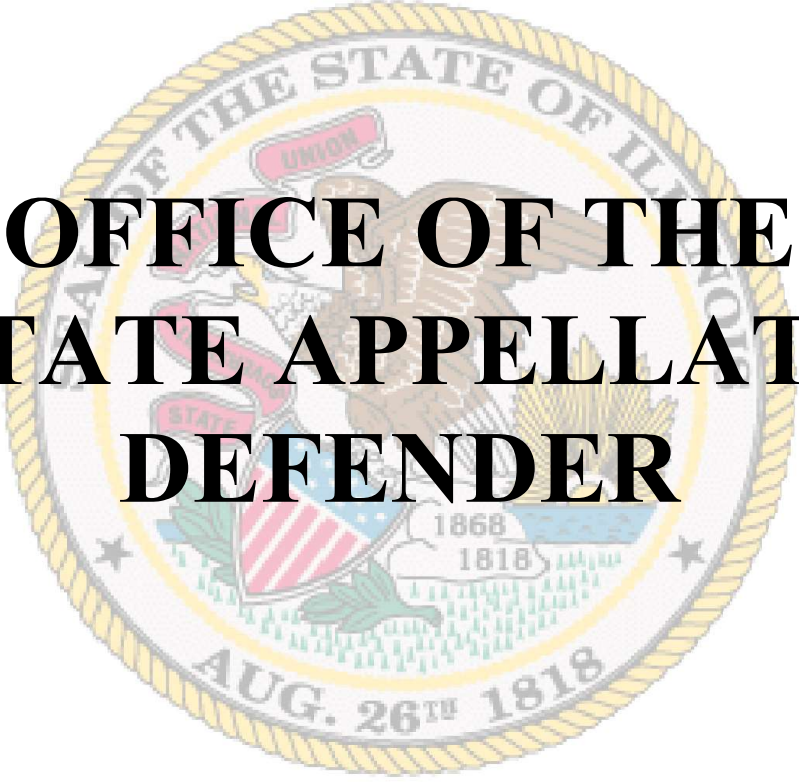


# Annual Report Fiscal Year - 2023

The seal of the Office of the State Appellate Defender is circular with a yellow rope-like border. Inside the border, the text "OFFICE OF THE STATE APPPELLATE DEFENDER" is written in a circular path. The center of the seal features an eagle with wings spread, perched on a shield with red and white stripes and a blue top section. Above the eagle is a banner with the word "UNION". Below the eagle are the years "1868" and "1818" on separate banners. At the bottom of the seal, the date "AUG. 26<sup>TH</sup> 1818" is inscribed.

**OFFICE OF THE  
STATE APPELLATE  
DEFENDER**

**JAMES E. CHADD**

**STATE APPELLATE DEFENDER**

**ANNUAL REPORT FISCAL YEAR-2023**

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## **I. FISCAL YEAR-2023 ACTIVITIES**

### **The Pre-Trial Fairness Act**

The Pre-Trial Fairness Act (PFA) was set to go into effect on January 1, 2023. Our agency anticipated receiving a large number of appeals under the act, so we created the Pre-Trial Fairness Act Unit to handle those appeals. State Appellate Defender Jim Chadd appointed Carolyn Klarquist, a Supervisor in the 1st District Office, to be the Director of the Unit. Mr. Chadd and Ms. Klarquist were in the process of setting up the Unit to be ready to handle PFA appeals as soon as OSAD was appointed. The Illinois Supreme Court, however, placed a stay on the implementation of the PFA until a lawsuit challenging the constitutionality of the PFA was resolved. The Supreme Court issued its decision on July 18, 2023 upholding the PFA. The Court left the stay in place until September 18, 2023, on which date the circuit courts were directed to begin conducting hearings pursuant to the PFA.

### **Board of Commissioners**

The Board of Commissioners met via Zoom on Friday, September 23, 2022. Jim Chadd reported on the FY2023 Operating Budget in the amount of \$26,057,700 which represented a (\$74,715) or -.29% decrease over the Fiscal Year 2022 operating budget.

On November 10, 2022, the Governor appointed Justice James Epstein (ret.) as the new Chairman of the OSAD Board of Commissioners. Justice Epstein has a long and distinguished career as a lawyer and a judge, including serving as a public defender in Cook County, a judge in the Cook County Circuit Court, and as a justice on the First District Appellate Court. OSAD is very pleased to have Justice Epstein as our new Chairman of our Board of Commissioners.

Outgoing Chairman, Tom Breen, served our agency with great distinction since 2005. We will truly miss Tom's wonderful sense of humor and his support for our agency. We thank him for his many years of service.

On November 18, 2022, the Governor appointed Sharone R. Mitchell Jr. as a Member of the OSAD Board of Commissioners. Mr. Mitchell is the Cook County Public Defender, in charge of one of the largest public defender offices in the country. Mr. Mitchell has been an Assistant Public Defender and the Director of the Illinois Justice Project, a non-profit policy and advocacy organization dedicated to improving the justice system. OSAD is very happy to have Mr. Mitchell as a new member of our Board of Commissioners.

The Board of Commissioners' met virtually on February 24, 2023. At the meeting, the Board approved OSAD's proposed budget for FY2024 (discussed below).

