

Joint Resolution Establishing an Ombudsman Program for Lake County, Illinois

The Lake County Bar Association, in conjunction with the Judges of the Nineteenth Judicial Circuit, Lake County, Illinois, have determined there is a need for the designation of an ombudsman for purposes of being a liaison between members of the Bar and of the local judiciary. The Executive Committee of the Lake County Bar Association and Chief Judge of the Nineteenth Judicial Circuit of Lake County, Illinois, hereby approve the following program.

WHEREAS, it is believed the formalization of an ombudsman position would result in benefits, including the following:

- (a) Encouragement of constructive communication between members of the Bar Association and the Judiciary,
- (b) Provision for a recognized source of communication between the Bench and the Bar through a credible formalized procedure.

IT IS THEREFORE JOINTLY RESOLVED by the Executive Committee of the Lake County, Illinois, Bar Association and the Chief Judge of the Nineteenth Judicial Circuit of Lake County, Illinois, that the position of Bench-Bar Ombudsman be created and that position shall have the responsibilities enumerated below:

(1) The Ombudsman's primary responsibility will be to receive and deliver suggestions, criticisms or complaints between members of the judiciary and practitioners, in an attempt to resolve matters brought to his/her attention. However, the Ombudsman is not required to convey communication received from any member of the Bar or Bench, but has discretion in this regard to refrain from further dissemination of the suggestion, criticism, or complaint.

(2) All communications, criticism, complaints and suggestions made to the Ombudsman in his/her capacity as Ombudsman are considered confidential to the reporter and to the subject of the report. At the request of any person, the suggestion, criticism or complaint can be made anonymously. The Ombudsman shall not be required to keep or maintain any written record of his/her communications or activities, except such general reports as are necessary to meet the annual reporting requirements described in paragraph (7) below. Notwithstanding the above, it is recognized that the guarantee of absolute confidentiality is not always possible, but, except in the case of a disclosure to a regulatory body, the Ombudsman will endeavor to advise the participants that confidentiality is not possible before further publishing the issue.

(3) If it appears that the suggestion, criticism or complaint is required to be reported to any regulatory body or commission, the Ombudsman shall be free to make such report. However, the reporting of any conduct of a member of the Bench or Bar to the Ombudsman will not relieve the reporter of responsibility to report said conduct to the Judicial Inquiry Board, Attorney Registration and Disciplinary Commission or similar regulatory body, if such a responsibility exists for the reporter.

(4) A communication by the Ombudsman regarding a member of the Judiciary will initially be disclosed to that judge only. A communication by the Ombudsman to a practitioner will initially be disclosed to that attorney only. In the discretion of the Ombudsman, the communication may be further disclosed to the judge's supervising, presiding, or Chief Judge, or to the attorney's supervising or managing partner.

(5) At the discretion of the Ombudsman, meetings, conferences or other such methods of conflict resolution may be used in an attempt to mediate any matter brought to the attention of the Ombudsman by agreement of the parties.

(6) The Ombudsman will be appointed by the Executive Committee with the advice and consent of the Chief Judge for a one-year term beginning the first day of September of any given year. The appointment is renewable from year to year.

(7) The Ombudsman shall report to the Executive Committee and the Judiciary on an annual basis, which report shall give a general evaluation of the position and a summary of the number, type and resolution of suggestions, complaints or criticisms received during the course of the year.

RESOLVED:

Hon. Margaret J. Mullen, *Chief Judge of the Nineteenth Judicial Circuit*

Richard S. Kopsick, *President Lake County Bar Association*

December 1, 2003