology report ongoing progress on the Enterprise Service Bus,¹⁵ we were unable to receive more detailed updates about the status of these projects and the Clerk's role in them.

11 Clerk of the Circuit Court of Cook County, State of the Clerk's Office, December 1, 2021, p. 19.

12 Cook County contracted with Applications Software Technology Corporation in January 2016 for the Enterprise Service Bus, and to date has spent \$6.6 million on the ESB.

13 Cook County Bureau of Technology, Semi-Annual Major Project Report, June 1, 2021, accessible at <https://cook-county.legistar.com/LegislationDetail.aspx?ID=4989771&GUID=B6786618-24E1-4CB0-95CF-81F768DBE-98F&Options=&Search=>.

14 Clerk of the Circuit Court of Cook County, State of the Clerk's Office, December 1, 2021, p. 20.

15 See e.g., Cook County Technology and Innovation Committee meeting held October 6, 2021, accessible at <https://cook-county.legistar.com/MeetingDetail.aspx?ID=896289&GUID=91A6C1D1-EC6A-492A-92D6-D2AD5C32EE-6B&Options=info&Search=>.

7. Improve the “e-filing” system.

The *New Directions* report made several recommendations for the Clerk of the Circuit Court to improve the e-filing system by doing the following:

- a. Simplify user interface and streamline the user experience across divisions;
- b. Allow “kiosk mode” filing and alternatives to e-mail for self-represented litigants;
- c. Implement electronic order entry and end the use of carbon paper;
- d. Preapprove filings by most law firms; and
- e. Conduct a user survey.

The Clerk reports some improvements with regard to electronic filing, although the initiatives recommended in New Directions have not been implemented. The State of the Clerk’s Office report notes that orders of protection in domestic violence cases can now be e-filed, expungement petitions can be filed electronically, and the Clerk’s Office is working with the Cook County State’s Attorney’s Office to develop and implement new processes and policies for the electronic submission of summons, certified mailings, certified copies of court dispositions and publication orders.

While these steps indicate that the Clerk’s Office has filled in some gaps in the electronic filing system, they do not indicate that the Clerk’s Office has undertaken a comprehensive review to streamline electronic filing generally. As recommended in *New Directions*, the Clerk’s Office, together with Tyler Technologies, should conduct a user survey and take steps to significantly simplify the electronic filing process. The current process is overly complicated, cumbersome, and inconsistent across divisions of the Court.

The Clerk’s Office also has not begun developing a system for electronic order entry. Other judicial districts employ easy-to-use interfaces where attorneys (or registered self-represented litigants) can electronically submit orders, judges sign them the same day, and the signed orders are automatically made available to all registered parties for download. Although the COVID-19 pandemic has, at least in the civil divisions, finally eliminated carbon paper orders in Cook County, the current system essentially replicates the carbon paper system but via inefficient (and sometimes overlooked) e-mails with attachments. The Clerk’s Office should work with the Office of the Chief Judge to create a truly electronic and automatic order entry system.

8. Make judges’ daily court calls available online.

The information available on the Clerk’s website has been limited and often confusing. The Clerk’s Office has expressed interest in improving the website to make it easier to locate information, and has committed to considering feedback from external organizations including the Civic Federation, Chicago Appleseed and the Chicago Council of Lawyers.

However, the Clerk of the Circuit Court website has been down since a data breach occurred in August 2021. Since that time, a temporary landing page with limited information has been put in place. The Office is working with the Cook County Bureau of Technology on implementation of a new secure website, which it has contracted with Clarity Partners to design. The process is currently in information-gathering stage. We are pleased that the Clerk’s Office is open to including our suggestions and look forward to working with the Office on this initiative.

When the new website is up and running, one of the key pieces of information that should be

posted on the Clerk's website is daily court call information so that litigants and attorneys can find their court dates and hearing times online. Currently, daily call sheet information is available only on paper schedules posted outside each courtroom when court is held in person and is not available at all for Zoom hearings. The Circuit Court's website lists only each judge's template schedule (for example, times available for motions or trials) and not the cases on the daily schedule.¹⁶ Each judge's schedule for the day (cases to be called, times, and line numbers on the docket) should be posted on the Circuit Clerk's website and regularly updated.

Overall, we hope to see the Clerk's Office improve access to information for court users and the public on the Clerk of the Circuit Court website. In addition to daily court dockets and schedules, the following are several examples of information we hope to see the Clerk of the Circuit Court website make available:

- Operational policies;
- Vendor contracts;
- Annual audit reports;
- Budget information, staffing information and organizational charts;
- Caseload statistics including cases filed, cases disposed, case clearance rates and length of time to case conclusion by case type within each area of law;
- Press releases or other means of communicating announcements on new policies, practices or procedures;
- Contact information for each of the Clerk's Office divisions; and
- Instructions for submitting requests for information and appropriate staff to contact.