## **FY 2024 Budget**

OSAD submitted its proposed budget for FY2024 on December 16, 2022. The budget request was for \$80,711,400, which represented a (\$54,653,700) or 209.74% increase over the Fiscal Year 2023 operating budget. The vast majority of this increase (\$53,500,000) was for appeals under the Pre-Trial Fairness Act. This budget request included the following:

- Full staffing for the Agency
- Headcount of 305, including 50 new positions for attorneys and Support Staff for the Pre-Trial Fairness Act
- An increase in the Pay Plan
- Increased funding for the Contract Attorney Program
- Continuation of Expungement Program
- Continuation of Public Defender Training Program
- Continuation of Juvenile Defender Resource Center

On February 22, 2023, Jim Chadd and Chief Fiscal Officer Jana Bergschneider testified before the Illinois House Budget Committee in Springfield. On April 11, 2023, Mr. Chadd and Ms. Bergschneider testified before the Senate Budget Committee in Chicago. On May 5, 2023, Mr. Chadd and Ms. Bergschneider met with Senators Elgie Sims, Chapin Rose, Christopher Belt, and Seth Lewis, in Springfield to discuss OSAD's budget and the impact of the PFA on our budget and operations.

OSAD's final budget, passed by the legislature and signed into law by Governor Pritzker, was \$50,711,400, based on a reduction of funding for PFA appeals from the amount we requested (\$53.5 million) to \$22.6 million.

## **Training Seminars**

In July, OSAD held two Chief Defender Training Programs. On July 14th, OSAD held a virtual joint meeting with the IPDA Board and the Council of Chief Defenders to discuss pending changes to the SAFE-T Act. On July 28th, OSAD held a training on Speedy Trial Rights and Litigation. OSAD also held a virtual training on July 7 called, "Issue Preservation: Objections, Motions for New Trial, and Motions to Reconsider Sentence," for the Cook County Public Defender. Finally, OSAD continued our partnership with the Gault Center, providing CLE/Diversity credit to OSAD attorneys attending their monthly Racial Justice Series.

The annual Jamie Kunz Trial Advocacy Program for Illinois Public Defenders was held in August. It marked the return to in-person training for this program, and was held at Kent Law School from August 8-12. Thirty-Five Public Defenders from around the state participated. On August 24th, OSAD presented a Case Law Update to the Law Office of the Cook County Public Defender as part

of their annual Nutshell Program. It was held via Zoom and over 100 people attended.

In September OSAD held a training program for the Chief Defenders focused on Issue Preservation and Creating a Complete Record. OSAD also sent a group of 11 attorneys to the National Association for Public Defense's annual Women's Conference which was held virtually. Finally, we had a six-hour workshop training program for OSAD supervisors, teaching them how to help their attorneys improve presentation skills for oral argument and giving them an opportunity to practice coaching attorneys on those skills.

OSAD held one Chief Defender Training Program on October 13th, which consisted of a virtual joint meeting with the IPDA Board and the Council of Chief Defenders to discuss the current state of the SAFE-T Act. We also held a virtual training on October 18th called, "Issue Preservation: Objections, Motions for New Trial, and Motions to Reconsider Sentence," for the DuPage County Public Defender's Office, at their request. In conjunction with the IPDA, OSAD held the IPDA Fall Seminar virtually on Zoom, on October 21 and 28. Topics included case law and legislative updates, as well as panels on the SAFE-T Act, ballistics, the use of ShotSpotter, de-escalation techniques, and two sessions on juvenile justice. On October 26th, OSAD held the second session in our Supervisor Training program called, "Training New Attorneys."

OSAD had 10 new attorneys start on November 1st, and we conducted an intensive training program for them.

In December OSAD hosted two Chief Defender programs: one on preparations for the Pre-Trial Fairness Act, and one covering research and a proposal from Northwestern Professor Julie Biehl regarding the state of public defense in Illinois. OSAD also provided training to its supervisors on the topic of Creating and Sustaining Workplace Well-Being. Additionally, OSAD provided a training program for the Kane County Public Defender's Office on Preserving the Record for Review. A training session on racial justice with the Gault Center was presented. This was available to all OSAD attorneys. OSAD hosted an in-house training program on the Pre-Trial Fairness Act, which 137 OSAD attorneys attended. This program will be made available online for all OSAD attorneys and trial-level public defenders to assist with training on this new law. OSAD also provided online, on-demand courses for OSAD attorneys on two topics: Writing and Editing Tips, and Criminal Law in Illinois: A Review for Issue Spotting.

In January, OSAD provided numerous training programs, including new attorney training, in-house training for our attorney staff, and Chief Defender training. Director of Training Laura Weiler was part of an Appellate Lawyer's Association panel presentation on the "Illinois Supreme Court Year in Review: Criminal."

In February, OSAD held one Chief Defender training program, which was a knowledge share/Q&A session addressing, among other things, Supreme Court Rule 455. OSAD also conducted one in-house training session on Electronically Recorded Interrogations. We concluded our Racial Justices Training series with the Gault Center. And OSAD hosted a webinar with Julie Biehl of

Northwestern, which was focused on researching the current state of and the future needs of public defenders in Illinois - over 125 trial public defenders attended that session.

