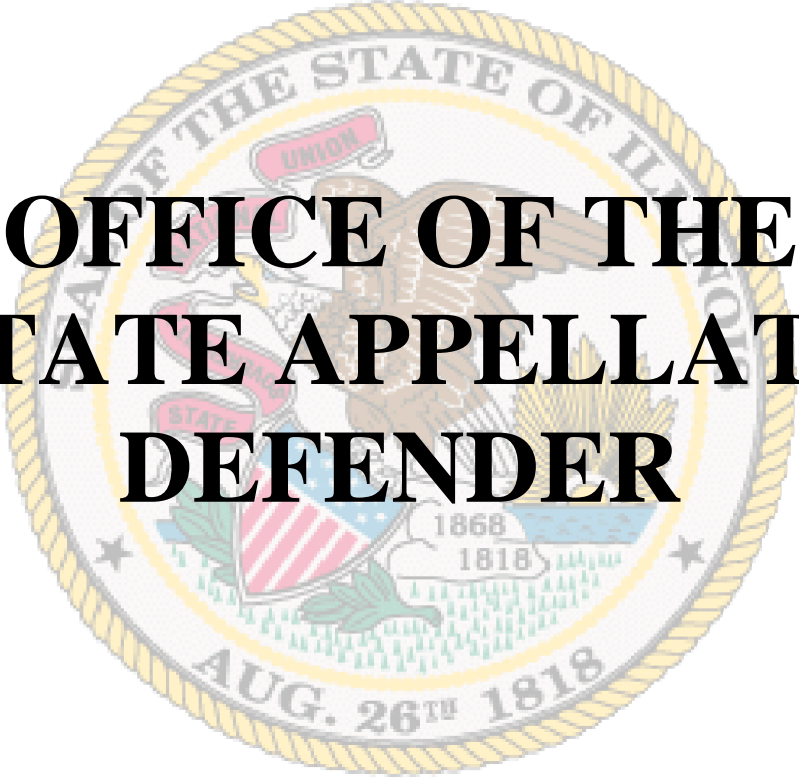


# Annual Report Fiscal Year - 2021

The seal of the State Appellate Defender of Illinois is a circular emblem. It features a central eagle with wings spread, perched on a shield with a red and white striped field and a blue chief. Above the eagle is a banner with the word "UNION". The eagle is flanked by two stars. Below the eagle is a banner with the years "1868" and "1818". The outer ring of the seal contains the text "OFFICE OF THE STATE APPPELLATE DEFENDER" at the top and "AUG. 26<sup>TH</sup> 1818" at the bottom.

**OFFICE OF THE  
STATE APPELLATE  
DEFENDER**

**JAMES E. CHADD**

**STATE APPELLATE DEFENDER**

**ANNUAL REPORT FISCAL YEAR-2021**

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## **I. FISCAL YEAR-2021 ACTIVITIES**

The COVID-19 pandemic has continued to affect our agency, just as it has every other aspect of our world. Fortunately, we have been able to operate effectively during the pandemic, doing most of our work remotely. This is due to the hard work and dedication of our employees, especially many of our support staff, who have kept our agency running through these difficult times.

After many years of service to the Office of the State Appellate Defender, First District Deputy Defender Patricia Mysza retired on July 31, 2020. Douglas R. Hoff, First District Assistant Deputy Defender, was named the new First District Deputy Defender effective August 1, 2020.

In August 2020, former First District Assistant Appellate Defender Ginger Odom was named Director of the Expungement Unit.

CFO/HR Director Tonya Janecek retired on October 31, 2020, after 39 years of dedicated service to the agency. Jana Bergschneider, who came to the agency with many years of fiscal experience with the State of Illinois, was hired as Ms. Janecek's successor.

On December 1, 2020, the Illinois Supreme Court expanded the Pro Bono Program to all the appellate districts in Illinois. The program has been very successful. As of the end of FY2021, private attorneys have entered appearances in 64 cases, all of them jury or bench trials.

### **Committees and Meetings**

During FY2021, State Appellate Defender James Chadd attended the virtual meetings of the committees for which he is statutorily required including the Adult Redeploy Illinois Oversight Board, the Illinois Criminal Justice Information Authority Board and the Illinois Sentencing Policy Advisory Council.

As a member of the Adult Redeploy Illinois Oversight Board, State Appellate Defender James Chadd participated in a training program for equity and racial justice, *Conscious Leadership for Disrupting Bias*, conducted by Dr. Annice E. Fisher, CEO and Founder of Developing Capacity Coaching.

On March 4, 2021, Mr. Chadd participated in a virtual "Criminal Processes" Program led by Fifth District Appellate Court Justice Milton S. Wharton. This 90 minute program entitled *Rebuilding Confidence in the Legal System: Criminal* is a new initiative established by the Illinois Judges Association and the Illinois Supreme Court Commission on Professionalism aimed at addressing racial and other disparities and achieving greater diversity, equity and inclusion in the legal system.

State Appellate Defender James Chadd and CFO/HR Director Jana Bergschneider appeared virtually before the Senate Appropriations committee on March 17, 2021, and before the House Appropriations committee on March 18, 2021.

### **Board of Commissioners**

During FY2021, there were several changes to the OSAD Board of Commissioners:

Second District Appellate Court Representative Justice R. Peter Grometer's term expired and DuPage County Public Defender Jeff York was appointed his successor for a six-year term effective August 1, 2020.

The term of the Illinois State Bar Association's Representative J. William Lucco expired, and Evan S. Bruno, Managing Partner of Bruno Law Offices, was named the new ISBA representative. Mr. Bruno's term runs through January 14, 2027.

On June 18, 2021, the Fifth District Appellate Court appointed Fifth District Appellate Court Justice Milton S. Wharton to the OSAD Board as their representative effective July 3, 2021. Justice Wharton succeeds Justice James K. Donovan.

The Office of the State Appellate Defender is grateful for the service of the retiring commissioners and looks forward to working with the new commissioners.

The OSAD Board of Commissioners met remotely on Friday, September 25, 2020, and approved the FY2021 Operating Budget request in the amount of \$24,990,600 which represented a \$1,597,000 or 6.39% increase over the Fiscal Year 2020 operating budget. The FY2021 operating budget request allows for the following:

- Full staffing for the agency;
- Ten new Assistant Appellate Defender positions;
- Three new support staff positions;
- Increase pay plan for all titles;
- Continuation and expansion of the Contract Attorney Program;
- Continuation and expansion of the Expungement Program, including a full-time attorney;
- Continuation of the Public Defender Training Program;
- Continuation of the Juvenile Defender Resource Center.

The Board of Commissioners' meeting was held virtually on February 26, 2021, and the Board approved the proposed budget for FY2022 in the amount of \$26,132,415 which represents a \$1,141,815 or 4.57% increase over the FY2021 operating budget. This budget allows for the following:

- Full staffing for the agency;
- Seven new Assistant Appellate Defender positions;
- Continuation and expansion of the Contract Attorney Program;
- Continuation of the Expungement Program;
- Continuation of the Public Defender Training Program;
- Continuation of the Juvenile Defender Resource Center.

### **Training Seminars**

The Jamie Kunz Trial Ad Program, which had been postponed from its original March 2020 date due to the COVID-19 pandemic, was held via Zoom from August 10-14, 2021, and 28 attorneys from 12 counties participated. This program featured a combination of synchronous and asynchronous material (sometimes known as “blended learning”), where attorneys watched some training videos ahead of time, and participated in live, on-your-feet, skills-training workshops.

The COVID-19 pandemic forced the cancellation of the 2020 Illinois Public Defender Association Fall Seminar and the 2021 IPDA Spring Seminar.

On November 13, 2020, the Juvenile Defender Resource Center held a live virtual training for the juvenile division of the Law Office of the Cook County Public Defender. In *Bending the Arc of Justice: How Appeals Can Help Individual Clients and Shape Legal Precedent*, the basics of appealing a delinquency case, unsettled areas of the law, and the importance of trial and appellate attorney partnerships were presented.

On December 4, 2020, the JDRC presented a live Zoom CLE training for Cook County juvenile defenders on limiting the detention of youth.

The Juvenile Defender Resource Center presented *Challenging the Unnecessary Incarceration of Children Through Pre-Trial Sentence Credit* via Zoom on February 19, 2021, from 1:00 to 2:00 pm. and was open to any Cook County Public Defender.

On April 16, 2021, the Juvenile Defender Resource Center conducted “*The Not-So-Speedy-Trial Right for Youth-Challenging Unnecessary Delays and Pre-Trial Detention*” via Zoom for Cook County Juvenile Defenders.

