

1 AMENDMENT TO HOUSE BILL 939

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 939 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Clerks of Courts Act is amended by  
5 adding Section 16.5 as follows:

6 (705 ILCS 105/16.5 new)

7 Sec. 16.5. Assisting court users; clerk or deputy clerk.

8 (a) In this Section:

9 "Court" means the circuit court.

10 "Form" means a model or skeleton of an instrument to be  
11 used in a judicial proceeding or legal transaction,  
12 containing the principal necessary matters, the proper  
13 technical terms or phrases and whatever else is necessary to  
14 make it formally correct and capable of being adopted to the  
15 circumstances of the specific case or transaction.

16 (b) Court staff must treat all litigants fairly and  
17 equally. Court staff must not provide assistance for the  
18 purpose of giving one party an advantage over another, nor  
19 give assistance to one party that they would not give to an  
20 opponent.

21 (c) Court staff shall do all of the following:

22 (1) Provide public information contained in

1 dockets, calendars, case files, indexes, or existing  
2 reports.

3 (2) Provide copies of common routinely employed  
4 State and local court rules and procedures, for  
5 applicable fees and costs.

6 (3) Advise litigants as to where to find statutes  
7 and rules without advising whether or not a particular  
8 statute or rule is applicable.

9 (4) Identify and provide some applicable forms  
10 according to law, without providing advice or  
11 instructions as to any specific course of action.

12 (5) Answer questions regarding content of the form,  
13 but not questions on how the litigant should phrase his  
14 or her response on the forms.

15 (6) Define terms commonly used in court processes  
16 in cases where the definition is not at issue.

17 (7) Provide telephone numbers for lawyer referral  
18 services, local attorney rosters, or other assistance  
19 services known to the court staff.

20 (8) Provide appropriate aids and services for  
21 individuals with disabilities in accordance with the  
22 Americans with Disabilities Act of 1990, 42 USC 12101.

23 (9) Provide simplified forms to help with the  
24 writing and filing of a petition.

25 Section 10. The Circuit Court Clerk Regulation Act is  
26 amended by adding Section 1.5 as follows:

27 (705 ILCS 110/1.5 new)

28 Sec. 1.5. Assisting court users; clerk or deputy clerks;  
29 prohibition; unauthorized information and assistance. Court  
30 staff may not do any of the following:

31 (1) Provide legal advice or recommend a specific of  
32 action for an individual. If a court user asks for legal

1 advice, court staff shall advise the person to seek the  
2 assistance of an attorney.

3 (2) Apply the law to the facts of a given case, or  
4 give directions regarding how an individual should  
5 respond or behave in any part of the legal process.

6 (3) Recommend whether to file a petition or  
7 pleading, or suggest phrasing or content of pleadings.

8 (4) Fill out forms, or direct litigants as to how  
9 to fill out forms. If the litigant has a physical  
10 disability or is illiterate and therefore unable to fill  
11 in a form, and the litigant explains the disability to  
12 the clerk's staff member and requests appropriate  
13 assistance, then the staff member may fill in the form  
14 with the exact words provided by the litigant and another  
15 staff member must witness the action. If the litigant is  
16 seeking an order of protection, the clerk, in accordance  
17 with the Illinois Domestic Violence Act of 1986, may  
18 provide simplified forms and clerical assistance to help  
19 with the writing and the filing of a petition.

20 (5) Recommend specific people against whom to file  
21 petitions or pleadings.

22 (6) Recommend specific types of claims or arguments  
23 to assert in pleadings or at trial.

24 (7) Recommend what damages to seek or specific  
25 individuals from whom to seek damages.

26 (8) Recommend specific questions to ask witnesses  
27 or litigants.

28 (9) Recommend specific techniques for presenting  
29 evidence in pleadings or at trial.

30 (10) Recommend which objection to raise regarding  
31 an opponent's pleadings or motions at trial or when and  
32 specifically how to raise them.

33 (11) Recommend when an individual should request or  
34 oppose a continuance.

1           (12) Recommend when or whether an individual should  
2 settle a dispute.

3           (13) Recommend whether an individual should appeal  
4 a judge's decision.

5           (14) Interpret the meaning or implication of  
6 statutes or appellate court decisions as they might apply  
7 to an individual case.

8           (15) Perform legal research.

9           (16) Predict the outcome of a case, strategy, or  
10 action.

11           (17) Reveal the outcome of a case before the  
12 information is officially released to the litigants or  
13 public."