In March, OSAD provided a supervisor training on the topic, "Knowledge Share and Application of Principles," which allowed supervisors to discuss and consider how to apply well-being and leadership principles to common hypotheticals on supervisor issues. OSAD also presented an in-house training for all OSAD attorneys called "Challenging Issues in Client Relations," led by Brittany Wells, a Clinical Psychologist with the Law Office of the Cook County Public Defender. This training addressed background and techniques to improve working with clients who are suffering from mental illness. And, the annual week-long Jamie Kunz Trial Advocacy program returned to its traditional March schedule at Kent Law School.

In April, OSAD hosted an in-house training program entitled "OSAD Tech Refresh" which was held via Zoom. Additionally, Laura Weiler and Jim Chadd gave a presentation about OSAD to the Illinois Supreme Court's Criminal Indigent Defense Task Force. The Juvenile Defender Resource Center presented a free on-line CLE, "Challenge Statements: The Intersection of Youth and Miranda," with Dr. Antoinette Kavanaugh and Kathy Roller from the Cook County Public Defender Office.

In May, OSAD held an in-house training session on "Representing Trans and Non-Binary Clients." OSAD also held a Management training program on "Sexual Harassment Prevention Training for Managers." Finally, eight new OSAD attorneys started on May 16th, and the agency began an intensive training program for them.

In June, OSAD assisted with the Illinois Public Defender's Association Spring Seminar, which had over 200 attorneys registered. And, Laura Weiler trained First District Interns on the topics of Post-Conviction Petitions and Rehearing Petitions/Petitions for Leave to Appeal.

### **Internet Web Site**

The agency continues to provide the public with information regarding training programs and publications, including a Criminal Law Handbook and monthly Criminal Law Digest, both of which contain up-to-date caselaw information. The agency also provides an updated Summary of Issues Pending in the Illinois Supreme Court and annual reports from prior years.

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 statewide 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.

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## **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 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-2023, the First District Office received appointment to 643 cases and filed 549 Appellate Court briefs, 180 Petitions for Leave to Appeal to the Illinois Supreme Court, 14 Illinois Supreme Court briefs, 2 Petitions for Writ of Certiorari to the United States Supreme Court, 53 Anders briefs, 173 Finley Motions, 34 Motions to Withdraw, 101 Motions to Dismiss and 49 Summary Motions. Oral argument was held in 109 Appellate Court cases and 17 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-2023, the Second District Office received appointment to 148 cases and filed 133 Appellate Court briefs, 31 Petitions for Leave to Appeal to the Illinois Supreme Court, 2 Illinois Supreme Court brief, 1 Petition for Writ of Certiorari to the United States Supreme Court, 17 Anders briefs, 22 Finley Motions, 23 Motions to Withdraw, 25 Motions to Dismiss and 5 Summary Motions. Oral argument was held in 24 Appellate Court cases, and 5 Illinois Supreme Court cases.

#### **D. Third District Office**

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

During Fiscal Year-2023, the Third District Office received appointment to 165 cases and filed 98 Appellate Court briefs, 28 Petitions for Leave to Appeal to the Illinois Supreme Court, 3 Illinois Supreme Court briefs, 1 Petitions for Writ of Certiorari to the United States Supreme Court, 7 Anders briefs, 19 Finley Motions, 17 Motions to Withdraw, 22 Motions to Dismiss and 11

Summary Motions. Oral argument was held in 15 Appellate Court cases and 5 Illinois Supreme Court cases.

**E. Fourth District Office**

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

During Fiscal Year-2023, the Fourth District Office received appointment to 440 cases and filed 159 Appellate Court briefs, 60 Petitions for Leave to Appeal to the Illinois Supreme Court, 3 Illinois Supreme Court briefs, 1 Petition for Writ of Certiorari to the United States Supreme Court, 8 Anders briefs, 16 Finley Motions, 17 Motions to Withdraw, 63 Motions to Dismiss and 23 Summary Motions. Oral argument was held in 31 Appellate Court cases and 11 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-2023, the Fifth District Office received appointment to 332 cases and filed 45 Appellate Court briefs, 12 Petitions for Leave to Appeal to the Illinois Supreme Court, 1 Illinois Supreme Court brief, 2 Petitions for Writ of Certiorari to the United States Supreme Court, 10 Anders briefs, 17 Finley Motions, 12 Motions to Withdraw, 18 Motions to Dismiss and 21 Summary Motions. Oral argument was held in 42 Appellate Court cases.

**G. Expungement Unit**

OSAD's expungement unit receives an average of 225 emails per month, 130 phone calls to the hotline, and 195 phone calls per month requesting information about expungement and sealing of records. An average of 170 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 FY2023, OSAD participated in 32 community events. Several were handled via Zoom or WebEx. Several prisons are planning to continue their use of Zoom for ReEntry summits because multiple prisons can participate on a single call, allowing for greater attendance by incarcerated persons.