On May 19, 2021, the Juvenile Defender Resource Center partnered with the Northwestern Children and Family Justice Center and presented the Zoom training “*Keep Calm and Carry On: Jonesing for Justice in a Post-Miller, Post-Lusby Landscape.*”

The Office of the State Appellate Defender and the Illinois Public Defender Association presented the “*Getting Your Case Across*” virtual workshop from 2:00 to 2:50 p.m. every Wednesday in June. This workshop helped Public Defenders sharpen their presentation skills and also taught the fundamentals of storytelling.

The Office of the State Appellate Defender assisted the Illinois Public Defender Association present its first-ever virtual seminar on June 10, 11, 17, and 18. It was free of charge and presented for 8 hours of credit, including 5 hours of professionalism credit (including 1 hour each of diversity and mental health credit). 309 criminal defense attorneys registered for the program.

On June 17, 2021, Marilena David-Martin, the Deputy Director of the Michigan State Appellate Defender Office gave a 1.5-hour training via Zoom to OSADers on Writing and Editing Tips. Attorneys received 1.5 hours of CLE credit for attending and 56 attorneys attended the live session or watched the recorded video.

In July 2020, OSAD launched the online training program “Criminal Appeals in Illinois: An Introduction to Criminal Law and Procedure.” This course was designed to help private attorneys interested in participating in the Supreme Court’s *pro bono* program. It walked attorneys through a criminal trial and pointed out areas for potential issues on appeal. It also taught Supreme and local Appellate Court Rules and gave training on appellate practice such as brief writing, motions, and oral arguments. Finally, it discussed the various OSAD resources available to attorneys who participated in the *pro bono* program. Attorneys who were not otherwise qualified to participate in the *pro bono* program could qualify by completing this course. The 5-week course was offered 4 times in FY21: July 2020, September 2020, January 2021, and April 2021.

### **Internet Web Site**

The agency continues to provide the public with information regarding training programs and publications, including a Criminal Law Handbook, a monthly Criminal Law Digest with updated case information, Summary of Issues Pending in the Illinois Supreme Court and annual reports from prior years. During FY2019, a new edition of the Criminal Law Handbook was completed and is available to the public.

The agency also continues to provide extensive, timely information regarding the state’s expungement process. The site includes easy to follow questionnaires which allow anyone to determine whether or not a record is eligible for expungement or sealing.

As part of our commitment to provide public defenders with resources for sharing information, the agency established the “Public Defender Resource Center,” a place where public defenders can discuss issues, ask questions and share documents.

Additionally, through its Juvenile Defender Resource Center, OSAD now provides a wide range of information for attorneys who represent juveniles in conflict with the law including publications and organizations by subject matter, legislative updates, sample pleadings, case law summaries, and a juvenile defender discussion forum. The JDRC also publishes a twice-monthly

email newsletter, The Juvenile Defender, with updates on news, cases, legislation, and trainings affecting attorneys who represent youth in conflict with the law.

The State Appellate Defender site is located at:  
<https://www2.illinois.gov/osad/pages/default.aspx>

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## **II. THE AGENCY**

### **A. Introduction**

The Office of the State Appellate Defender is a State of Illinois agency created by the State Appellate Defender Act (725 ILCS 105). The primary function of the agency is stated in §105/10 of the Act:

*"The State Appellate Defender shall represent indigent persons on appeal in criminal and delinquent minor proceedings, when appointed to do so by a court under a Supreme Court Rule or law of this State."*

The Office of the State Appellate Defender does not initiate or generate the criminal appeals it handles. Criminal appeals are brought by defendants convicted of crimes and the Agency does not appear as counsel on an appeal until appointed to do so by a court, which makes the determination that the defendant is indigent and qualifies for the agency's services.

Pursuant to the State Appellate Defender Act (§105/9), the agency maintains an office in each of the five Judicial, or Appellate Court, Districts in Illinois. There is an Appellate Court and an Appellate Defender District Office in Chicago, Elgin, Ottawa, Springfield and Mt. Vernon. The agency has its Administrative Office in Springfield. Each District Office has a Deputy Defender who is responsible for the administration and supervision of that office.

In 1986, the Office of the State Appellate Defender was nominated to receive the Clara Shortridge Foltz Award. This award is given jointly by the American Bar Association and the National Legal Aid and Defender Association for outstanding achievements in providing criminal defense services by a defender office. The award is named for the founder of the nation's public defender system. In October 1986, the Office of the State Appellate Defender was presented the Clara Shortridge Foltz Award for "dedicated service and outstanding achievements in the delivery of criminal defense services." The Agency received numerous letters in support of its nomination.

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### **B. Historical Background**

In 1956, the United States Supreme Court held that the State of Illinois had the constitutional obligation to provide a trial court transcript, without cost, to indigent defendants for criminal appeals (*Griffin v. Illinois*, 351 U.S. 12). In 1963, the Court held that indigent

defendants had the constitutional right to have an attorney appointed to represent them in their criminal appeals. (*Douglas v. California*, 372 U.S. 353; *Milani v. Illinois*, 386 U.S. 12) In 1985, the Court further held that there is a constitutional right to the effective assistance of counsel in a criminal appeal. (*Evitts v. Lucey*, 469 U.S. 387).

The Illinois Constitution provides for the right to appeal (Art. VI, §6) and this right has been implemented by both legislation (725 ILCS 5/121-13, 725 ILCS 105/1) and Illinois Supreme Court Rules (Rules 607 and 605).

In the late 1960's, a statewide survey funded by the Illinois Law Enforcement Commission was conducted by the Illinois Public Defender Association to ascertain the needs of indigent criminal defendants in Illinois. This study, which included personal interviews with judges, State's Attorneys and defense lawyers, found that there was an urgent need for experienced, qualified lawyers in criminal appeals, including a need to change the manner in which lawyers for indigent criminal appeals were provided. In an attempt to meet some of the needs disclosed by the study, the Illinois Law Enforcement Commission awarded a grant, effective January 1, 1970, to create the Illinois Defender Project. This grant provided for regional appellate defender offices in the Second, Third, Fourth, and Fifth Judicial, or the Appellate Court, Districts. During its three years of existence, the Illinois Defender Project was appointed in about 2,000 criminal appeals and maintained a consistently excellent record of performance.

In an attempt to continue the work of the Illinois Defender Project and meet the need for appellate counsel in criminal appeals, a bill was introduced in the Illinois Legislature to create a state-wide Appellate Defender Office. This bill, the "State Appellate Defender Act," was signed into law by Governor Ogilvie on August 18, 1972, and became effective on October 1, 1972. The Illinois Supreme Court appointed Theodore A. Gottfried as the first State Appellate Defender in December 1972, and he had been reappointed every four years thereafter. He retired after 35 years on December 31, 2007.

The Office of the State Appellate Defender presently represents virtually all indigent criminal appellants in Illinois. If the Office of the State Appellate Defender is not appointed to represent an indigent defendant in a criminal appeal, the respective counties are required to pay the cost for appointed counsel on appeal.

In a criminal appeal, the Office of the State Appellate Defender serves on the defense side of the case, as the counterpart of the Illinois Attorney General's Office (which represents the prosecution in the Illinois Supreme Court), the State's Attorney's Appellate Prosecutor, and the various State's Attorneys.

### **Capital Cases**

From June 21, 1977, to June 30, 2011, a statute allowing the imposition of the death penalty was in effect in Illinois. This statute, as well as the Illinois Constitution and Illinois Supreme Court Rules, required an automatic appeal to the Illinois Supreme Court in all cases in



which a person was sentenced to death. The representation of a person sentenced to death was an awesome responsibility, requiring extraordinary legal knowledge and meticulous preparation. The consequences of less than the highest quality of legal representation were obvious and irreversible.

The United States Supreme Court pointed out that the death penalty is not merely a more severe sentence, but it is an entirely different kind of sentence, requiring special procedures. For example, Chief Justice Burger, in *Lockett v. Ohio*, 438 U.S. 586 (1978), stated: "We are satisfied that this qualitative difference between death and other penalties calls for a greater degree of reliability when the death sentence is imposed."

The Illinois Legislature also recognized the substantial difference between the death penalty and other criminal penalties. The death penalty statutes required unique sentencing procedures, including a hearing before a jury, an eligibility phase at which a statutory aggravating factor must be proved beyond a reasonable doubt, an aggravation-mitigation phase at which the jury is required to weigh all aggravating evidence and all mitigating evidence, and the imposition of the death sentence only by a unanimous jury verdict. Additionally, the Illinois Supreme Court treated death penalty cases differently by providing for automatic perfection of such appeals, allowing appointment of two lawyers giving priority to death penalty cases over all others, and by permitting a death sentence to be carried out only by final order of the Supreme Court.

