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David F. Rolewick

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VOIR DIRE EXAMINATION OF JURORS: A BRIEF STUDY OF THE ACTION OF THE ILLINOIS JUDICIAL CONFERENCE IN RECOMMENDING REVISIONS IN SUPREME COURT RULE 234

*David F. Rolewick**

David F. Rolewick, former Secretariate to the Illinois Judicial Conference, details in this Article the process by which the Judicial Conference revised Illinois Supreme Court Rule 234. The primary responsibility for the voir dire examination of jurors now rests with the trial court judge. Mr. Rolewick explains this change in the Rule and the reasons which prompted the revision, while raising some of the conflicts which may arise in practice under the new Rule.

INTRODUCTION

On June 10, 1975, the Illinois Supreme Court adopted an amended Rule 234 concerning the voir dire examination of prospective jurors. This amended rule became effective July 1, 1975. Like its predecessor, the rule is to a great extent the product of the Illinois Judicial Conference and is designed to increase the role of the judge in the conduct of the examination of prospective jurors.

RULE 234. VOIR DIRE EXAMINATION OF JURORS (as amended, effective July 1, 1975)

The court shall conduct the voir dire examination of prospective jurors by putting to them questions it thinks appropriate touching their qualifications to serve as jurors in the case on trial. The court may permit the parties to submit additional questions to it for further inquiry if it thinks they are appropriate, or may permit the parties to supplement the examination by such direct inquiry as the court deems proper. Questions

* B.A., 1968 Loyola University (Chicago); J.D., 1971 Loyola University (Chicago); Mr. Rolewick formerly served as Assistant Director of the Administrative Office of Illinois Courts, Secretariate to the Illinois Judicial Conference. He is presently in private practice with the firm of Roger K. O'Reilly.

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shall not directly or indirectly concern matters of law or instructions.¹

In order to understand the new rule it is important to know the processes which produced the version ultimately adopted by the Illinois Supreme Court.² It is equally important to note the concerns of the committees that worked on the drafts of the present rule and to explain the conflicts which will arise for those practicing under the new rule.

BACKGROUND

On January 18, 1974, the Executive Committee of the Illinois Judicial Conference established a Study Committee on Jury Selection and Utilization, giving the committee broad authority to study problems concerning the use of juries and to report to the Executive Committee with specific proposals in June of 1974.³ While the Study Committee felt that many areas of the administration of the jury system in Illinois required review, the report concentrated on only one problem, the voir dire examination. The report of the majority of the committee proposed two rule changes. The most important proposed change related to Rule 234.

RULE 234. VOIR DIRE EXAMINATION OF JURORS (Study Committee Proposal, not adopted)

The judge shall conduct the entire voir dire examination of the jurors by putting to the jurors any questions which he thinks necessary touching their qualifications to serve as jurors in the cause on trial. The parties or their attorneys shall be permitted

1. ILL. REV. STAT. ch. 110A, § 234 (1975).

2. During the November, 1973, term the Illinois Supreme Court approved a report submitted to it by the Executive Committee of the Illinois Judicial Conference which recommended a revision in the supreme court interpretation of Supreme Court Rule 41. The report noted that the Illinois Constitution mandated that the Judicial Conference meet annually to "consider the work of the courts and to suggest improvements in the administration of justice. . . ." ILL. CONST. art. VI, §17. That mandate required that the predominantly educational role of the conference emphasized since 1963 be balanced with a program designed to study problem areas in the administration of justice and to recommend to the supreme court possible solutions to those problems. The revision of Rule 234, effective July 1, 1975, represents the first product of the efforts of the Illinois Judicial Conference since its role was re-evaluated in 1973.