9. *Install a court recording system in every courtroom.*

The *New Directions* report recommended that the Clerk of Circuit Court work with the Office of the Chief Judge to install an electronic court recording system in every Cook County courtroom to enable creation of and access to official transcripts of every proceeding to all litigants. Typically, only criminal courtrooms are staffed routinely with official court reporters. Civil litigants have generally needed to request and pay for private court reporters to attend a given hearing to enable preparation of an official record of their proceedings.¹⁷

The COVID-19 pandemic has expedited the use of technology and proved that technology can

¹⁶ See e.g., <https://www.cookcountycourt.org/HOME/Zoom-Links>.

¹⁷ A successful pilot program resulted in Cook County's five non-jury eviction courtrooms at the Daley Center being equipped with recording technology. However, this has not been expanded to other court divisions. See e.g., "For the First Time in 16 Years, Chicago Eviction Court is On Tape" (October 30, 2019) and "Eviction Court Judge Slams Moratorium as 'Utter Idiocy.' It's Not on the Record." (January 14, 2021) by Maya Dukmasova for Chicago Reader, accessible at <https://chicagoreader.com/news-politics/for-the-first-time-in-16-years-chicago-eviction-court-is-on-tape/> and <https://chicagoreader.com/news-politics/eviction-court-judge-slams-moratorium-as-utter-idiocy-its-not-on-the-record/>, respectively.

help improve the administration of justice, access to the courts, and efficiency.¹⁸ The Illinois Supreme Court amended Rule 46 in May 2020 to allow court proceedings to be recorded by stenographic means or by an electronic recording system, including video conferencing services.¹⁹ This rule change has, for the first time, allowed for the recording from videoconference hearings to be used by the court reporter to complete the transcript that becomes the official record of the proceeding.

Despite the fact that a significant portion of hearings in Cook County remain teleconferenced, and authority has been provided by the Illinois Supreme Court, most hearings, outside of criminal court, are not transcribed into an official court record. Given that all court proceedings have been taking place via Zoom throughout the pandemic, and given the authority granted by the Illinois Supreme Court, all Cook County Circuit Court proceedings that are not already recorded by a stenographer should be recorded via Zoom and made available to an official court reporter for transcription upon order. While this initiative would require direction by the Office of the Chief Judge, we recommend that the Clerk of the Circuit Court work with the Chief Judge to create a policy and process for recording Zoom court calls and hearings, and transcribing the recordings to become official court transcripts.

10. Implement court hearing reminders for all litigants.

The Circuit Court established an automated court date reminder system for criminal felony and misdemeanor cases, which sends phone call and text message court hearing reminders to those who register for them.²⁰ The call reminders went into effect in December 2017 and text reminders went live in March 2018.²¹ These reminders were halted in March 2020 due to the COVID-19 pandemic—reportedly to avoid confusion between assigned courtrooms and emergency courtrooms, and in order to ensure the system included Zoom information. The Circuit Court resumed automated reminders on December 1, 2021.

While the County has established an automated court reminder system for criminal cases, automatic court reminders are not provided for hearings in the other divisions of the Circuit Court. The Cook County Circuit Court website provides [instructions](#) to receive court date information by text or email, but these require the litigant or attorney to request the information. Automated court reminders are still needed in many other divisions of the Court, especially those where the majority of litigants are not represented by legal counsel such as Traffic cases.

¹⁸ Illinois Supreme Court, “Illinois Supreme Court Amends Rules to Support Use of Remote Hearings In Court Proceedings,” Press Release, May 26, 2020, available at <https://www.illinoiscourts.gov/News/390/Illinois-Supreme-Court-Amends-Rules-to-Support-use-of-Remote-Hearings-in-Court-Proceedings/news-detail/>.

¹⁹ Illinois Supreme Court Remote Court Proceedings Guidance Document, available at https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/0b0fe9a5-8a69-4596-b3be-d56ccec8b8e7/081020-SC_RHG.pdf.pdf.

²⁰ Criminal defendants can sign up for court reminders at <https://courtreminder.cookcountyil.gov/Public/>.

²¹ Cook County Bureau of Technology, Enterprise Service Bus Program: Integrated Justice “Bus” Initiatives, Quarterly Report: Second Quarter 2018. Accessible at <https://cook-county.legistar.com/LegislationDetail.aspx-?ID=3537310&GUID=1E2B58CD-275D-445F-B6FA-33F532094461&Options=Advanced&Search=>.

Public Access to Data

11. Create an Office of Data Management to improve internal data management and oversee external requests.

The *New Directions* report recommended that the Clerk's Office establish an office with a dedicated staff position to oversee requests for data and information, both to assist with internal analysis and respond to questions from researchers, journalists and the public.