Appeals in death penalty cases were more difficult and time consuming than non-capital appeals. Capital cases usually consisted of records which were extremely large, frequently containing thousands of pages. Most capital cases involved lengthy jury trials, with many motions, objections and evidentiary disputes. The jury selection procedure in most capital cases was much longer because the prospective jurors were "death penalty qualified," and the parties were entitled to twice as many peremptory challenges.

The sentencing hearing in capital cases was similar to a trial itself. It was usually held before a jury (whereas sentencing hearings in other cases are not) and generally involved the calling of numerous witnesses and lengthy testimony pertaining to the entire background of the defendant. Additionally, capital sentencing hearings contained many motions and arguments concerning the interpretation and application of the death penalty statute, constitutional issues, and questions concerning the type of aggravation and mitigation evidence that may have been introduced.

In non-capital appeals there is rarely an issue pertaining to the selection of the jury and seldom more than a single issue concerning sentencing; however, in capital cases there were numerous issues involving the selection of the jury and the sentencing hearing.

The difference in difficulty between capital and non-capital appeals can be illustrated by the written decisions of the Illinois Supreme Court. In capital cases, unless the Court reversed the case on a single issue or two, the opinions were normally twenty pages or more -- sometimes thirty or forty pages. In non-capital cases, the Supreme Court opinions were usually less than ten

pages. For example, in non-capital criminal cases decided by the Court in 1986, only two opinions were more than ten pages and twelve opinions were six pages or less. Additionally, the Supreme Court generally issues opinions in non-capital cases in the term of court immediately following the term in which the case was orally argued. In capital cases, due to their difficulty, the opinions were usually issued at least three or four terms later.

The Office of the State Appellate Defender recognized and confronted the difficult and unique responsibility of representing individuals sentenced to death. In 1977 the agency initiated a procedure to assure the highest quality of representation for all clients sentenced to death. A group of six experienced agency lawyers was organized to become thoroughly knowledgeable of all aspects of the death penalty. This death penalty group engaged in extensive research, kept abreast of court decisions and legislation dealing with the death penalty, prepared numerous detailed memorandums, and organized a large amount of materials. The materials prepared and assembled by the death penalty group proved to be extremely valuable in assisting lawyers and saving them many hours of research time in the handling of death penalty cases at both the trial and appeal level.

It was originally envisioned that the death penalty group of lawyers would handle, quickly and effectively, all death penalty appeals to which the agency was appointed. However, due to the time and difficulty involved in such appeals and the increase in agency appointments, it became clear that this group of lawyers could not handle all of the death penalty cases. Thus, death penalty appeals were assigned to various experienced lawyers in the agency's district offices, with two lawyers assigned to each case.

### **Supreme Court Unit**

In Fiscal Year-1983, the agency received funding to establish a Supreme Court Unit. This Unit, a separate office similar to a District Office, was located in Springfield and was assigned to and had the primary responsibility for death penalty cases. The lawyers in the Supreme Court Unit handled death penalty appeals and maintained a thorough knowledge of death penalty matters as well as assisted other Agency lawyers who were assigned to death penalty appeals. On March 9, 2011, Governor Pat Quinn signed legislation to abolish the death penalty effective July 1, 2011. As a result of the abolition of the death penalty, the Supreme Court Unit closed its doors on April 15, 2011.

### **Capital Trial Assistance Unit**

The Capital Trial Assistance Unit (formerly known as the Death Penalty Trial Assistance Unit) came into existence on January 1, 2000. It was created by an amendment to the State Appellate Defender Act, providing that the State Appellate Defender may in cases where a death sentence was an authorized disposition, provide trial counsel with the assistance of legal counsel,

expert witnesses, investigators and mitigation specialists from funds appropriated to the State Appellate Defender specifically for that purpose by the General Assembly 725 ILCS 105/10(c)(5). The mission of this office was to ensure that indigent defendants facing the death penalty received the assistance of zealous, dedicated attorneys armed with resources adequate to properly investigate and defend their cases at trial and at sentencing. As a result of the abolition of the death penalty, the Capital Trial Assistance Unit, with offices in Chicago, Springfield, and Belleville, also closed its doors on April 15, 2011.

### **Capital Post-Conviction Unit**

The Supreme Court Committee on Post-Conviction Representation in Death Penalty Cases presented its final report to the Supreme Court in November 1988. The report recommended a new division of the State Appellate Defender to coordinate and provide support to appointed lawyers who provide representation in these cases.

In the Fall Session of 1989, legislation was passed and funds were appropriated by the State of Illinois and the Federal Government to establish the Capital Resource Center. The Capital Resource Center recruited and maintained a panel of private attorneys willing to represent death row inmates in post-conviction proceedings. Illinois attorneys responded enthusiastically to participating on the Panel of Attorneys. Federal funding for the Capital Resource Center ceased in Fiscal Year-1996. As a result, the office was renamed the Capital Litigation Division of the Office of the State Appellate Defender. Effective January 1, 2005, the Capital Litigation Division was renamed the Post Conviction Unit, and on May 1, 2008, the Post Conviction Unit was renamed the Capital Post-Conviction Unit. Although the death penalty was abolished effective July 1, 2011, and the governor commuted the sentences of the 15 individuals sentenced to death, the Office of the State Appellate Defender received state funds for FY-2012 to complete work on what were then non-capital post-conviction cases. On June 30, 2012, at the conclusion of FY-2012, the Capital Post-Conviction Unit was closed.

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### **C. Work of the Agency**

#### **Generally**

Any indigent defendant convicted of a felony or a Class A misdemeanor or other offense in which imprisonment is imposed, and any minor adjudicated as delinquent, is entitled to the services of the Office of the State Appellate Defender upon appointment by a court. The appeal process normally commences when the defendant files a notice of appeal in the Circuit Court. The Record on Appeal is then prepared. The Record on Appeal includes a verbatim transcript of the proceedings (such as testimony of witnesses, arguments of counsel, rulings by the judges, etc.) and all documents filed in the case (such as indictments or information, written motions, jury instructions and verdicts, etc.).

After the agency is appointed as appellate counsel, the appeal is assigned to an Assistant Appellate Defender. This lawyer must then read the entire Record on Appeal in order to become totally familiar with all of the proceedings which occurred in the Circuit Court - ranging from pre-trial matters, the trial itself, post-trial motions, and the sentencing stage. Occasionally, certain portions of the record are missing and the lawyer must obtain such missing portions. In order to ensure that no possible legal issue is overlooked, the lawyer interviews the client and communicates with the trial lawyer.

After a complete and careful reading of the Record on Appeal, the lawyer must note and research every potential legal issue which might be raised on appeal. Once the issues, along with the authority in support of the issues, are decided upon, the lawyer begins the preparation of the appellant's opening brief. The brief must include several specific sections, which are required by Ill.Sup.Ct. Rules 341 and 342 - Points and Authorities, Nature of the Case, Issues Presented for Review, Jurisdiction, Statutes Involved, Statement of Facts, Argument, Conclusion and Appendix. The preparation of the brief requires a thorough understanding of the Circuit Court proceedings - pleadings, motions, objections, rulings, testimony, exhibits, and arguments, contained in the Record on Appeal (the transcript is often lengthy because about 200 typewritten pages are required for each day of trial). The appellant's brief is required to contain a complete and accurate description of all facts relevant to the appeal. Additionally, legal arguments in the brief must be supported by the citation and discussion of authority, such as statutes, decisions of the Illinois Supreme and Appellate Courts, decisions of the United States Supreme Court, or decisions of courts in other jurisdictions.

When a draft of the brief is completed, it is reviewed by the Deputy Defender or a Supervisor. The reviewing lawyer reads the draft brief to ensure that it contains all relevant facts and covers every possible legal argument and legal authority accurately and in proper form. The reviewer may suggest that changes be made. Upon final review and approval by the reviewer, the brief is prepared in final form and filed in the reviewing court.

When a conscientious examination of the Record on Appeal and thorough research reveal that any issues that could be raised on appeal are wholly frivolous and without merit, the agency files an *Anders* brief. Such a brief, named after the decision in *Anders v. California*, 386 U.S. 738 (1967), requests permission to withdraw from the appeal and includes a supporting document explaining the facts and legal authorities concerning why there are no arguable appellate issues. Before an *Anders* brief is filed, the appeal is subjected to intensive review to ensure that it is, in fact, meritless. Every year, there are *Anders* briefs filed by the agency.

After the agency's opening appellant brief is filed, the prosecution then prepares an appellee's brief. Following the filing of the appellee's brief, the agency lawyer may file a reply brief, which responds to the arguments and authorities presented by the prosecution in the appellee's brief.

Once the briefs have been filed, an appeal may then be scheduled for oral argument. After oral argument, the appeal is then taken under advisement and a written opinion or order is prepared by the court.