**H. Juvenile Defender Resource Center**

In Fiscal Year 2023, the Juvenile Defender Resource Center continued to maintain its website, which provided attorneys with up-to-date information on trainings, judicial opinions, news items, and legislative changes affecting youth defense. The website also provided defenders with a

list-serve and access to the JDRC Case Law Summaries, sample pleadings, and links to expert materials and resources. The Center distributed its monthly email newsletter, The Juvenile Defender, to over 600 attorneys with time-sensitive information on news, trainings, and legislative and case law updates. The Center's three attorneys provided advice and assistance to youth defenders in 141 individual cases.

The Center continued its training program with two free multi-session, online CLE courses on the attorney-client relationship and the use of developmental expert witnesses in cases involving youth. It completed three of twelve lessons for the Center's comprehensive online, on-demand Fundamentals of Youth Defense curriculum. In collaboration with other organizations, JDRC attorneys presented free CLE sessions on remote proceedings and appeals involving youth in adult court. And staff coordinated two youth-related half-day CLE trainings for public defenders. The Center also connected youth defenders with 59 additional free online trainings relevant to youth defense.

Center staff provided requested feedback and data to outside organizations on topics related to the shackling of youth, remote court proceedings, diversion programs, and the timely removal of youth from adult jails. The Center's Trial Attorney Assistance Program, which provides expert witnesses and evaluations for youth in cases where the public defender office lacks adequate funding, provided funding for expert evaluations and testimony in five cases. Because the Program has not experienced the expected demand from trial attorneys, the Center will focus on developing competencies with experts in the coming year. The Center represented the interests of youth defenders on several boards and committees, including the Illinois Juvenile Justice Commission, the Illinois Racial Justice and Equity Committee, the Gault Center Great Lakes Regional Advisory Board, the Illinois Resentencing Task Force, the Illinois Sentencing Policy Council, the ISBA Child Law and Corrections & Sentencing Committees, and the Administrative Office of Illinois Courts' Dual Status Youth Executive and Resources & Practices Committees. The Center also utilized an intern program to support and educate Illinois law students interested in a future career in youth defense.

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#### **IV. PERSONNEL**

##### **ADMINISTRATIVE OFFICE**

Office of the State Appellate Defender  
400 West Monroe, Suite 202  
Springfield, IL 62704  
Telephone: 217/782-7203  
FAX: 217/782-5385  
Email: [osad@osad.state.il.us](mailto:osad@osad.state.il.us)



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 four-year term. On January 1, 2022, Mr. Chadd was reappointed as State Appellate Defender for another four-year term expiring on December 31, 2025.

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.

JANA BERGSCHNEIDER, CPA  
Chief Fiscal Officer/Human Resource Director

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 is the Director of Training at the Office of the State Appellate Defender, where she has worked for over 20 years. Ms. Weiler was an Assistant Appellate Defender for 11 years in the First District Office prior to her work as the Director of Training. She has appeared before the Illinois Supreme Court, the Seventh Circuit Court of Appeals, the Illinois Appellate Court, and the Circuit Court of Cook County.

Ms. Weiler has given over 50 presentations on the topics of appellate advocacy and criminal law. She has developed and helmed multiple Trial Advocacy programs and Public Defender Seminars. She also works closely with Chief Public Defenders seeking training and collaboration. Ms. Weiler is the Secretary of the Illinois Public Defender Association and the State Appellate Defender's liaison with the Illinois Council of Chief Defenders.

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. Ms. Weiler received both her bachelor's degree and her law degree from the University of Notre Dame.

At the end of FY-2023, the Administrative Office was staffed by 19 persons including the State Appellate Defender, 2 Deputy State Appellate Defenders, a Chief Fiscal Officer/Human Resource Director, a Director of Training, an Assistant Director of Training, a Director of Support Services, a Systems Administrator, an Assistant to the Director of Support Services, an IT Director, a Network and Systems Manager, 2 Support Specialists, a Fiscal Manager, a Senior Human Resource Assistant, a Senior Fiscal Assistant, a Human Resource Assistant, a Fiscal 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-2023, the First District Office was staffed by 123 persons including the Deputy Defender, an Assistant Deputy Defender, 10 Supervisors, 90 Assistant Appellate Defenders, a Director of the Paralegal Department, 4 Paralegals, an Office Administrator, an Assistant Office Administrator, 8 Legal Secretaries, 5 Docket Clerks, and 1 Office Clerk.

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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-2023, the Second District Office was staffed by 26 persons, including the Deputy Defender, an Assistant Deputy Defender, a Supervisor, 17 Assistant Appellate Defenders, an Office Administrator, a Paralegal, a Docket Clerk, and 3 Legal Secretaries.

### **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)

**SANTIAGO A. DURANGO**  
Deputy Defender

Mr. Durango received his Juris Doctor from DePaul University College of Law in 1990, and joined the law firm of Bell & McGurk in Chicago as an associate. While there, Mr. Durango represented clients in RICO, class action, and commodities fraud litigation.

Mr. Durango joined the Third District Office of the State Appellate Defender in 1999 as an Assistant Appellate Defender. He was appointed Deputy Defender of the Third District in 2023. Mr. Durango has made presentations on topics such as unconstitutional searches after traffic stops, and preserving issues for review. He has also contributed to the Defending Illinois Criminal Cases publication of the Illinois Institute for Continuing Legal Education.

