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Evans forms committee to study Black Line system

By John Flynn Rooney
Law Bulletin staff writer

Chief Cook County Circuit Judge Timothy C. Evans has created a committee to study a Law Division policy that sets a time limit on lawyers to get cases ready for trial.

The Circuit Court of Cook County Black Line Trial Call Study Committee is in formation, and currently stands at 13 members and could include additional members, Evans said. Circuit Judge Lynn M. Egan, who is assigned to the Law Division, and Larry R. Rogers, a name partner of Power, Rogers & Smith P.C., are co-chairs of the committee.

"I'm asking that this committee evaluate the current policy and practice centered around the Black Line system and make recommendations to me following their review," Evans said.

Evans, chief judge since September 2001, said he has received numerous complaints about the Black Line system since it began anew in 2004. The complaints have centered around cases being set under the Black Line system in a way that does not give lawyers a chance to schedule witnesses as easily, Evans said.

In mid-September, immediately after winning a new three-year term as chief judge, Evans said he planned to review the Black Line system in response to a reporter's question. Evans defeated Law Division Presiding Judge William D. Maddux in the two-way chief judge's election.

Evans said Wednesday that he "expects

to talk to Judge Maddux concerning the [committee's] report [and recommendations] before making a decision about the future of the Black Line system."

Maddux, who has served as head of the Law Division since 2002 announced that year that he would bring back the Black Line system, which apparently was done away with about 20 years ago.

"I welcome anybody's input [about] how we can improve things in the Law Division," Maddux said. "If that's the spirit of the committee, I'm all for it."

Maddux said he does not expect to be a member of the study committee.

When asked if he should be a committee member, Maddux said, "None of those folks on that committee have the information to make a judgment" about the Black Line system.

The committee's other members include Circuit Judges Jennifer Duncan-Brice, James P. Flannery Jr. and Mary A. Mulhern, all currently assigned to the Law Division, along with retired Circuit Court judges Richard A. Siebel, Cheryl A. Starks and John A. Ward.*

Other committee members are Joseph W. Balesteri, an associate with the Power, Rogers firm; Jean G. Cleveland, senior conflicts counsel with Winston & Strawn LLP; Patricia J. Foltz, a partner with Anderson, Rasor & Partners LLP; Francis P. Morrissey, a name partner with Burke, Wise & Morrissey; and Richard M. Waris, an equity partner and chairman of Pretzel & Stouffer Chtd.

Under the Black Line system, a case stays below a black line that's listed in the Chicago Daily Law Bulletin while a case is in the discovery phase.

Depending on the complexity of the case, attorneys have between 18 and 28 months to finish discovery. When the time limit expires, the case moves above the black line and is supposed to be ready for trial.

The system is designed to reduce the backlog of pending cases.

The Law Division handles high-stakes lawsuits alleging personal-injury, medical malpractice, premises liability, legal malpractice, libel, breaches of contract and other matters.

Evans, who served as presiding judge of the Law Division just prior to Maddux, said he did not use the Black Line system, nor did preceding Law Division presiding judges Donald P. O'Connell and Judith N. Cohen.

"I know that the [Black Line] system has changed down through the years," Evans said.

Egan, a veteran Law Division judge, said she was honored to work with the talented and highly respected lawyers selected for the committee, which she said she hopes will meet before year's end.

The committee members "all have exceptional reputations and really vast experience in the Law Division," Egan said. "So, I feel confident their recommendations will benefit all litigants who have cases in the division as well as the lawyers and judges who work here."

*Retired Circuit Court judges Richard A. Siebel, Cheryl A. Starks and John A. Ward are available for the full spectrum of alternative dispute resolution processes exclusively through ADR Systems of America. Their services include Mediation, Arbitration, Special Master, Neutral Fact Finder and Mock Trial Judge. For their complete bios, please visit ADRSystems.com or call 312.960.2260.

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