Following the decision of the Appellate Court, either party may file a Petition for Rehearing and may ultimately seek review in the Illinois Supreme Court by filing a Petition for Leave to Appeal. When the Supreme Court grants a Petition for Leave to Appeal, additional briefs are usually required and oral argument is presented. After oral argument, the case is taken under advisement and a written opinion or order is prepared. A Petition for Rehearing may then be filed by either party.

### **Expungement Unit**

Created by statutes 20 ILCS 2630/11 and 725 ILCS 105/10.6, the Expungement Unit provides information on the expungement and sealing process in Illinois. General instructions, all necessary court forms and links to other useful information are all available on the agency web site: <https://www2.illinois.gov/osad/Expungement/Pages/default.aspx>. Every effort is made to ensure the forms and instructions are current with Illinois law. The Expungement Unit also maintains a toll-free hotline, (866) 787-1776, as well as email availability for those seeking information on expungement and sealing. The email address is [expungement@osad.state.il.us](mailto:expungement@osad.state.il.us) and the mailing address is 400 W. Monroe Street, Suite 202, Springfield, IL 62704.

### **Juvenile Defender Resource Center**

The Illinois Juvenile Defender Resource Center was created by the Illinois General Assembly to support the work of attorneys representing youth in delinquency and criminal court and to study and implement model systems for the delivery of juvenile defender services in Illinois. (725 ILCS 105/10(c)(6)) The Center maintains a website and semi-monthly newsletter for attorneys with up-to-date information on case law, trainings, news items, and legislative changes affecting juvenile defense. Through the website, attorneys can access the JDRC Case Law Summaries, links to expert materials and resources, sample pleadings, and a list-serve for Illinois juvenile defenders. The Center also provides advice and assistance to attorneys on individual cases, sponsors free CLE training to juvenile defenders, and provides need-based funding for expert witnesses, evaluations, and investigators for attorneys representing youth in delinquency and criminal court.

The Center's staff continues to represent the interests of juvenile defenders on the Illinois Juvenile Justice Commission and Racial and Ethnic Disparities Subcommittee, the Illinois State Bar Association Standing Committee on Corrections and Sentencing and Child Law Section Council, the Illinois Sex Offender Management Board, the Illinois Juvenile Justice Leadership Council, the Administrative Office of the Illinois Courts Dual Status Youth Initiative, the Restore Justice Foundation, the Illinois Juvenile Justice Initiative, and the Midwest Juvenile Defender Center.

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### **III. OFFICES OF THE AGENCY**

#### **A. Administrative Office**

The Administrative Office of the agency is located at 400 West Monroe, Suite 202, in Springfield. The Administrative Office provides supervision and assistance to the agency's offices and maintains the agency records, such as payroll, purchasing, inventory and employee personnel files. An Employee Manual and detailed case management reports promote the efficient running of the agency. To assist Agency attorneys in providing quality representation to our clients, the Administrative Office provides ongoing Continuing Legal Education and maintains an extensive brief bank to assist with the attorneys' legal research.

In addition, the Administrative Office prepares and distributes a variety of materials designed to assist agency attorneys, public defenders and criminal attorneys throughout the state. Materials include: the *Criminal Law Digest* (a summary of significant court decisions available as they are issued); the *Handbook of Criminal Law Decisions* (a summary of hundreds of court decisions arranged under more than 400 topics, newest edition released in 2019); and the *Handbook on Briefs and Oral Arguments*; as well as other educational and training materials.

#### **B. First District Office**

The First District Office of the Agency is located at 203 North LaSalle, 24<sup>th</sup> Floor in Chicago. Douglas R. Hoff is the Deputy Defender.

During Fiscal Year-2021, the First District Office received appointment to 326 cases and filed 680 Appellate Court briefs, 197 Petitions for Leave to Appeal to the Illinois Supreme Court, 11 Illinois Supreme Court briefs, 4 Petition for Writ of Certiorari to the United States Supreme Court, 88 Anders briefs, 241 Finley Motions, 61 Motions to Withdraw, 99 Motions to Dismiss and 63 Summary Motions. Oral argument was held in 134 Appellate Court cases and 9 Illinois Supreme Court cases.

#### **C. Second District Office**

The Second District Office is located at One Douglas Avenue, 2<sup>nd</sup> Floor in Elgin. Thomas A. Lilien is the Deputy Defender.

During Fiscal Year-2021, the Second District Office received appointment to 260 cases and filed 155 Appellate Court briefs, 33 Petitions for Leave to Appeal to the Illinois Supreme Court, 1 Illinois Supreme Court brief, 1 Petition for Writ of Certiorari to the United States Supreme Court, 46 Anders briefs, 35 Finley Motions, 32 Motions to Withdraw, 31 Motions to Dismiss and 24 Summary Motions. Oral argument was held in 26 Appellate Court cases, and 2 Illinois Supreme Court cases.

**D. Third District Office**

The Third District Office is located at 770 E. Etna Road in Ottawa. Thomas A. Karalis is the Deputy Defender.

During Fiscal Year-2021, the Third District Office received appointment to 219 cases and filed 147 Appellate Court briefs, 26 Petitions for Leave to Appeal to the Illinois Supreme Court, 2 Illinois Supreme Court briefs, 3 Petitions for Writ of Certiorari to the United States Supreme Court, 12 Anders briefs, 31 Finley Motions, 28 Motions to Withdraw, 48 Motions to Dismiss and 19 Summary Motions. Oral argument was held in 23 Appellate Court cases and 6 Illinois Supreme Court cases.

**E. Fourth District Office**

The Fourth District Office is located at 400 West Monroe Street, Suite 303, in Springfield. Catherine Hart is the Deputy Defender.

During Fiscal Year-2021, the Fourth District Office received appointment to 278 cases and filed 219 Appellate Court briefs, 76 Petitions for Leave to Appeal to the Illinois Supreme Court, 2 Petitions for Writ of Certiorari to the United States Supreme Court, 6 Anders briefs, 33 Finley Motions, 21 Motions to Withdraw, 82 Motions to Dismiss and 26 Summary Motions. Oral argument was held in 33 Appellate Court cases and 3 Illinois Supreme Court cases.

**F. Fifth District Office**

The Fifth District Office is located at 909 Water Tower Circle in Mt. Vernon. Ellen J. Curry is the Deputy Defender.

During Fiscal Year-2021, the Fifth District Office received appointment to 125 cases and filed 59 Appellate Court briefs, 16 Petitions for Leave to Appeal to the Illinois Supreme Court, 2 Petitions for Writ of Certiorari to the United States Supreme Court, 24 Anders briefs, 17 Finley Motions, 12 Motions to Withdraw, 21 Motions to Dismiss and 23 Summary Motions. Oral argument was held in 53 Appellate Court cases.

**G. Expungement Unit**

OSAD's expungement unit receives an average of 220 emails per month, 145 phone calls to the hotline, and 185 phone calls per month requesting information about expungement and sealing of records. An average of 190 information packets a month are sent to Illinois residents requesting forms and additional information. Upon request, OSAD staff attorneys participate in community events to promote public awareness of expungement and sealing availability. In FY2021, OSAD was unable to participate in any community events due to COVID-19.

## **H. Juvenile Defender Resource Center**

In Fiscal Year-2021, the Juvenile Defender Resource Center continued to maintain its website, which provides attorneys with up-to-date information on trainings, news items, and legislative changes affecting juvenile defense; a juvenile defender list-serve; and access to the JDRC Case Law Summaries, sample pleadings, and links to expert materials and resources. The Center provided advice and assistance to attorneys in 96 individual cases. The Center also added a semi-monthly newsletter this fiscal year to regularly communicate with Illinois juvenile defenders. Due to the pandemic, the Center staff shifted to on-line trainings this fiscal year and provided five continuing legal education courses and hosted two online discussion groups. The Center's Trial Attorney Assistance Program, which provides funding by application to attorneys who would otherwise be unable to retain expert witnesses and evaluators for their juvenile clients, operated on a limited basis as the result of COVID-related court closures.

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## **IV. PERSONNEL**

### **ADMINISTRATIVE OFFICE**

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JAMES E. CHADD  
State Appellate Defender

Mr. Chadd received his Juris Doctor from the University of Illinois in 1984 and was admitted to the Illinois bar that same year. Mr. Chadd began work with the Supreme Court Unit as an Assistant Appellate Defender in 1984. He transferred to the First District Office in 1989. He became a Supervisor in 2002 and the Assistant Deputy Defender for the First District Office in 2010. On January 1, 2014, Mr. Chadd was appointed Deputy State Appellate Defender. The Illinois Supreme Court appointed Mr. Chadd as the State Appellate Defender effective January 1, 2018, for a 4 year term expiring on December 31, 2021.