3. Minutes of the Executive Committee of the Illinois Judicial Conference, Regular Monthly Meeting, January, 1974, on file in the Office of the Illinois Judicial Conference.

to submit to the judge additional questions they wish propounded to the jurors. The judge shall propound to the jurors such of the submitted questions as he thinks necessary. Questions shall not directly or indirectly concern matters of law or instructions.⁴

Second, the proposal suggested that Rule 233 be changed⁵ so as to specifically incorporate the procedure proposed in Rule 234. It is also significant to note that the committee recommended no change in Rule 431⁶ which specifies that criminal voir dire examination of jurors shall also "be conducted in accordance with Rule 234."⁷

The Study Committee's concern with voir dire examination was not new in the history of the Illinois Judicial Conference. In 1958 the Illinois Judicial Conference Committee on Limitation of Voir Dire Examination found that voir dire was prolonged by "tedious and repetitious examination," ingratiating rhetoric, and tiresome outlines of the inquisitor's philosophy.⁸ Therefore, the committee proposed a rule which was designed to mandate the dominance of the judge during the voir dire examination of the jurors,⁹ to expedite the conduct of the trial and to eliminate questions posed by attorneys which improperly influence jurors.¹⁰ The

4. Reading and Reference Material, 1974 Illinois Judicial Conference Report of the Study Committee on Jury Selection and Utilization 1-2 [hereinafter cited as 1974 Report of the Study Committee].

5. 1974 Report of Study Committee, *supra* note 4, at 1. The proposal was adopted. ILL. REV. STAT. ch. 110A, § 233 (1975).

6. 1974 Report of the Study Committee, *supra* note 4, at 2.

7. ILL. REV. STAT. ch. 110A, § 431 (1973).

8. 1958 Annual Report of the Illinois Judicial Conference Executive Committee 92. This language is quoted in the 1974 Report of the Study Committee, *supra* note 4, at 3.

9. Tone, *Voir Dire, New Supreme Court Rule 24-1: How It Works*, 47 ILL. BAR J. 140, 145 (1958)[hereinafter cited as Tone].

10. Judges, throughout the State, faced with an ever expanding volume of litigation and in some sections scandalous delays, are increasingly concerned with the disposition on the part of trial counsel to prolong inordinately the voir dire examination by:

1. Indulging in tedious and repetitious examinations;

2. Propounding long rhetorical questions designed to ingratiate the lawyer with the jury rather than to elicit information;

3. Making tiresome statements outlining the law, the inquisitor's philosophy and ideas on various subjects, his notion concerning the thought processes to be followed by the jurors, all thinly disguised as questions by the expedient of punctuating the discussion from time to time with "isn't that right?", or similar

1958 report led ultimately to the adoption of Rule 24-1¹¹ which later, with minor changes, was renumbered 234. The rule stated:

RULE 234. VOIR DIRE EXAMINATION OF JURORS (superceded)

The judge shall initiate the *voir dire* examination of jurors by identifying the parties and their respective counsel and briefly outlining the nature of the case. The judge shall then put to the jurors any questions which he thinks necessary, touching their qualifications to serve as jurors in the cause on trial. The parties or their attorneys shall be allowed a reasonable opportunity to supplement such examination, but shall not directly or indirectly examine jurors concerning matters of law or instructions.¹²

In spite of the drafters' intentions with regard to Rule 24-1 the Study Committee on Jury Selection and Utilization found in 1974 that the abuses which the rule had been designed to abolish still remained problems in the courts. The committee found that "[t]edious, prolonged voir dire examinations still plague the circuit courts" and that "[a]ttorneys continue to pose questions designed to engender sympathy, to instruct on matters of law or to ingratiate jurors."¹³

The report of the Study Committee on Jury Selection and Utilization in 1974 explained that the committee sought foremost to draft a rule which would provide for a selection of a fair and impartial jury.¹⁴ The committee also wanted the rule to reflect their concern with the impact of voir dire on the administration of justice, particularly with regard to the efficient utilization of time¹⁵ and the perception of the spectators and jurors. The report explained, "For many of our citizens, the time spent serving as jurors provides their only opportunity for observing our system of justice in operation. In the words of Mr. Justice Black 'To per-

phrases more often than not without pause to allow the sometimes bewildered juror to answer. . . .

1974 Report of the Study Committee, *supra* note 4, at 3, citing 1958 Annual Report of the Illinois Judicial Conference 92.