The Clerk's Office has not created a data management office. The Clerk affirms that data requests pertaining to court case records must be directed to the Office of the Chief Judge because the Circuit Court holds jurisdiction over the records, while the Clerk of the Circuit Court simply maintains the records. Acknowledging there is a differentiation between information the Clerk's Office can currently release on its own authority versus information that requires approval from the Chief Judge, we hope to see the Clerk do the following:

- a. Appoint a designated staff person to handle information and data requests for the Clerk of the Circuit Court's Office.
- b. Create a policy regarding disclosure from the Clerk of the Circuit Court that identifies what types of information the Clerk may release, the process through which the public should submit requests and the length of time within which the requester should expect a response. The policy should be posted on the Clerk's website and include contact information for the designated staff person to whom the information requests should be directed.
- c. For information requests pertaining to case records or aggregated data based on case records that must first be submitted to the Office of the Chief Judge, provide clear instructions for requesters including contact information for the appropriate Chief Judge's Office staff to contact.
- d. Work with the Cook County Chief Judge to revise county-level policies to allow for the release of case-level court data. The Chief Judge's bulk data policy says the Clerk maintains the records and should maintain its own policies and procedures for providing bulk electronic data.²² The Clerk and Chief Judge should reach an agreement about a streamlined process for the Clerk to release court data and establish clear policies for how data requests will be handled within a certain timeframe.

12. Work with the Illinois General Assembly to amend state statute to make information in the Clerk of the Circuit Court's possession subject to the Illinois Freedom of Information Act.

A commitment to transparency was one of the key principles on which Clerk Martinez campaigned. After initially committing to making the Clerk of the Circuit Court of Cook County subject to the Freedom of Information Act (FOIA), Clerk Martinez worked with State Senator Michael Hastings to introduce Senate Bill 583 in the 102nd General Assembly.²³ The original bill

²² Cook County Chief Judge, General Administrative Order No. 02-03, as amended effective January 1, 2020, available at <https://www.cookcountycourt.org/Manage/Division-Orders/View-Division-Order/ArticleId/321/GENERAL-ADMINISTRATIVE-ORDER-NO-02-03-BULK-ELECTRONIC-DATA-DISSEMINATION-POLICY>.

²³ Senate Bill 583, 102nd Illinois General Assembly.

language would have added the Clerk of the Circuit Court of Cook County to the definition of “public body” and Section 2.5 of the FOIA statute²⁴ related to records of public funds. However, due to opposition from the Illinois Clerks of Courts Association, the bill was amended through Senate Committee Amendment 1, which removed all references to FOIA and instead added the Clerk of the Circuit Court of Cook County to Section 3a of the Local Records Act. This change made reports and records of the obligation, receipt and use of public funds of the Clerk of the Circuit Court of Cook County open to public inspection on court premises. The amended bill was passed by both houses of the General Assembly and signed into law on August 13, 2021.

The bill as passed does not meet the goals put forward in the New Directions report, nor does it meet Clerk Martinez’s stated campaign goals. Our coalition was disappointed in the weakened bill because it failed to achieve any meaningful change in public access to information in the Clerk’s Office.²⁵ The amended bill also precludes requestors from obtaining copies of records in electronic form and appealing a denial of a records request, which would be provided in FOIA. As a result, our organizations were not able to support SB 583 as amended by Amendment 1. We continue to advocate for an amendment to the Illinois Freedom of Information Act that would make Clerks of Courts and other administrative functions of the judicial branch subject to FOIA.

13. In the absence of a change to FOIA, voluntarily release data and operations information.

Even without a change in state law to the Freedom of Information Act, the Clerk’s Office can and should voluntarily release certain information about court operations and provide information on the office’s website. The office can also release data requests pertaining to information about court cases with approval from the Chief Judge.

Through our communications with the Circuit Court Clerk’s Office, the Clerk has indicated willingness to improve the availability of information on the Clerk of the Circuit Court website. However, the website is still under construction with no clear timetable for completion.

We recommend that the Clerk’s Office initiate the following:

- **Website Information Improvements.** The Clerk’s Office should make the following types of information readily available on its website:
 - a. Office policies;
 - b. Financial audits and budget reports;
 - c. An organizational chart;
 - d. Navigational court system information, including information about facilities, locations, the types of court cases handled at each location and what time court calls are scheduled;
 - e. Daily court docket information and schedules;

²⁴ 5 ILCS 140, [Freedom of Information Act](#).

²⁵ See “Circuit Court Clerk Touts Transparency with New Bill. Critics Say It’s Not What She Promised.” by Josh McGhee for Injustice Watch (April 7, 2021), accessible at <https://www.injusticewatch.org/news/courts/2021/cook-county-clerk-of-court-foia-transparency/>.