KERRY J. BRYSON  
Deputy State Appellate Defender

Ms. Bryson received her Juris Doctor from DePaul University College of Law in 1998 and was admitted to the Illinois Bar that same year. She was employed as an associate with the firm of Paulsen and Malec, Ltd., from August 1998 until September 1999, when she joined the Third District Office of the State Appellate Defender as an Assistant Defender. Ms. Bryson became a Supervisor in 2015, and the Assistant Deputy Defender for the Third District Office in 2016. On February 1, 2018, Ms. Bryson was appointed Deputy State Appellate Defender.

SHAWN O'TOOLE  
Deputy State Appellate Defender

Mr. O'Toole graduated from the University of Illinois College of Law in 2002 and joined the Office of the State Appellate Defender First District office in 2003. He was an Assistant Appellate Defender for 11 years, and became a Supervisor in 2014. In 2016 he was named the Assistant Deputy Defender of the First District, and in 2018 he was named Deputy State Appellate Defender.

TONYA JANECEK  
Chief Fiscal Officer/Human Resource Director until October 31, 2020

Ms. Janecek joined the Office of the State Appellate Defender in July 1981 as a Fiscal Assistant in the Administrative Office. Ms. Janecek was appointed Chief Fiscal Officer on February 1, 1997. As Chief Fiscal Officer, Ms. Janecek was responsible for the coordination of all expenditures and vouchering procedures. She was also responsible for the preparation and filing of required fiscal and budgetary reports. As Human Resource Director, Ms. Janecek oversaw the HR Department in the preparation of payroll and providing benefits information to agency employees.

JANA BERGSCHNEIDER, CPA  
Chief Fiscal Officer/Human Resource Director effective September 16, 2020

Ms. Bergschneider joined the Office of the State Appellate Defender in September 2020. Ms. Bergschneider is responsible for the preparation and filing of required fiscal and budgetary reports. She is also responsible for the coordination of all expenditures, contracts and the vouchering process. As Human Resource Director, Ms. Bergschneider oversees the HR Department in the preparation of payroll, salary administration, hiring for the agency, and providing benefit information to agency employees.

LAURA A. WEILER  
Director of Training

Ms. Weiler received both her bachelor's degree and her law degree from the University of Notre Dame where she graduated with honors. She worked as an Assistant Appellate Defender for 11 years in the First District office and on December 1, 2012, she was promoted to Director of Training for the Office of the State Appellate Defender.

Ms. Weiler has appeared before the Illinois Supreme Court, the Seventh Circuit Court of Appeals, the Illinois Appellate Court, and the Circuit Court of Cook County. In 2012, Ms. Weiler received the James B. Haddad Award in recognition of her consistent high quality work and advocacy and her significant contributions to the improvement of the justice system.

At the end of FY-2021, the Administrative Office was staffed by 18 persons including the State Appellate Defender, 2 Deputy State Appellate Defenders, a Chief Fiscal Officer/Human Resource Director, a Director of Training, a Director of Support Services, a Systems Administrator, an Assistant to the Director of Support Services, an IT Director, a Network/Applications Manager, 2 Support Specialists, a Senior Human Resource Assistant, a Human Resource Assistant, a Senior Fiscal Assistant, a Fiscal Assistant, a Senior Administrative Assistant, and an Administrative Assistant.

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## **FIRST DISTRICT OFFICE**

Office of the State Appellate Defender  
203 North LaSalle, 24<sup>th</sup> Floor  
Chicago, IL 60601  
Telephone: 312/814-5472  
FAX: 312/814-1447  
Email: [1stDistrict@osad.state.il.us](mailto:1stDistrict@osad.state.il.us)

DOUGLAS R. HOFF  
Deputy Defender

Mr. Hoff received his Juris Doctor from St. Louis University in 1993 and was admitted to the Illinois Bar that same year. He worked in the Appellate/Postconviction Division of the Missouri State Public Defender System as an Assistant Public Defender from 1994 to 1998, and as a District Defender from 1998 to 2002. He joined the First District office as an Assistant Appellate Defender in 2003, became a Supervisor in 2008, and became Assistant Deputy in 2018. He was appointed Deputy of the First District in 2020.

Mr. Hoff is admitted to practice in the State of Illinois, the State of Missouri, the United States Supreme Court, the United States Court of Appeals for the Seventh Circuit, and the United States District Court for the Northern District of Illinois.

At the end of FY-2021, the First District Office was staffed by 124 persons including the Deputy Defender, an Assistant Deputy Defender, 10 Supervisors, 78 full-time Assistant Appellate Defenders, 13 part-time Assistant Appellate Defenders, a Director of the Paralegal Department,

4 Paralegals, an Office Administrator, an Assistant Office Administrator, 8 Legal Secretaries, 4 Docket Clerks, and 2 Office Clerks.

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## **SECOND DISTRICT OFFICE**

Office of the State Appellate Defender  
One Douglas Avenue, 2<sup>nd</sup> Floor  
Elgin, IL 60120  
Telephone: 847/695-8822  
FAX 847/695-8959  
Email: [2ndDistrict@osad.state.il.us](mailto:2ndDistrict@osad.state.il.us)

THOMAS A. LILIEN  
Deputy Defender

Mr. Lilien received his Juris Doctor from Notre Dame Law School in 1978 and was admitted to the Illinois Bar that same year. He joined the Office of the State Appellate Defender as an Assistant Appellate Defender in the Third District Office in October 1978 and worked there until his transfer to the Second District Office in 1988. Mr. Lilien continued to serve as an Assistant Appellate Defender until he assumed the Deputy Defender position as of January 1, 2006.

Mr. Lilien is admitted to practice in the Illinois Supreme Court and United States Supreme Court. He served as an adjunct faculty member co-teaching an appellate advocacy course at Northern Illinois University College of Law from 1986 until 2016; the program provided student interns to the Second and Third District Offices. He also served on the Board of Directors of the Illinois Institute for Continuing Legal Education for more than 10 years and was the general editor of the Institute's publication *Defending Illinois Criminal Cases*.

At the end of FY-2021, the Second District Office was staffed by 30 persons, including the Deputy Defender, an Assistant Deputy Defender, 2 Supervisors, 18 full-time Assistant Appellate Defenders, 1 part-time Assistant Appellate Defender, an Office Administrator, a Paralegal, a Docket Clerk, and 4 Legal Secretaries.

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## **THIRD DISTRICT OFFICE**

Office of the State Appellate Defender  
770 E. Etna Road  
Ottawa, IL 61350  
Telephone: 815/434-5531  
FAX 815/434-2920  
Email: [3rdDistrict@osad.state.il.us](mailto:3rdDistrict@osad.state.il.us)

THOMAS A. KARALIS  
Deputy Defender

Mr. Karalis received his Juris Doctor from DePaul University College of Law in 1985 and

was admitted to the Illinois bar that same year. He spent three years working in the title insurance industry before joining the Office of the State Appellate Defender Third District office in 1989. He was an Assistant Appellate Defender for 26 years before becoming a Supervisor in 2015. In February 2018, he was named Assistant Deputy Defender of the Third District, and he was appointed Deputy Defender of the Third District office effective January 2, 2020.

At the end of FY-2021, the Third District Office was staffed by 24 persons, including the Deputy Defender, an Assistant Deputy Defender, a Supervisor, 16 Assistant Appellate Defenders, an Office Administrator, a Paralegal, a Docket Clerk and 2 Legal Secretaries.

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#### **FOURTH DISTRICT OFFICE**

Office of the State Appellate Defender  
400 West Monroe, Suite 303  
Springfield, IL 62704  
Telephone: 217/782-3654  
FAX 217/524-2472  
Email: [4thDistrict@osad.state.il.us](mailto:4thDistrict@osad.state.il.us)

**CATHERINE HART**  
Deputy Defender

Catherine Hart received her Juris Doctor from Northwestern University School of Law in 1995, and went to work for the Legal Aid Society in New York City; first as an intern in the Juvenile Rights Division and then as a staff attorney for the Criminal Defense Division of the Brooklyn Legal Aid Society. In 1996 she was admitted to the Illinois Bar and in 1997 became an assistant appellate defender in the Fourth District of the Office of the State Appellate Defender. She became a supervisor in March 2015, and then the Assistant Director of the newly formed Juvenile Defender Resource Center in September of 2018. In December 2019, she was appointed as Deputy Defender of the Fourth District.

Ms. Hart is admitted to practice in the Illinois Supreme Court, the United States Supreme Court, and the United States District Court for the Central District of Illinois. Ms. Hart is a current board member of the Illinois Public Defender Association, and a former board member of the Illinois Juvenile Justice Initiative and the Midwest Juvenile Defender Center. Ms. Hart has made many legal presentations on topics such as the improper shackling of youth, trends in juvenile law, client communication, and criminal cases on appeal.