11. Illinois Supreme Court Rule 24-1, 13 Ill.2d iv (1958).

12. Illinois Supreme Court Rule 234, 43 Ill.2d ____ (1970).

13. 1974 Report of the Study Committee, *supra* note 4, at 5.

14. *Id.* at 6.

15. *Id.* at 7. For a full study of timesaving during voir dire see Levit, Nelson, Ball & Chernick, *Expediting Voir Dire: An Empirical Study*, 44 S. CAL. L. REV. 916 (1971).

form its highest function in the best way, justice must satisfy the appearance of justice.'"¹⁶

The Study Committee evaluated three methods of voir dire examination: counsel conducted voir dire, court and counsel conducted voir dire, and court conducted voir dire.¹⁷ The committee found that counsel conducted voir dire is the least desirable method¹⁸ and that it does not necessarily tend to provide the best jury. The Majority Report found the very reason for the lengthy questioning by counsel is to select a jury favorable to counsel's client; impartiality is not the end result.¹⁹ The committee also observed that this type of examination is the most protracted, taking more time of jurors, counsel and court personnel. If the trial judge does not participate in the examination, he may save time. Only if he manages his call in such a way that he uses the time productively, however, is the judge truly utilizing this method of voir dire efficiently.²⁰ Finally, the Majority Report observed that counsel conducted or dominated voir dire examination in many instances creates a detrimental impression in the minds of jurors and spectators. The members of the committee made this observation based on their personal experiences and the experiences of many members of the state judiciary, as well as on the contents of letters to judges from persons who had served on juries or had observed voir dire examinations.²¹

The inevitable conclusion of the majority of the 1974 committee was that the trial court judge should conduct the voir dire examination of prospective jurors. However, as the report emphasized, the conclusion need not be analyzed as the least undesirable of the alternatives. The committee found that there are many positive reasons to favor a decision for court conducted voir dire,²² the chief consideration being that it is the most likely method of selection to produce an impartial jury.²³ Questions are pro-

16. 1974 Report of the Study Committee, *supra* note 4, at 7.

17. *Id.* at 7-12.

18. *Id.* at 8.

19. *Id.* at 7.

20. *Id.* at 9; Levit, Nelson, Ball & Chernick, *supra* note 15, at 936-37.

21. Minute Letters of the Illinois Judicial Conference Study Committee on Jury Selection and Utilization (1974-75), on file in the Office of the Illinois Judicial Conference [hereinafter cited as Minute Letters of Study Committee].

22. 1974 Report of the Study Committee, *supra* note 4, at 11.

23. *Id.* at 11-12.

pounded to the jurors by the only impartial person involved in the case, the judge. He can best determine if the questions are improper or prejudicial. Relying on several studies the report further reasoned that court conducted voir dire is the least time consuming method of jury selection.²⁴ This consideration is related to the impression of the system on lay observers and prospective jurors. The report stated that it was the majority belief that observers and jurors found court conducted voir dire more judicious in appearance.²⁵ The report also explained that under the proposed rule attorneys would be allowed to present questions to the judge on the record and have the propriety of the proffered question preserved for review on appeal.²⁶ Further, the report observed that attorneys would have more freedom to observe the jurors.²⁷

The minutes of the committee's meetings indicate that after months of study on the subject of voir dire examination there was unanimity in the committee about the need for a revision which increased the judicial participation in and control of the selection of jurors.²⁸ Three methods were forcefully proposed to implement the change:²⁹ first, that the judge conduct the entire voir dire and permit counsel to present him with written questions which the judge can pose to supplement his examination; second, that the judge pose all questions to prospective jurors but supplemental questions presented by counsel need not be in writing; third, that the court have the discretion to permit counsel to directly supplement the court's voir dire. When the discussions were completed, the proposal requiring written questions to be submitted was dropped. However, neither of the other two proposals could be drafted to attract unanimity.³⁰

The title of the Minority Report³¹ of the 1974 Illinois Judicial Conference Study Committee on Jury Selection and Utilization

24. The Study Committee cited Levit, Nelson, Ball & Chernick, *supra* note 15, at 948, where the authors reviewed a Los Angeles study, the New York experience and the federal experience in court conducted voir dire. 1974 Report of the Study Committee, *supra* note 4, at 11.