- f. Fines and fee schedules and information about changes to fees effective through the Criminal and Traffic Assessment Act;²⁶ and
 - g. Media releases announcing changes in process, policy, court initiatives, and other updates.
- **Data and Information Request Process and Policy.** The Clerk should create a policy for how the process of requests from journalists and researchers will be handled and the information the Clerk of the Circuit Court can provide. The policy should be posted on the Clerk’s website, along with instructions and contact information for the appropriate staff person to whom the public should direct data and information requests. For data requests that must be directed to the Office of the Chief Judge, the policy should also provide contact information for the appropriate staff person to contact.
 - **Statement on Disclosure.** Clerk Martinez issue a statement committing that the Circuit Court Clerk will work to ensure the office is as open and transparent as possible, and that the office will provide all information requested so long as it is not prohibited from being released. The statement should identify the information that is prohibited from the Clerk’s release and should be posted on the same page of the Clerk’s website where data request policy and instructions are posted.

Accessibility and User Services

New Directions recommended creating two high-level positions to oversee functions that have historically been left unfulfilled. The Chief Accessibility Officer and the Chief Public Service Officer would help with Circuit Court navigation and training of front-line staff.

The Clerk of the Circuit Court’s Office has expressed interest in making its services more accessible but has yet to appoint staff to either suggested position. The office has not announced concrete steps to make its facilities and services more accessible for people with disabilities or whose first or primary language is not English, nor has it centralized these access-to-justice initiatives under one division or official.

14. Appoint a Chief Accessibility Officer and improve access for people with language barriers or in compliance with the Americans with Disabilities Act (ADA).

The *New Directions* report recommended the Clerk establish a new position for a Chief Accessibility Officer to handle coordinating initiatives to improve physical accommodations and accessibility for litigants with disabilities and language and translation services for court users with translation or interpretation needs. The specific improvements recommended in *New Directions* include:

- Developing a comprehensive ADA Accessibility Plan to be implemented in each courthouse;
- Installing adjustable (height and volume) ADA kiosks in the Daley Center;

²⁶ See the Illinois General Assembly’s website at <https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ChapterID=50&ActID=3898> for the compiled statutes, (705 ILCS 135/) Criminal and Traffic Assessment Act.

- Training staff members on how to handle customer service for individuals with disabilities, including helping them access disability accommodations offered by the courts;
- Placing uniform signage and communications about available accommodations and services throughout every courthouse and division; and
- Improving language and translation services.

The Clerk's Office has expressed a commitment to ensure language and sign language interpreters are available. Specifically, the Circuit Court Clerk is planning to establish a new call center that will offer language translation in 200 languages and TTY capability for those with hearing impairments. We fully support the Clerk's call center initiative and hope that it leads to increased accessibility and access to justice, although the remaining accessibility recommendations should be addressed, particularly as courts resume jury trials and in-person court calls after the COVID-19 pandemic.

15. Appoint a Chief Public Service Officer and improve access to justice.

The *New Directions* report recommended the Clerk establish a new position for a Chief Public Service Officer to oversee access to justice and information for underserved and self-represented litigants. This position would ensure that all Clerk's Office personnel are adequately trained on e-filing and case management systems to address questions and assist self-represented litigants in navigating typical scenarios they face in court. The Chief Public Service Officer would additionally ensure uniformity and clarity of signage and court forms and conduct surveys to receive feedback from court users including judges, attorneys, jurors, and litigants.

The *State of the Clerk's Office* report released by Clerk Martinez on December 1, 2021, announced several customer service improvements the office has made such as establishing:

- A call center, staffed with 30 Clerks, to answer people's questions without requiring them to come to a court facility. The call center plans to offer translation in 200 different languages.
- A self-represented litigants customer service center in the Domestic Relations Division to assist litigants with paperwork, legal questions, and filing of forms.
- A system for incoming calls in suburban courthouses to direct callers to the appropriate department.
- Increased staff training on the Odyssey case management system and cross-training to improve customer service.

While these are positive steps toward improving customer service, it is unclear whether these efforts are coordinated and what staff positions are overseeing these initiatives. We continue to recommend that the Clerk hire a Chief Public Service Officer to ensure coordination and uniformity of customer service initiatives across divisions and courthouses.

The Clerk's executive staff have also indicated the intention to improve information provided on the new Clerk of the Circuit Court website. The Clerk's previous website was very difficult to navigate and has been down since a security breach occurred in August 2021. While the Clerk works with the County Bureau of Technology to build a new secure website, a temporary landing page has been put in place to provide links and contact information to different court divisions. When the new website is finalized, we are optimistic that it will include each judge's daily

court schedule, accessible Zoom links for each courtroom, readily accessible court forms for self-represented litigants, information for non-English speakers and disabled court users, and other information that will assist members of the public with their court needs.