At the end of FY-2021, the Fourth District Office was staffed by 33 persons, including the Deputy Defender, an Assistant Deputy Defender, 2 Supervisors, 23 Assistant Appellate Defenders, a Paralegal Administrator, an Office Administrator, a Docket Clerk, and 3 Legal Secretaries.

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**FIFTH DISTRICT OFFICE**

Office of the State Appellate Defender  
909 Water Tower Circle  
Mt. Vernon, IL 62864  
Telephone: 618/244-3466  
FAX 618/244-8471  
Email: [5thDistrict@osad.state.il.us](mailto:5thDistrict@osad.state.il.us)

ELLEN JENKINS CURRY  
Deputy Defender

Ellen Jenkins Curry graduated from Southern Illinois University School of Law in May 1986. She was admitted to practice that year and began work as a solo practitioner in her hometown of Benton, IL, and also served as an assistant Franklin County Public Defender.

In December 1992, Ms. Curry began working as a law clerk for Justice William A. Lewis of the Fifth District Illinois Appellate Court. When Justice Terrance J. Hopkins was elected in 1994, Ms. Curry began working for him as a law clerk, where she remained through December 2002. On January 2, 2003, Ms. Curry resumed private practice in Benton, IL, specializing in appellate practice and serving as a Special Franklin County Public Defender. In December 2006, she began working as a law clerk for Fifth District Justice Bruce D. Stewart. She worked there until appointed to serve as the Deputy Defender of the Fifth District Office of the Office of the State Appellate Defender on January 1, 2013.

At the end of FY-2021, the Fifth District Office was staffed by 18 persons, including the Deputy Defender, Assistant Deputy Defender, 11 Assistant Appellate Defenders, a Paralegal, an Office Administrator, a Docket Clerk and 2 Legal Secretaries.

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**EXPUNGEMENT UNIT**

Office of the State Appellate Defender  
400 West Monroe, Suite 303  
Springfield, IL 62704  
Telephone: 866/787-1776  
Email: [expungement@osad.state.il.us](mailto:expungement@osad.state.il.us)

GINGER ODOM  
Director

Ginger Odom received a BA from Adelphi University in New York, where she graduated summa cum laude. She earned her JD from Chicago-Kent College of Law at Illinois Institute of Technology in 2003. She worked as a contract attorney on a death penalty case in her native Texas before joining the Office of the State Appellate Defender as an Assistant Appellate Defender in 2004. She was named the Director of Expungement in August 2020. Ms. Odom also is an adjunct professor at DePaul University College of Law where she teaches advanced criminal procedure.

At the end of FY2021, the Expungement Unit was staffed by 2 persons including the Director and the Expungement Coordinator.

## JUVENILE DEFENDER RESOURCE CENTER

Juvenile Defender Resource Center  
400 W. Monroe, Suite 202  
Springfield, IL 62704  
Telephone: 217/558-4606  
Email: [jdrc@osad.state.il.us](mailto:jdrc@osad.state.il.us)

JACQUELINE L. BULLARD  
Director

Jacqueline Bullard received her Juris Doctor degree from the University of Illinois College of Law and was admitted to the Illinois Bar in 1997. That same year, Ms. Bullard joined the Fourth District Office of the State Appellate Defender, where she represented clients as an Assistant Appellate Defender until her appointment to the Fourth District Deputy Defender position in April 2014. Ms. Bullard was appointed Director of the Illinois Juvenile Defender Resource Center upon its opening in September 2018.

Ms. Bullard is an appointed Commissioner on the Illinois Juvenile Justice Commission and a member of its Racial and Ethnic Disparities Subcommittee, is the agency representative on the Illinois Sex Offender Management Board, serves on the Executive Committee of the Administrative Office of the Illinois Courts Dual Status Youth Initiative, and is a former board member of the Illinois Juvenile Justice Initiative. Ms. Bullard writes on juvenile justice topics and is an active participant in systemic reform efforts at the state and national level related to children in conflict with the law. Ms. Bullard is a frequent presenter at seminars on criminal, delinquency, and appellate topics. Ms. Bullard was the 2012 recipient of the National Juvenile Defender Center's Robert E. Shepherd Jr. Award for Excellence in Juvenile Defense and the 2014 Office of the State Appellate Defender James B. Haddad Award.

At the end of FY-2021, the Juvenile Defender Resource Center was staffed by 3 persons, including the Director, a Staff Attorney, and an Office Associate.

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## V. BOARD OF COMMISSIONERS

**CHAIR - THOMAS M. BREEN**, born Evanston, Illinois, January 24, 1947, admitted to bar, 1972, Illinois; 1979, U.S. District Court, Northern District of Illinois; 1992, U.S. District Court, Central District of Illinois. **Education:** University of Notre Dame (A.B., 1969); Loyola University (J.D., 1972). Recipient: American Bar Association Pro Bono Public Award, 1996; Public Interest Law Institute, Distinguished Public Service Award, 1996; Mexican American Legal Defense and Education Fund, Legal Service Award, 1996. Assistant State's Attorney, Cook County, 1972-1978. Special Assistant State's Attorney, Livingston County, 1978-1981, 1984. Appointed, Illinois Supreme Court Committee on Criminal Jury Instructions, 1988-1992. Recipient, Illinois Public Defender Association of Excellence, 1990, Illinois Association of Criminal Defense Lawyers Lifetime Achievement Award, 2012. **Member:** Chicago (Member, Judicial Evaluation Committee,

1984-1989; 1991-1996) and American (Member, Sections on: Criminal Justice; Litigation) Bar Associations; National Association of Criminal Defense Attorneys; National Directory of Criminal Defense Lawyers. Fellow, American College of Trial Attorneys. (Commissioned U.S.A.R., 1972; Captain, 1978); Best Lawyers in America (1995 to present); Super Lawyers (2005-present). Presenter at various MCLE courses. **PRACTICE AREAS:** Criminal, Trial Practice; Appellate Practice; Attorney Discipline; Professional Practices.

**CAROL A. BROOK** - During her 42 years at the Federal Defender Program for the Northern District of Illinois, Carol A. Brook served as its Chief Appellate Attorney, Deputy Director and, from 2009-2018, its Executive Director. While at the Federal Defender Program, she defended hundreds of persons in the district court and more than she cares to count in the Seventh Circuit. She supervised a staff of 40 and supported a Panel of 170 private attorneys qualified to take appointments in federal criminal cases.

A long-time board member for organizations such as the Chicago Federal Bar Association, the Just the Beginning Foundation, and the John Howard Association, Carol also served as both board member and president of the Illinois Association of Criminal Defense Lawyers and the National Association of Federal Defenders. She has chaired numerous national committees and in 2011 was appointed to the U.S. Judicial Conference's Advisory Committee on Criminal Rules. Carol regularly speaks and writes on racial disparity in the criminal justice system, discovery, ethics and sentencing. She is currently Distinguished Practitioner in Residence at The John Marshall Law School teaching criminal procedure.

She and her husband, Thomas Corfman, are long-time Chicago residents and are the proud parents of Sam Corfman, a poet, and Jack Corfman, a lawyer.

**EVAN S. BRUNO** is a managing partner at Bruno Law Offices, LLC, in Urbana, where he practices criminal defense. Evan grew up in Champaign and received his undergraduate degree from the University of Illinois in 2009. After graduating from Indiana University Maurer School of Law in 2012, he worked as a Research Attorney for the Illinois Fourth District Appellate Court in Springfield. From 2014 to 2015, Evan served as elbow clerk for Justice Robert J. Steigmann of the Fourth District. In 2015, he joined his brother, Anthony, and father, Tom, in private practice at Bruno Law Offices. He currently serves as President of the Champaign County Criminal Defense Lawyers Association.

**HONORABLE JAMES L. BRUSATTE** (Retired) Born 1952. *Education:* Drake University, B.A., Phi Beta Kappa and University of Illinois, J.D., 1977. *Experience:* Associate at Peter Ferracuti, Partner at Brusatte and Vickers, Member at White, Marsh, Anderson, Brusatte and Vickers, Assistant Public Defender in LaSalle County, Public Defender of LaSalle County, LaSalle County Assistant State's Attorney, Associate Judge Thirteenth Judicial Circuit, Circuit Court Judge LaSalle County, and Volunteer Pro Bono Coordinator for Prairie State Legal Services. Judge Brusatte is a member of the Illinois Judges Association, the Illinois State Bar Association, and the LaSalle County Bar Association, and serves on a number of local Boards for various non-profit and charitable organizations.