Mr. Durango is admitted to practice in the Illinois Supreme Court and United States Supreme Court. He is also a member of the bar of the Seventh Circuit Court of Appeals, and the trial bar of the United States District Court for the Northern District of Illinois. He has litigated trials in Illinois and California.

At the end of FY-2023, the Third District Office was staffed by 18 persons, including the Deputy Defender, an Assistant Deputy Defender, a Supervisor, 12 Assistant Appellate Defenders, an Office Administrator, a Paralegal, and a Docket Clerk.

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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 K. 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-2023, the Fourth District Office was staffed by 28 persons, including the Deputy Defender, an Assistant Deputy Defender, 2 Supervisors, 17 Assistant Appellate Defenders, a Paralegal Administrator, an Office Administrator, a Docket Clerk, and 4 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-2023, the Fifth District Office was staffed by 18 persons, including the Deputy Defender, Assistant Deputy Defender, 9 Assistant Appellate Defenders, two Paralegals, an

Office Administrator, a Docket Clerk and 3 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 FY2023, the Expungement Unit was staffed by two persons including the Director and the Expungement Program Coordinator.

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## **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-2023, the Juvenile Defender Resource Center was staffed by 4 persons, including the Director, an Assistant Director, a Staff Attorney, and an Office Associate.

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## **V. BOARD OF COMMISSIONERS**

### **CHAIR - HONORABLE JAMES R. EPSTEIN -**

#### **Employment**

JAMS, independent contractor, mediator and arbitrator 2015-present. Part-owner, 2019-present.

Judge, Elected Justice of the Illinois Appellate Court. 2010-2015.

Circuit Judge, Cook County, 1999-2010. Appointed by the Illinois Supreme Court, 1999; elected 2000, retained 2006.

Criminal Division and Second Municipal District, 1999-2006.

Chancery Division, 2006-2010.

Partner, Epstein, Zaideman & Esrig, P.C., 1985-1999.

Civil and criminal trial lawyer

Assistant Public Defender, Cook County Public Defender's Office, 1979-1984.

Murder Task Force, 1982-1984.

Associate, Dorfman, De Koven, Cohen & Laner, 1978-1979.

#### **Education**

Northwestern University School of Law, J.D., 1978.

Northwestern University, B.A., 1975.

University of Michigan, 1970-1971.

#### **Teaching Experience**

Member, Committee on Education (appointed by the Illinois Supreme Court) 2003-2012)

-Planned and taught education courses for all Illinois judges.

-Planned the first state-wide series of bench books for Illinois judges.

-Bench book editorial board.

-Editor in chief of the first two editions of the civil law bench book.

Northwestern University School of Law

-Taught Trial Advocacy as an adjunct faculty member, 1984-1998.

-Coached Northwestern's Mock Trial Team, 1986-1992.

-National Champion, 1992.

Appellate Lawyers Association

-Panelist for annual review of Illinois Supreme Court criminal law decisions, 2014-present.

National Institute for Trial Advocacy (NITA)

-Faculty Member, Midwest Regional, 1984-1998, including many years as a section leader.

-Faculty, NITA national teacher's course.

-Trained Faculty for teaching NITA courses.

De Paul University Law School, 1984-1986

-Taught Criminal Litigation Course.

Cook County Public Defenders Office

- Faculty, teaching various subjects to assistant public defenders.

Illinois Institute of Continuing Legal Education (IICLE)

-Faculty, teaching seminar on sentencing.

National Association of Criminal Defense Lawyers (NACDL)

-Lectured on defending statement cases to the national convention.

Illinois Judges Association

-Lectured on civil procedure to members of the Illinois State Bar Association, Chicago Bar Association, and the Women's Bar Association of Illinois.

**Honors**

Past President, Illinois Judges Association, 2007-08.

Decalogue Society Award, 2009.

Judge of the Year, North Suburban Bar Association, 2009.

American College of Trial Lawyers, fellow.

International Society of Barristers, fellow.

**VICE CHAIR - 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 BERTINA E. LAMPKIN** - Bertina E. Lampkin was born in Chicago, IL. She attended Hendricks Elementary School and graduated as valedictorian of DuSable High School. She received her B.A. degree from Roosevelt University and her J.D. degree from DePaul University College of Law. She was an Assistant State's Attorney (1974-1985) and an Assistant Corporation Counsel (1985-1987) before her appointment as an associate judge. She served as an Associate Judge from 1987 to 1992, serving as Assistant Supervisor of the Traffic Division, and as a Circuit Court Judge from 1992 to 2009, serving as supervisor of the Domestic Violence Courts, acting supervisor of Night Narcotics Court, and as a supervisor in the Criminal Division. She was appointed to the Appellate Court in 2009. She currently serves in the Fourth Division of the Illinois Appellate Court as the Presiding Justice.

In November 2016, she was elected to the Illinois Appellate Court. She has served as a Presiding Justice and as Chair of the Executive Committee for the Appellate Court. She has served as a member of five different Illinois Supreme Court committees and has served as Chair of three of them, the Criminal Law and Probation Administration Committee, the Illinois Pattern Jury Instructions in Criminal Cases Committee, and she currently chairs the Illinois Appellate Court Administrative Committee. She has also been a contributing topic editor to the Illinois Judicial Benchbook on Criminal Law and Procedure.