16. Improve partnerships with other agencies.

The *New Directions* report recommended that the Clerk create partnerships with other agencies to better serve the public, such as the following, for example:

- Partnering with the Chicago Public Library and other library systems in Cook County to provide e-filing kiosks and train volunteers to assist self-represented litigants.
- Partnering with transportation agencies such as the Chicago Transit Authority, Pace, Metra, and the Regional Transportation Authority to coordinate better public transportation options to suburban courthouses and provide farecards for low-income litigants.
- Partnering with the Cook County Sheriff's Office to (a) coordinate service of documents (such as complaints and orders of protection) without needing to upload them to two separate systems and (b) coordinate better options for cell phone storage in courthouses so that individuals attending court hearings can access online resources, call for rides home, and otherwise conduct necessary business that requires e-mail and phone service.

These recommendations for interagency partnerships do not appear to have been initiated. We continue to recommend that the Clerk identify opportunities to provide better service to court users through creative, strategic partnerships like the ideas listed above.

Ethics and Oversight

17. Continue to comply with Shakman Consent Decree requirements.

The Clerk of the Circuit Court of Cook County has been under federal court monitoring through the Shakman Consent Decree since 1972.²⁷ The Consent Decree prohibits the Clerk's Office from making employment decisions based on political factors or coercing political contributions or activity from government employees in connection with their employment. In 2018, the Court appointed a Compliance Administrator to oversee the Clerk of the Circuit Court's hiring and employment practices and investigate unlawful political discrimination. The Clerk must reach substantial compliance with the Compliance Administrator's requirements in order to be released from court monitoring.

Based on the Shakman Compliance Administrator's most recent reports, the Clerk of the Circuit Court is making steady progress toward substantial compliance. The most recent report filed on September 3, 2021 recommended that the Clerk's Office finalize amendments to the Employment Plan, provide Employment Plan training to all staff and finalize an Employee Handbook.²⁸

²⁷ See e.g., https://www.shakmanclerkofcircuitcourtcocounty.com/files/ugd/11c424_ae1c848cda7340598935fdd-b90e4a80b.pdf.

²⁸ Eight Report of Susan G. Feibus as Compliance Administrator for the Clerk of the Circuit Court of Cook County, filed September 3, 2021, available at https://28deecac3-bfc7-4d05-9f05-d09ff9a915d3.filesusr.com/ugd/11c424_ca597c4bdd6d4f1c8bfcc9f8f4e4aa7.pdf.

18. *Eliminate patronage hiring in the office of the Circuit Court Clerk.*

The Shakman Compliance Administrator’s recent reports indicate the Clerk’s Office is making substantial progress toward eliminating political factors in the hiring.²⁹ The Clerk’s Human Resources staff have worked with the Compliance Administrator to finalize an Employment plan that governs hiring decisions at all levels and transfers and promotions of current employees. The majority (90%) of staff have received training on the Employment Plan.³⁰

19. *Ensure stronger Inspector General oversight.*

In the *New Directions* report, we suggested that the Circuit Court Clerk work with the Cook County Office of the Independent Inspector General (OIIG) to ensure stronger Inspector General oversight of the Clerk of the Court’s Office in matters of fraud, waste, mismanagement or abuse. The Clerk’s own Inspector General is a position that is hired internally, which we believe presents inherent conflict. To ensure true independent Inspector General oversight and restore public trust, the best course of action would be for the Clerk to establish an intergovernmental agreement with the Cook County OIIG allowing the OIIG to conduct investigations, evaluations and audits related to the Clerk’s Office. Through such an agreement, the Clerk would reimburse the County OIIG for oversight services performed, but would no longer need to budget for internal Inspector General costs.

Under the previous administration, the Circuit Court Clerk’s Inspector General (IG) staff served in a security role rather than traditional IG responsibilities of investigating waste, abuse, fraud and mismanagement. The Clerk’s IG provided general security at the Daley Center, handled movement of evidence and funds and served as the Circuit Court Clerk’s security detail.³¹ The new Clerk has now separated the Inspector General office into two units: one to support facilities management and security measures and another to handle investigation of fraud, waste, abuse and mismanagement. Several new personnel positions were added in the FY2022 budget to handle the inspector general work. The Clerk also points to other measures that have been taken to improve operations of the Inspector General including the creation of a case management system to track cases, recording interviews with audio and video and the development of standardized forms to improve transparency and establish a process for notification to employees.³²

The Clerk of the Circuit Court has not followed our suggestion of using the Cook County OIIG for inspector general oversight and instead has added new staff to the Circuit Clerk’s Inspector General (IG) to allow capacity to fulfill responsibilities of an Inspector General. In light of the current direction the Clerk has chosen to pursue with an in-house inspector general, we offer several recommendations to help ensure independence of the Clerk’s IG and focus on appropriate inspector general responsibilities:

- a. The Clerk’s Inspector General should bolster policies and procedures based on best practices in order to ensure real independence.³³

29 The Shakman Consent Decree provides an exception of “Shakman-exempt positions,” which are higher level positions for which hiring based on political considerations is permitted.