**HONORABLE ABISHI C. CUNNINGHAM Jr.** (Retired) - Judge Cunningham served as Cook County Public Defender from April 2009 to March 2015 and brought decades of experience as a defense attorney, a prosecutor and a judge to the position. Prior to becoming the Cook County Public Defender, he served on the Cook County Circuit Court from 1986 to 2009 where he presided over thousands of bench trials and hundreds of jury trials in both criminal and civil cases. His last assignment was to the Law Division, where he presided over civil jury trials in areas that included personal injury/wrongful death, motor vehicle injury, medical malpractice, product liability, commercial litigation and breach of contract.

Judge Cunningham graduated from Fisk University in 1969 with a Bachelor of Science Degree and from Northwestern University School of Law in 1972. He served as legal advisor to the State Superintendent of Public Instruction from 1972-1973 when he left to join the Cook County State's Attorney's office as a felony trial assistant and then as Chief of the Vertical Prosecutions Unit. In 1976, Judge Cunningham joined the Criminal Defense Consortium of Cook County as a Supervising Attorney working out of the Lawndale office of the Consortium. The Consortium consisted of a network of five community-based law offices providing criminal defense services for indigent residents of the community accused in felony, misdemeanor and juvenile cases.

After a period in private practice as a litigator in criminal and civil defense, Judge Cunningham rejoined the Office of the Cook County State's Attorney, where he supervised 40 Assistant States Attorneys responsible for prosecuting all criminal misdemeanor and quasi-criminal cases in the City of Chicago, as well as advising the office on legislative issues. He left this position to join the bench in 1986.

Judge Cunningham was appointed by the Chief Judge to mentor newly appointed and elected judges, and is certified in Comprehensive mediation in the State of Illinois. His professional affiliations include membership in the American Bar Association, the National Bar Association, the Cook County Bar Association and the Chicago Bar Association, the Illinois Public Defender Association and the National Legal Aid and Defender Association. He has been an adjunct professor in the Political Science Department at the University of Illinois at Chicago, and was also an adjunct professor at the DePaul University School of Law and the John Marshall School of Law.



**HONORABLE JAMES K. DONOVAN** - (Retired) Justice James K. Donovan received his J.D. degree from St. Louis University School of Law and has been licensed to practice law in the State of Illinois since 1978. He served as an Assistant State's Attorney and Public Defender in St. Clair County, Illinois. He served a total of 24 years as a member of the Illinois Judiciary. He was a trial judge for 14 years in the Twentieth Judicial Circuit and retired as an appellate court justice after serving 10 years on the Fifth District Appellate Court in Mount Vernon, Illinois. Judge Donovan retired in December of 2012.

**HONORABLE THOMAS E. HOFFMAN** - Appellate Judge, First District, 6th Division - Thomas E. Hoffman was born Dec. 23, 1947, in Chicago. He was educated at Loyola University (B.B.A., 1969) and the John Marshall Law School (J.D., 1971). He served as an Assistant Corporation Counsel for the City of Chicago from 1971 to 1976 before entering private practice. Judge Hoffman was appointed an associate judge of the Circuit Court of Cook County, 1984, elected a Circuit Judge of the Circuit Court of Cook County in 1988, assigned to service in the First Appellate District in 1993, and elected an Appellate Judge of the First Appellate District in 1994 where he presently serves in the 6th Division. Judge Hoffman received the John Marshall Law School's "Distinguished Alumni" award in 1988 and was president of the school's alumni association in 1996. He is a member of the Justinian Society of Lawyers and the Chicago Inn of Court. Judge Hoffman is married to Judge Margarita Kulys Hoffman. He has four children.

**J. WILLIAM LUCCO** - (Commissioner until term completed in May 2021) Born Edwardsville, Illinois, 1947. Education: University of Illinois (A.B., 1969; and J.D., 1972.) Bar Memberships: Illinois 1972, Texas 1973, United States Court of Appeals Seventh Circuit 1978, United States Supreme Court 1984, and currently active in the United States District Courts for the Southern District of Illinois and the Eastern District of Missouri.

Practice Areas: White Collar Criminal Defense, General Criminal Defense, and Commercial Litigation. Honors: Fellow, American College of Trial Lawyers; Top One Hundred Lawyers in Illinois, Leading Lawyers Net Work; Illinois Super Lawyers; and Best Lawyers in America.

Professional Associations: White Collar Crime Committee, National Association of Criminal Defense Lawyers, Past Member; U.S. Senate Judicial Nominations Commission for Southern District of Illinois, 1997 - 1999, Past Chair; U.S. Magistrate Judge Merit Selection Committee, past Member; CJA Panel Selection Committee for Southern District of Illinois, Past Member; Supreme Court of Illinois Committee on Judicial Performance Evaluation, Past Member; Illinois Capital Litigation Trial Bar Screening Committee, Past Chair; Attorney Regulatory and Disciplinary Commission, 1987 - Present, Member of Inquiry Board; Madison County Bar Association, Past President; Illinois State Bar Association Member; American Bar Association Member; State Bar of Texas Member; Land of Lincoln Legal Assistance Foundation, 1979-2000 Past Director.

Past and Present Employment Positions: Vista Volunteer Legal Aid Lawyer, Galveston, Texas 1972-1974; Madison County, Illinois, Assistant Public Defender, 1976-1980; Private practice 1975-present.

**MICHELLE L. SANDERS** - Michelle Sanders is the Chief Public Defender for Macon County. Prior to being appointed as the Chief Public Defender in March 2021, Michelle served in the office in other capacities—first as an Assistant Public Defender and later as the First Assistant Public Defender. She also served for five years as a judicial law clerk for Justice Lisa Holder White on the Fourth District Appellate Court. Since 2014, Michelle has been an adjunct professor at Millikin University, teaching undergraduate courses in Constitutional Law, Civil Liberties, and Criminal Justice.

Michelle graduated *summa cum laude* from Western Illinois University in 2002 with a Bachelor of Arts degree in English. She earned her Juris Doctorate from Southern Illinois University School of Law in 2007, where she wrote for the SIU Law Journal and served as a Taylor Mattis Fellow.

Currently, Michelle serves on the Macon County Criminal Justice Council, the Macon County Juvenile Justice Council, the Illinois Family Violence Coordinating Council for the Sixth Judicial Circuit, and multiple steering committees for the local specialty courts. She also assists the Decatur Bar Association with its annual mock trial event and continuing legal education presentations. Michelle previously served as the president of Games for Troops, Inc. a local nonprofit organization, on the Board of Directors for Heritage Behavioral Health Center, and as a moderator for the Teen Court diversion program.

**JEFF YORK** - Jeff York has been the Chief Public Defender in DuPage County since 2010. Prior to being selected for that position, he held positions as Assistant, Senior Assistant, and Deputy Chief Public Defender with that office since 1997. He began his career as an Assistant Public Defender in Winnebago County in 1997. Jeff graduated from the University of Illinois (B.S. 1993 and J.D. 1996).

Currently Jeff serves on the board of directors for DuPage Legal Aid and Illinois Public Defender Association. He is an active member of the DuPage County Bar Association and Illinois Council of Chief Defenders. He also coaches at OSAD's Jamie Kunz Trial Advocacy Program.