Additionally, she currently serves on the Appellate Lawyers Association Rules Committee and as Chair of the Appellate Court Administrative Committee, where she oversees the Illinois

Supreme Court's Volunteer *Pro Bono* Program for Criminal Appeals.

She has taught judges in various aspects of the law for 24 years, including death penalty litigation, proper handling of guilty pleas, jury selection and appellate practice. In the past, she served as Secretary and Vice-President of the Cook County Bar Association and Vice-Chair of the Judicial Evaluation Hearing Committee for the Chicago Bar Association.

She is a member of the Illinois Judges' Association, The Illinois Judicial Council, The Illinois State Bar Association, The Women's Bar Association of Illinois, and the American, Chicago, Cook County and Black Women Lawyers' Association of Greater Chicago, Inc.

She has won numerous awards including the Cook County Bar Association's Judicial Award, the Cook County State's Attorney's Office C.F. Stradford Award, the National Black Prosecutors Award, the DePaul University College of Law Distinguished Service to the Profession Award, and the Women's Bar Association of Illinois' Mary Heftel Hooten Award for Service to the Profession.

She is an honorary member of Alpha Kappa Alpha Sorority. She is a member of the Dean's Council for DePaul University College of Law. She was very active in her church locally and nationally and has served as a foster parent, as the President of the Steward Board, a choir member, Director of the Matte E. Coleman Circle of the Missionary Society (working with youths 12-17) and as coordinator of the Adopt a Grandparent Program. Her motto is "Only what you do for Christ will last!"

Prior to her election to the Appellate Court, she was rated highly qualified by the Chicago Bar Association, the Illinois State Bar Association, the Chicago Council of Lawyers, the Hispanic Lawyers Association of Illinois and the Lesbian and Gay Bar Association of Chicago for her position. In 2016 all but one of the bar associations that rated her for the Illinois Appellate Court gave her their highest rating.

She is very proud of the work she has done with young African Americans. She has obtained summer employment for over 25 years for high school and college students in law firms, including Duane Morris LLP, Cooney & Conway, Cogan & Power, P.C., Power Rogers LLP, Clifford Law Offices PC, Romanucci & Blandin, LLC, and several others. She has also hired four female African American law clerks and helped others obtain legal employment. She continues to work for diversity, equity, and inclusion of African Americans in the legal profession and is a mentor to many.

**SHARONE R. MITCHELL JR.** - Cook County Public Defender Sharone R. Mitchell, Jr., is a passionate advocate for the rights of everyone represented by the Public Defender's office and for reform to increase justice in the legal system and to keep communities safe. His six-year appointment began in April 2021.

The Cook County Public Defender is one of the largest unified public defender offices in the nation with nearly 700 employees, and 23 divisions and units.

Mitchell began his legal career as an assistant public defender in Cook County, including assignments in the Civil, First Municipal, and Felony Trial Divisions. He later joined the Illinois Justice Project (ILJP), one of the state's leading criminal justice reform non-profits, becoming that

organization's director in 2019.

During his tenure as Director, ILJP helped lead the Coalition to End Money Bond's successful effort to outlaw wealth-based pretrial incarceration in Illinois. An advocate of alternative approaches to public safety and helping men and women re-enter their communities, Mitchell has fought against proposals to make the Illinois sentencing system more barbaric and ineffective.

Mitchell has a bachelor's degree from the University of Illinois at Urbana-Champaign and law degree from DePaul University. A lifelong resident of Chicago, he grew up and resides on the south side of Chicago.

**HONORABLE MILTON S. WHARTON** - Milton S. Wharton was appointed an Associate Circuit Judge of the 20th Judicial Circuit in 1976 and served many years as the presiding judge of the St. Clair County Juvenile Court. He was elected a Circuit Judge in 1988 and served as presiding judge of the St. Clair County Criminal Court until his retirement in 2012. In 2019, he was appointed to the Fifth District Appellate Court by Illinois Supreme Court Justice Lloyd A. Karmeier for a one-year term and reappointed by Justice David K. Overstreet in 2020 to a two-year term.

He is a graduate of Lincoln Sr. High School in East St. Louis, IL, Southern Illinois University at Edwardsville, and DePaul University College of Law- 1974.

Justice Wharton has served as an elected Representative to the Illinois State Bar Association Assembly and Chairperson of the ISBA Standing Committees on Juvenile Justice, Judicial Advisory Bar Polls, and Bylaws. He has served as a judicial education lecturer on high volume courts, evidence, and diversity and inclusion. He is a recipient of the Special Recognition Award for Access to Justice from the ISBA.

Justice Wharton has a long record of service in civic and community betterment endeavors; most notably he is a founder of the Court Appointed Special Advocates program (CASA) of Southwestern Illinois, which protects the rights of abused and neglected children, and Racial Harmony. His contributions have been recognized by numerous awards and accolades including the (National) Whitney M. Young, Jr. Service Award of the Boy Scouts of America, Pro Ecclesia Et Pontifice from then Pope now Saint John Paul II, Alumni Hall of Fame-S.I.U.E., and he has been named a Legend in the Legal Community by the St. Louis Argus Newspaper.