25. *Id.* at 12.

26. *Id.* at 11.

27. *Id.*

28. *Id.* at 12-13.

29. *Id.* at 6-7.

30. Minute Letters of the Study Committee, *supra* note 21.

31. 1974 Report of the Study Committee, *supra* note 4, at 13-15.

is a misnomer. The report reflected the opinion of one member of a five-person committee, and it is to a great extent in agreement with many of the conclusions of the Majority Report. It agreed that the broad judicial interpretation of Rule 24-1³² and its successor Rule 234,³³ coupled with abuse of the rule by many attorneys, required a revision of the rule.³⁴

The Minority Report focuses on some points not fully developed by the majority but upon which most of the committee members did seem to agree. The rule in use at the time³⁵ was drafted to require that the trial court dominate the voir dire examination of prospective jurors.³⁶ Trial court interpretations had emasculated the rule and had permitted the abuses to continue.³⁷ For this reason, both proposed rules of the Study Committee stated, "the judge shall conduct," in an attempt to require the trial judge to accept the responsibility given to him sixteen years before in Rule 24-1.³⁸ It is primarily in the degree of revision that the Minority Report varies from the majority.

RULE 234. VOIR DIRE EXAMINATION OF JURORS

(Study Committee Minority Proposal, not adopted)

The judge shall conduct the voir dire examination of jurors by putting to the jurors any questions which he thinks necessary touching their qualification to serve as jurors in the cause on trial. The parties or their attorneys shall be permitted by the judge to supplement such examination either by direct inquiry of the jurors or by submission of pertinent questions to the judge for direct inquiry by him. Questions shall not directly or indirectly concern matters of law or instruction.³⁹

The accompanying explanation indicated that this proposal was drafted to permit the judge the discretion, after his thorough examination of the jurors, to allow counsel to examine the jurors directly or to require counsel to direct inquiry to the judge for his

32. Illinois Supreme Court Rule 24-1, 13 Ill.2d iv (1958).

33. Illinois Supreme Court Rule 234, 42 Ill.2d ____ (1970).

34. 1974 Report of the Study Committee, *supra* note 4, at 15.

35. Illinois Supreme Court Rule 234, 42 Ill.2d ____ (1970).

36. Tone, *supra* note 9, at 145-47.

37. The Minority Report makes this observation about the use of the rule in the trial court in its discussion. 1974 Report of the Study Committee, *supra* note 4, at 14-15.

38. *Id.* at 15.

39. *Id.*

review.⁴⁰ The minority explains that there is a need for some inquiry by the parties or their counsel since they, not the judge, are intimately familiar with the specific nature of the case to be tried. They can better probe areas of possible prejudice which the judge may not realize are involved in the case. Further, it notes, if the court has the authority to cut off direct examination of jurors by parties or counsel and if the court demonstrates a willingness to exercise this authority, counsel will not abuse the privilege of direct examination and a significant saving of time will result.⁴¹

This two-part report was sent to the Executive Committee of the Illinois Judicial Conference on June 14, 1974. At its June meeting, the Executive Committee voted to have the report distributed to all the circuit, appellate and supreme court judges in the state. At the same time, the Executive Committee agreed to have the report discussed at the September, 1974, annual meeting.⁴² A ballot was prepared offering the voting judges the option of voting in favor of the then present rule, the rule proposed in the majority report or the rule proposed in the Minority Report.

A letter⁴³ dated December 20, 1974, was written by the Chairman of the Executive Committee and addressed to the Chief Justice of the Illinois Supreme Court. It explained that at the annual meeting of the Illinois Judicial Conference, the circuit judges, appellate judges, and supreme court judges of Illinois discussed and voted upon the desirability of changes in the Supreme Court Rule 234. The letter reported the results of the balloting. Ninety-eight judges voted in favor of the rule proposed in the Minority Report, seventy-five judges voted in favor of the rule proposed in the Majority Report, and ninety-one judges indicated they were in favor of Rule 234 as it was in effect at that time.