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**VI.**

**STATISTICS**

**FOR**

**FISCAL YEAR-2021**

**Office of the State Appellate Defender**  
**Agency Activity Statistics**  
For The Period Of:7/1/2020 To 6/30/2021

	1st Dist	2nd Dist	3rd Dist	4th Dist	5th Dist	Contract	TOTAL
<b><u>APPOINTMENTS</u></b>	367	293	238	342	135		<b>1375</b>
Adjusted Appointments	(41)	(33)	(19)	(64)	(10)		<b>(167)*</b>
Total Appointments	326	260	219	278	125		<b>1208</b>
<b><u>COMPLETE RECORDS</u></b>							
Trial	196	129	87	81	81		<b>528</b>
Non-Trial	376	156	137	224	77		<b>970</b>
<b><u>AC BRIEFS &amp; PETITIONS</u></b>							
Appellate Court Briefs	680	155	147	219	59	35	<b>1295</b>
Appellate Court Resp Briefs	1	6	2	0	4	0	<b>13</b>
Reply Briefs	733	171	139	232	45	40	<b>1360</b>
Supplemental Briefs	13	3	0	7	3	1	<b>27</b>
Petitions for Rehearing	109	4	16	23	7	3	<b>162</b>
<b><u>ISC BRIEFS &amp; PETITIONS</u></b>							
Petitions for Leave to Appeal	197	33	26	76	16	7	<b>355</b>
ISC Briefs	11	1	2	0	0	1	<b>15</b>
ISC Response Briefs	2	1	4	2	0	0	<b>9</b>
ISC Reply Briefs	8	3	1	2	0	1	<b>15</b>
ISC Cross Reply Briefs	1	0	0	0	0	0	<b>1</b>
ISC Supplemental Briefs	0	0	0	0	0	0	<b>0</b>
ISC Petitions for Rehearing	1	0	3	1	0	0	<b>5</b>
<b><u>FED CRTS BRIEFS &amp; PETITIONS</u></b>							
7th Circuit Briefs	0	0	0	0	0	0	<b>0</b>
7th Circuit Response Brief	0	0	0	0	0	0	<b>0</b>
7th Circuit Reply Brief	0	0	0	0	0	0	<b>0</b>
USSC Certiorari Petitions	4	1	3	2	2	0	<b>12</b>
USSC Brief	0	0	0	0	0	0	<b>0</b>
USSC Response Brief	0	0	0	0	0	0	<b>0</b>
USSC Reply Brief	0	0	0	0	0	0	<b>0</b>
USSC Supplemental Brief	0	0	0	0	0	0	<b>0</b>
USSC Petition for Rehearing	0	0	0	0	0	0	<b>0</b>
<b><u>ANDERS BRIEFS</u></b>							
Filed	88	46	12	6	24	1	<b>177</b>
Denied	1	1	0	0	0	0	<b>2</b>
<b><u>FINLEY MOTIONS</u></b>							
Filed	241	35	31	33	17	1	<b>358</b>
Denied	5	4	0	26	0	0	<b>9</b>

**MOTIONS TO WITHDRAW**

Filed	61	32	28	21	12	0	<b>154</b>
Denied	3	0	0	1	1	0	<b>5</b>

**MOTIONS TO DISMISS**

Filed	99	31	48	82	21	1	<b>282</b>
Denied	2	0	0	0	1	0	<b>3</b>

**SUMMARY MOTIONS**

	63	24	19	26	23	0	<b>155</b>
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**ORAL ARGUMENTS**

Appellate Court	134	26	23	33	53	10	<b>279</b>
ISC Court	9	2	6	3	0	1	<b>21</b>
7th Circuit Court	0	0	0	0	0	0	<b>0</b>
US Supreme Court	0	0	0	0	0	0	<b>0</b>

**CLOSED CASES**

	1,461	424	309	462	152	73	<b>2881</b>
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**DECISION TYPE**

	<b>1st Dist</b>	<b>2nd Dist</b>	<b>3rd Dist</b>	<b>4th Dist</b>	<b>5th Dist</b>	<b>Contract</b>	<b>TOTAL</b>
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**DEFENSE APPEALS**

Affirmed	532	137	87	159	36	47	<b>998</b>
Consolidated	22	16	13	37	5	0	<b>93</b>
Dismissed	124	41	70	101	24	3	<b>363</b>
Mitt Corrected (other than sent credit)	9	0	0	0	0	0	<b>9</b>
Remanded	13	9	12	31	7	0	<b>72</b>
Remanded in Part	12	0	2	0	0	1	<b>15</b>
Remanded Sentence Only	1	2	1	0	1	0	<b>5</b>
Reversed	19	4	9	1	2	3	<b>38</b>
Reversed in Part	7	1	1	3	0	1	<b>13</b>
Reversed/Remanded	162	25	29	44	10	0	<b>270</b>
Sentence Credit (pre-trial)	0	0	0	0	0	0	<b>0</b>
Sentence Reduction	3	3	2	3	0	0	<b>11</b>
State Relief/Deft Appeal	0	0	0	0	0	0	<b>0</b>
Vacated	9	4	0	0	0	0	<b>13</b>
Vacated in Part	16	6	1	2	0	3	<b>28</b>
Vacated/Remanded	75	13	12	8	18	0	<b>126</b>
WD Anders All/Aff	90	49	9	6	10	3	<b>167</b>
WD Finley All/Aff	206	34	29	35	19	1	<b>324</b>
WD Misc.	100	32	17	31	15	0	<b>195</b>

**STATE APPEALS**

SA Affirmed	0	0	1	0	1	0	<b>2</b>
SA Remanded	0	0	0	0	0	0	<b>0</b>
SA Reversed	0	0	0	0	0	0	<b>0</b>

**DECISION TOTALS**

	<b>1400</b>	<b>376</b>	<b>295</b>	<b>461</b>	<b>148</b>	<b>62</b>	<b>2742</b>
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\* Adjusted appointments represent cases closed where no brief or disposition motion was filed.

Office of the State Appellate Defender  
 Annual Report - Appts By County  
 7/1/2020 through 6/30/2021

Total Appointments: 1,375

Appellate Court District	Total Appointment By AC District	County Name	Total Appointment By County
<b>1st District</b>	<b>367</b>		
		Cook	367
<b>2nd District</b>	<b>293</b>		
		Boone	23
		Carroll	2
		DeKalb	16
		DuPage	51
		JoDaviess	2
		Kane	49
		Kendall	13
		Lake	50
		Lee	4
		McHenry	16
		Ogle	1
		Stephenson	6
		Winnebago	60
<b>3rd District</b>	<b>238</b>		
		Fulton	2
		Hancock	1
		Henry	16
		Iroquois	5
		Kankakee	37
		Knox	4
		LaSalle	16
		Marshall	1
		McDonough	1
		Mercer	6
		Peoria	62
		Rock Island	18
		Stark	1
		Tazewell	17

Office of the State Appellate Defender  
 Annual Report - Appts By County  
 7/1/2020 through 6/30/2021

Total Appointments: 1,375

Appellate Court District	Total Appointment By AC District	County Name	Total Appointment By County
		Whiteside	5
		Will	46
<b>4th District</b>	<b>342</b>		
		Adams	11
		Calhoun	2
		Champaign	64
		Clark	2
		Coles	11
		Cumberland	5
		DeWitt	2
		Douglas	3
		Ford	3
		Jersey	6
		Livingston	32
		Logan	6
		Macon	32
		Macoupin	2
		McLean	86
		Menard	2
		Morgan	4
		Moultrie	2
		Piatt	1
		Pike	3
		Sangamon	20
		Schuyler	1
		Vermilion	17
		Woodford	25
<b>5th District</b>	<b>135</b>		
		Bond	2
		Christian	1
		Clay	1

**Office of the State Appellate Defender  
Annual Report - Appts By County  
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**Total Appointments: 1,375**

<b>Appellate Court District</b>	<b>Total Appointment By AC District</b>	<b>County Name</b>	<b>Total Appointment By County</b>
		Clinton	1
		Effingham	9
		Franklin	2
		Gallatin	1
		Hamilton	2
		Jackson	15
		Jefferson	13
		Johnson	5
		Lawrence	4
		Madison	20
		Marion	7
		Massac	3
		Montgomery	3
		Perry	1
		Randolph	3
		Richland	1
		Saline	4
		Shelby	4
		St. Clair	26
		Wabash	1
		Wayne	2
		White	2
		Williamson	2



Caseload Comparison Statistics  
 FY 2020 - FY 2021  
 No. of Appointments & Dispositions

Appointments	FY 20	FY 21
Cases Opened	1907	1375

Dispositions	FY 20	FY 21
Appellate Court Briefs	1452	1295
Appellate Court Response Briefs (State Appeal)	24	13
Anders Filed	187	177
Finley Filed	339	358
Motions to Withdraw Filed	140	154
Motions to Dismiss Filed	401	282
Summary Motions Filed	152	155
Total Dispositions	2695	2434

# Office of the State Appellate Defender Caseload Information

Statistics for Fiscal Year 2021

## Agency Offices

	1st	2nd	3rd	4th	5th	Contract Attys	Total
<b>Ending FY 20 Cases Pending</b>	2382	610	508	628	342	80	4550
<b>FY 2021 Appointments</b>	367	293	238	342	135	0	1375
<b>FY 2021 Closed Case</b>	(1461)	(424)	(309)	(462)	(152)	(73)	(2881)
<b>FY 2021 Incoming Transfers</b>	407	30	8	108	2	42	597
<b>FY 2021 Outgoing Transfers</b>	(99)	(159)	(118)	(139)	(82)		(597)
<b>FY 2021 Total Cases Pending</b>	1596	350	327	477	245	49	3044
<b><u>Decisions Information</u></b>							
<b>AC Decisions</b>	1400	376	296	462	150	62	2746
<b>AC Relief Granted</b>	326	67	70	92	39	8	602
<b>AC Percent Relief</b>	23%	18%	24%	20%	26%	13%	22%
<b>Leave to Appeal Granted</b>	10	3	2	0	1	1	17

<b>SC Decisions</b>	10	2	10	4	1	0	27
<b>SC Relief Granted</b>	2	0	4	1	1	0	8
<b>SC Percent Relief</b>	20%		40%	25%	100%		

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