He is married to Attorney and M.B.A Patricia Wharton, and they have one daughter, Bernadette Wharton-Hawthorne, M.D., an intern at Johns Hopkins Hospital.

**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-2023**

## Agency Activity Statistics

For The Period Of:7/1/2022 To 6/30/2023

	1st Dist	2nd Dist	3rd Dist	4th Dist	5th Dist	Contract	TOTAL
<b><u>APPOINTMENTS</u></b>	687	155	174	505	367		1888
Adjusted Appointments	(44)	(7)	(9)	(65)	(35)		(160)*
Total Appointments	643	148	165	440	332		1728
<b><u>COMPLETE RECORDS</u></b>							
Trial	280	74	59	145	145		656
Non-Trial	424	68	70	326	192		1080
<b><u>AC BRIEFS &amp; PETITIONS</u></b>							
Appellate Court Briefs	549	133	98	159	45	1	985
Appellate Court Resp Briefs	5	2	3	5	1	0	16
Reply Briefs	496	132	110	176	70	0	984
Supplemental Briefs	10	4	1	1	2	0	18
Petitions for Rehearing	91	10	24	10	8	0	143
<b><u>ISC BRIEFS &amp; PETITIONS</u></b>							
Petitions for Leave to Appeal	180	31	28	60	12	0	311
ISC Briefs	14	2	3	3	1	0	23
ISC Response Briefs	7	0	3	1	0	0	11
ISC Reply Briefs	16	5	3	9	0	0	33
ISC Cross Reply Briefs	1	0	0	0	0	0	1
ISC Supplemental Briefs	0	0	0	0	0	0	0
ISC Petitions for Rehearing	4	2	0	4	1	0	11
<b><u>FED CRTS BRIEFS &amp; PETITIONS</u></b>							
7th Circuit Briefs	1	0	0	0	0	0	1
7th Circuit Response Brief	0	0	0	0	0	0	0
7th Circuit Reply Brief	1	0	0	0	0	0	1
USSC Certiorari Petitions	2	1	1	1	2	0	7
USSC Brief	0	0	0	0	0	0	0
USSC Response Brief	0	0	0	0	0	0	0
USSC Reply Brief	0	0	0	0	0	0	0
USSC Supplemental Brief	0	0	0	0	0	0	0
USSC Petition for Rehearing	0	0	0	0	0	0	0
<b><u>ANDERS BRIEFS</u></b>							
Filed	53	17	7	8	10	0	95
Denied	2	2	0	0	0	0	4
<b><u>FINLEY MOTIONS</u></b>							
Filed	173	22	19	16	17	0	247
Denied	5	0	0	0	0	0	5

**MOTIONS TO WITHDRAW**

Filed	34	23	17	17	12	0	<b>103</b>
Denied	3	0	0	1	0	0	<b>4</b>

**MOTIONS TO DISMISS**

Filed	101	25	22	63	18	0	<b>229</b>
Denied	1	0	0	0	0	0	<b>1</b>

**SUMMARY MOTIONS**

49	5	11	23	21	0	<b>109</b>
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**ORAL ARGUMENTS**

Appellate Court	109	24	15	31	42	0	<b>221</b>
ISC Court	17	5	5	11	0	0	<b>38</b>
7th Circuit Court	1	0	0	0	0	0	<b>1</b>
US Supreme Court	0	0	0	0	0	0	<b>0</b>

**CLOSED CASES**

1,007	237	225	375	199	5	<b>2048</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	357	97	96	131	27	0	<b>708</b>
Consolidated	35	5	2	31	9	0	<b>82</b>
Dismissed	111	28	34	86	22	0	<b>281</b>
Mitt Corrected (other than sent credit)	5	0	0	0	0	0	<b>5</b>
Remanded	11	8	6	32	6	1	<b>64</b>
Remanded in Part	6	0	5	2	0	0	<b>13</b>
Remanded Sentence Only	1	0	1	1	1	0	<b>4</b>
Reversed	12	3	2	3	1	0	<b>21</b>
Reversed in Part	3	1	2	7	0	0	<b>13</b>
Reversed/Remanded	87	14	27	27	13	0	<b>168</b>
Sentence Credit (pre-trial)	4	1	0	0	0	0	<b>5</b>
Sentence Reduction	4	1	2	0	0	0	<b>7</b>
State Relief/Deft Appeal	0	0	0	0	0	0	<b>0</b>
Vacated	7	2	1	1	0	0	<b>11</b>
Vacated in Part	14	2	5	6	2	0	<b>29</b>
Vacated/Remanded	40	7	5	8	17	0	<b>77</b>
WD Anders All/Aff	43	17	10	7	40	0	<b>117</b>
WD Finley All/Aff	206	27	25	19	30	0	<b>307</b>
WD Misc.	48	22	7	24	22	0	<b>123</b>

**STATE APPEALS**

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

**DECISION TOTALS**

<b>995</b>	<b>235</b>	<b>232</b>	<b>385</b>	<b>191</b>	<b>1</b>	<b>2039</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  
 7/1/2022 through 6/30/2023