30 Clerk of the Circuit Court of Cook County, State of the Clerk’s Office, December 1, 2021, p. 11.

31 Clerk of the Circuit Court of Cook County, State of the Clerk’s Office, December 1, 2021, p. 14.

32 Clerk of the Circuit Court of Cook County, State of the Clerk’s Office, December 1, 2021, p. 14.

33 For Inspector General best practices, see Association of Inspectors General, [Principles and Standards for Offices of Inspector General](#), May 2014.

- b. The Inspector General should operate under an enabling ordinance that sets a mission, principles, and parameters that define its scope and responsibilities, and standards through which the IG will perform investigations, inspections, evaluations, and reviews.
- c. The Inspector General and staff should meet certain professional qualifications. Additionally, we recommend that the Clerk move staff who perform security functions that are not essential to the Inspector General’s mission of investigating abuse or mismanagement to a different department within the Circuit Court Clerk’s Office.
- d. The IG should also publish periodic (e.g., quarterly) reports summarizing activity and investigations.

20. Execute a new collective bargaining agreement.

This recommendation has been completed. The prior collective bargaining agreement with the Teamsters Local 700, the union representing employees of the Clerk of the Cook County Circuit Court, expired on November 30, 2020, and a new Collective Bargaining Agreement was ratified on November 4, 2021. The new Collective Bargaining Agreement, which was ratified by the Cook County Board of Commissioners on November 4, 2021, for the four-year period from December 1, 2020, through November 30, 2024, mirrors the collective bargaining agreements reached with other unions representing Cook County employees. It includes annual pay raises of 1.5% in 2021, 2.5% in 2022 and 2023, and 2.0% in 2024, plus several one-time payments, and slight increases in the employee HMO healthcare contribution.

Budget Transparency and Accountability

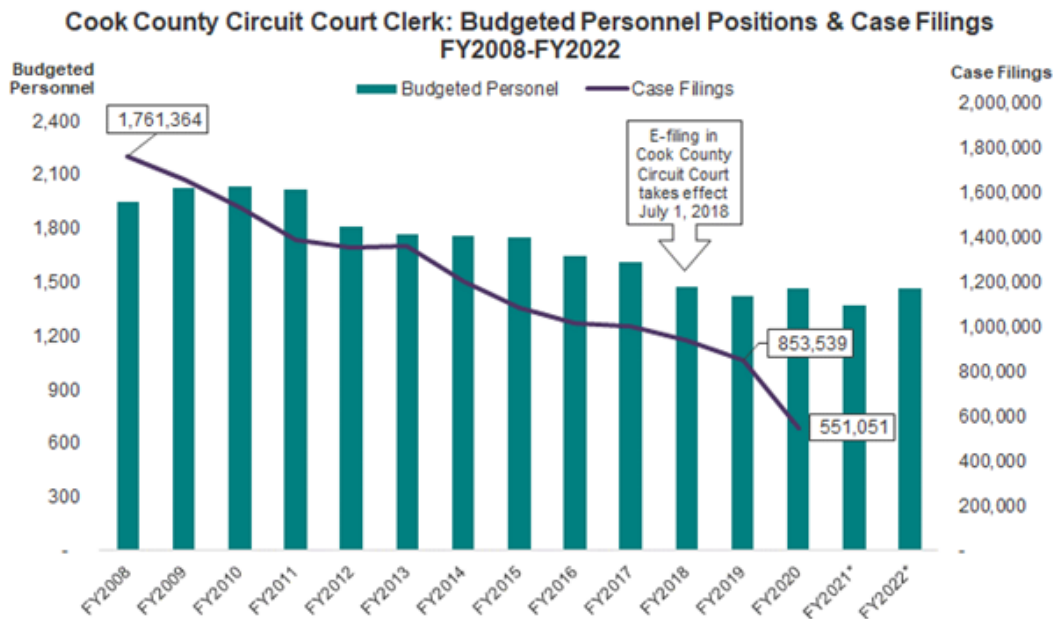
21. Reassess staffing levels to ensure the best use of resources.

The New Directions report recommended that the Clerk of the Circuit Court conduct a desk audit as part of an office-wide operational audit. A desk audit would assess current staffing levels and job responsibilities and could be used to identify any organizational changes needed to optimize efficiency.

The Clerk did not conduct any operational or desk audits upon taking office. We continue to recommend that the Clerk reassess staffing levels based on the volume of court activity.

While the number of budgeted staff in the Clerk of the Circuit Court’s Office has declined over the years, the decline in the number of annual case filings in the Cook County Circuit Court has far outpaced the decrease in staffing levels. Budgeted personnel fell from a high of just over 2,000 in FY2010 to a low of 1,373 in FY2021—a decrease of 32.6%. The number of court cases filed in Cook County decreased by over 50% between FY2008 and FY2019, and fell another 35% in FY2020.³⁴ These figures are shown in the chart below.