Total Appointments: 1,888

Appellate Court District	Total Appointment By AC District	County Name	Total Appointment By County
<b>1st District</b>	<b>687</b>		
		Cook	687
<b>2nd District</b>	<b>155</b>		
		DeKalb	16
		Kane	67
		Kendall	23
		Lake	40
		McHenry	9
<b>3rd District</b>	<b>174</b>		
		Bureau	3
		DuPage	65
		Grundy	1
		Iroquois	4
		Kankakee	24
		LaSalle	12
		Peoria	4
		Rock Island	1
		Will	60
<b>4th District</b>	<b>505</b>		
		Adams	36
		Boone	19
		Calhoun	4
		Carroll	4
		Cass	4
		Ford	4
		Fulton	1
		Greene	2
		Hancock	10
		Henderson	1
		Henry	8
		Jersey	7



Office of the State Appellate Defender  
 Annual Report - Appts By County  
 7/1/2022 through 6/30/2023

Total Appointments: 1,888

Appellate Court District	Total Appointment By AC District	County Name	Total Appointment By County
		JoDaviess	2
		Knox	16
		Lee	9
		Livingston	29
		Logan	6
		Macoupin	4
		Marshall	2
		Mason	1
		McDonough	4
		McLean	96
		Menard	1
		Mercer	5
		Morgan	7
		Ogle	7
		Peoria	32
		Pike	5
		Putnam	1
		Rock Island	22
		Sangamon	29
		Schuyler	2
		Scott	1
		Stark	1
		Stephenson	8
		Tazewell	13
		Warren	2
		Whiteside	6
		Winnebago	65
		Woodford	29
<b>5th District</b>	<b>367</b>	Alexander	2
		Bond	1

Office of the State Appellate Defender  
 Annual Report - Appts By County  
 7/1/2022 through 6/30/2023

Total Appointments: 1,888

Appellate Court District	Total Appointment By AC District	County Name	Total Appointment By County
		Champaign	63
		Christian	5
		Clark	2
		Clay	3
		Clinton	5
		Coles	17
		Crawford	3
		Cumberland	5
		DeWitt	5
		Douglas	1
		Edgar	1
		Edwards	1
		Effingham	15
		Fayette	5
		Franklin	4
		Hardin	1
		Jackson	12
		Jefferson	20
		Lawrence	3
		Macon	48
		Madison	30
		Marion	6
		Massac	4
		Montgomery	5
		Moultrie	1
		Perry	3
		Piatt	4
		Pope	3
		Pulaski	1
		Randolph	9
		Richland	2

Office of the State Appellate Defender  
Annual Report - Appts By County  
7/1/2022 through 6/30/2023

Total Appointments: 1,888

<b>Appellate Court District</b>	<b>Total Appointment By AC District</b>	<b>County Name</b>	<b>Total Appointment By County</b>
		Saline	3
		Shelby	3
		St. Clair	28
		Union	5
		Vermilion	19
		Wabash	3
		Wayne	2
		White	7
		Williamson	7

**Caseload Comparison Statistics**  
**FY 2022 - FY 2023**  
**No. of Appointments & Dispositions**

<b>Appointments</b>	<b>FY 22</b>	<b>FY 23</b>
Cases Opened	1661	1888

<b>Dispositions</b>	<b>FY 22</b>	<b>FY 23</b>
Appellate Court Briefs	989	985
Appellate Court Response Briefs (State Appeal)	16	16
Anders Filed	98	95
Finley Filed	340	247
Motions to Withdraw Filed	87	103
Motions to Dismiss Filed	249	229
Summary Motions Filed	113	109
<b>Total Dispositions</b>	<b>1892</b>	<b>1784</b>

# Office of the State Appellate Defender Caseload Information

Statistics for Fiscal Year 2023

## Agency Offices

	<b>1st</b>	<b>2nd</b>	<b>3rd</b>	<b>4th</b>	<b>5th</b>	<b>Contract Attys</b>	<b>Total</b>
<b>Ending FY 22 Cases Pending</b>	1227	222	237	381	289	9	2365
<b>FY 2022 Appointments</b>	687	155	174	505	367	0	1888
<b>FY 2022 Closed Case</b>	(1007)	(237)	(225)	(375)	(199)	(5)	(2048)
<b>FY 2022 Incoming Transfers</b>	309	64	37	17	0	0	427
<b>FY 2022 Outgoing Transfers</b>	(6)	(19)	(12)	(180)	(210)	0	(427)
<b>FY 2023 Total Cases Pending</b>	1210	185	211	348	247	4	2205
<b><u>Decisions Information</u></b>							
<b>AC Decisions</b>	995	235	234	388	192	1	2045
<b>AC Relief Granted</b>	190	38	58	87	40	1	414
<b>AC Percent Relief</b>	19%	16%	25%	22%	21%	100%	20%
<b>Leave to Appeal Granted</b>	13	0	2	4	2	0	21

<b>SC Decisions</b>	24	4	4	11	2	0	45
<b>SC Relief Granted</b>	6	2	1	5	1	0	15
<b>SC Percent Relief</b>	25%	50%	25%	45%	50%		