³⁴ The steep drop in 2020 is likely due at least in part to court closures and slowdowns in court activity due to the COVID-19 pandemic.



Source: Cook County Adopted Budgets, FY2008-FY2022; and Administrative Office of the Illinois Courts, Annual Report of the Illinois Courts, Statistical Summaries, 2008-2020.
*Annual case filing statistics as reported by the Administrative Office of the Illinois Courts are not yet available for 2021 and 2022.

The Clerk’s FY2022 budget increased personnel by 93 positions (a 6.7% increase from the prior year) and overall spending by nearly \$5 million, or 4%. The majority of the new positions (60) are for courtroom clerks and another 33 are for technical support positions. The Clerk’s Office explained that the need for these new positions was based on discussions with executive clerks and operational managers, which identified the need for additional staff to meet basic courtroom functions.

It is unclear whether the Clerk’s Office has adjusted staff or improved operational processes based on new e-filing and case management system technology. We hope to see the Clerk’s administration conduct a staffing assessment to right-size staff based on workloads, streamline processes and align staffing needs to new technology. Information about staffing and organizational changes should be made available to the public on the Clerk’s website.

22. Conduct a comprehensive review of special purpose funds.

The Clerk of the Circuit Court has four special purpose funds that support specific court functions, such as document storage and electronic citation. In addition to the Clerk’s own special purpose funds, the Clerk of the Circuit Court collects a variety of fees, fines and assessments and serves as a pass through by disbursing those funds to other governmental agencies. In 2020, the Clerk of the Circuit Court of Cook County distributed \$38 million in fees and fines to other local and state government entities.³⁵

While total revenues and expenditures within these funds can be found through financial audit reports, little is widely understood about the circumstances in which the special purpose fund fees are collected and how they are used. According to the Clerk’s 2020 financial audit, the Clerk of the Circuit Court of Cook County collected \$15.7 million in revenue from the four special purpose funds. While these numbers can be found in financial audits, they are not straightforward to a non-finance expert. Better transparency is needed for the general public to understand what fees are collected for what purpose, and how those funds are spent.

The Clerk’s Office has not made any commitments to review its special purpose funds or produce additional information to help the public understand the purpose and use of

³⁵ Office of the Clerk of the Circuit Court of Cook County, Annual Financial Report for the Year Ended November 30, 2020, Report J.

those funds. However, the State of the Clerk’s Office report does acknowledge that the Clerk’s 2019 and 2020 financial audits under the prior administration did not classify and distribute traffic fines, penalties and court costs in a timely manner. A total of \$2.87 million had not been disbursed in accordance with state regulations. The Office says it is working to resolve these issues in the 2021 audit.³⁶

To improve information about the Clerk’s special purpose funds as well as all of the funds that pass through the Clerk’s Office, we continue to recommend that the Clerk: (a) review the four funds to assess whether they still serve their original purpose and work to revise or sunset fees where possible; (b) post annual financial audit reports on the Clerk of the Circuit Court website; and (c) produce a straightforward, plain English summary of fees collected by the Clerk and how they are dispersed among government agencies. This summary could be included in an annual report (discussed further in Recommendation #24, below).

23. Revise annual performance metrics.

The Office of the Clerk of the Circuit Court has a set of performance metrics that are made available on the Cook County open data website.³⁷ Only a handful of these metrics are included in the Circuit Clerk’s annual budget.

Clerk Martinez’s Office indicates that its Finance Department has reviewed current performance metrics and found that several have outlived their original purpose or no longer provide useful insight. The Clerk’s Office says it plans to work with the Cook County Office of Research, Operations and Innovation to develop and report new metrics that provide more useful insights into Clerk’s Office operations.

In line with our original recommendation made in New Directions and the Clerk’s commitment to this initiative, we urge the Clerk of the Circuit Court to work with the Cook County Office of Research, Operations and Innovation to review the existing performance metrics and develop revised, clearly defined performance measures that would be more helpful for tracking operational efficiency of the Clerk’s Office. The Clerk’s performance metrics should be included in the annual report (as recommended in Recommendation #24, below).

Examples of potential performance measure improvements include:

- One of the Clerk’s performance metrics is the number of document images scanned, cumulatively since 1997. Rather than a cumulative tally, it would be more helpful to know the average number of documents that need to be scanned per year and the percentage of those documents that have been scanned. It would also be helpful for the Clerk’s Office to assess whether this is still a useful metric, now that all divisions of the Circuit Court utilize electronic filing.
- One performance metric is “percentage of cases disposed.” In addition to the percentage of cases disposed, it would be helpful for the performance metrics to include the number of cases filed and the number of cases disposed annually.
- One of the Clerk’s performance metrics is “average number of orders of protection processed cases processed per 16.3 FTE.” This tells us how many orders of protection cases are processed with the number of staff allocated to that activity. Instead or in addition, it

³⁶ Clerk of the Circuit Court of Cook County, State of the Clerk’s Office, December 1, 2021, pp. 17.

³⁷ The Clerk of the Circuit Court’s FY2021 performance data can be found at <https://cookcounty.data.socrata.com/Government/Clerk-of-the-Circuit-Court-Cook-County-Elected-Off/3hbd-c6ta/data>.

would be helpful to know what percentage of orders of protection cases are processed annually.

- Several of the Clerk’s performance metrics could be more clearly defined, such as “number of case activities” and “number of cases e-filed activity.” It is unclear what constitutes a “case activity” in each of these measures.

24. Produce an annual report with budget, performance and statistical information.

Understanding the flow of revenues and expenditures into and out of the Office of the Circuit Court Clerk is difficult because little detail is provided in the County’s budgets or financial audits. Reports that do contain financial details about the Clerk’s revenues and expenditures, such as the annual audits of the Circuit Court Clerk’s financial statements,³⁸ are not easily accessible to the public and are difficult for non-experts in finance to understand. As mentioned above, these annual audit reports should be made available to the public on the Clerk’s website.

Another difficulty with obtaining accurate information about the Circuit Court is inconsistency between sources of information. For example, the number of case filings reported in the annual reports of the Illinois Supreme Court, which report information submitted by Circuit Court Clerks, differs from the number of case filings reported in the Clerk’s annual performance metrics. The Clerk could greatly improve access to information about court activity levels simply by presenting this information on the Clerk’s website and in annual reports.

The Clerk’s Office has not made any commitment to producing an annual report with budget, operational, or statistical information. To improve transparency, the Office of the Clerk of the Circuit Court should produce an annual report to be released publicly and made available on the Clerk’s website each year. At a minimum, the annual report should include information on the following topics:

- Revenue generated, including breakdowns of fees, fines and other sources of revenue;
- Explanation of how funds are spent and dispersed across agencies;
- The Office’s performance measures and a description of how those measures will be used to improve efficiency; and
- Statistical data about case volumes in the Cook County Circuit Court, such as:
 - The number of case filings by case type;
 - The number of pending cases and their status;
 - The number of case dispositions by disposition type within each case type;
 - The time it took to reach a disposition by case type;
 - The number and types of cases where litigants were represented by counsel or represented themselves; and
 - The numbers of jury trials, bench trials, negotiated dispositions, and other dispositions for each Court division and type of case.

³⁸ The Clerk of the Circuit Court is required by State statute to have the Office’s financial statements audited by a licensed public accountant, per the Illinois Clerks of Courts Act, 705 ILCS 105/27.8.





CONCLUSION

The current Clerk of the Circuit Court inherited a problematic office known for a lack of transparency and efficiency. While some progress has been made by the new Clerk to improve the office, this progress has been slow. Now that the Clerk's administration has a better handle on the challenges after a full year, we hope to see the Clerk's Office transition from crisis mode to proactive management and planning.

Many initiatives and campaign commitments around transparency and efficiency remain to be addressed fully. Going forward, we urge the Clerk's administration to address the following broad issues:

- **Management:** Perform an audit, assess staffing levels based on workloads, court activity and integration of technology systems, and create a staffing plan aimed at improving efficiency and operational processes. We encourage the Clerk's Office to enlist outside assistance in completing the recommended audit and strategic planning process.
- **Technology:** In addition to resolving immediate technology issues including restoring the website and migrating fully to a new case management system, implement a long-term strategy to streamline electronic filing, implement electronic order entry and eventually move toward remote online access to case documents.
- **Communication:** Issue regular announcements about office updates, improve access to information on the Clerk's website and improve the process for the handling of information requests by researchers, reporters and interested members of the public.
- **Transparency:** Produce an annual report with court statistics, efficiency metrics and operational and budget information, and work with the Chief Judge to revise court policies regarding data and information disclosure.
- **Customer Service:** Ensure coordination and uniformity of customer service initiatives across divisions and courthouses.

Chicago Appleseed Center for Fair Courts, the Civic Federation, and the Chicago Council of Lawyers particularly urge the Clerk's Office to continue to work with other interested parties and stakeholders to address all of these issues. While it is understandable that the Clerk's first few months in office were devoted to assessing her role and the agency's internal needs, now is the time to turn outward and listen to the needs, suggestions, and recommendations of those who utilize the Clerk's Offices services – particularly litigants, attorneys, and researchers who require information about their own cases or about Clerk's Office and Court operations as a whole.

Likewise, we encourage the Clerk Martinez and her staff to resume regular meetings with the Civic Federation, Chicago Appleseed, the Chicago Council of Lawyers, and any other organizations that wish to be of assistance as the Clerk's Office undertakes a strategic review.