In the letter the Executive Committee unanimously proposed

40. *Id.*

41. *Id.*

42. Minutes of the Executive Committee of the Illinois Judicial Conference, Regular Monthly Meeting, June, 1974, on file in the Office of the Illinois Judicial Conference.

43. Letter from the Chairman of the Executive Committee of the Illinois Judicial Conference to the Chief Justice of the Illinois Supreme Court, December 20, 1974, on file in the Office of the Illinois Judicial Conference.

a Rule 234⁴⁴ for adoption by the Illinois Supreme Court, which was a variation of the rule proposed in the Minority Report. The proposal was followed by these comments:

This rule uses vocabulary of the present rule when it is possible. It does not require that the judge pose all questions to the jurors but permits it, at the judge's discretion. It does require that he conduct the voir dire and gives him the authority to control the voir dire.

The second sentence of this rule, unlike the second rule proposed in the committee's report, uses the term "may" rather than "shall" in reference to the judge's discretionary authority to require questions be submitted to him. But it gives the judge only two alternatives, thereby protecting the parties' right to have on the record any questions they consider necessary.⁴⁵

In January of 1975 the supreme court forwarded to its Committee on Supreme Court Rules the reports of the Study Committee on Jury Selection and Utilization along with the recommendation of the Executive Committee. The Rules Committee had originally indicated a preference for the Federal Rule 47.⁴⁶ However, at a meeting on April 25, 1975, the Rules Committee accepted the rule proposed by the Executive Committee making some revisions in the vocabulary before recommending the rule to the supreme court. On June 10, 1975,⁴⁷ the supreme court adopted the rule to be effective July 1, 1975.

44. RULE 234. VOIR DIRE EXAMINATION OF JURORS
(Executive Committee proposal, not adopted)

The judge shall conduct the voir dire examination of jurors by putting to the jurors any questions which he thinks necessary touching their qualifications to serve as jurors in the cause on trial. The judge may permit the parties or their attorneys to supplement such examination by direct inquiry of the jurors or may require them to submit pertinent questions to him for direct inquiry by him if he thinks the questions are necessary. Questions shall not directly or indirectly concern matters of law or instructions.

Id. In writing their draft of Rule 234 the Executive Committee considered the report of the Study Committee, the ballots returned by the Conference members and the memoranda of the professor-reporters concerning the discussions of the rule at the 1974 Conference. *Id.*

45. *Id.*

46. FED. R. CIV. P. 47.

47. Ill. Supp. Ct. Order Misc. Record No. 1713 (June 10, 1975).

PRACTICE UNDER THE PRESENT RULE

In 1958 the committee instrumental in the drafting of the former rule on voir dire expected that the rule would change the practice in examination of prospective jurors. It was explained that the rule "requires him [the judge] to initiate the examination and conduct the most important part of it. . . ." and "that there would seem to be little doubt that sound judicial administration is served by making voir dire examination primarily the function of the judge. . . ." ⁴⁸ Soon after the adoption of Rule 24-1 a commentator explained that under the rule the court should attempt to question prospective jurors on all matters upon which it thinks the parties may reasonably require information. ⁴⁹

However, in its investigation the 1974 Study Committee on Jury Selection and Utilization found that Illinois practice ran the gamut of possibility, from examination conducted totally by counsel for the parties to court conducted voir dire. Neither of these extremes were contemplated nor should they have been permitted under the former rule. ⁵⁰

Under the present Rule 234, court conducted voir dire examination of jurors is obviously permissible. The second sentence of the rule is drafted to give the judge two alternatives. He may allow questions to be posed directly to the prospective jurors by the parties or their attorneys or he may require that the attorneys pose the questions to him for his decision as to their appropriateness prior to the time they are asked of the jurors. This sentence protects the right of the parties to supplement the court's inquiry. The court must permit the parties to have their questions on the record. Thus, should an abuse of discretion occur, it is preserved for review.

The supplementary questioning, however, should occur only after the court fulfils its own responsibility, which is clearly set out in the first sentence of the rule. To avoid any carry-over of interpretation of the former rule the "shall initiate" is replaced by the more forceful "shall conduct." It will be harder to justify

48. Tone, *supra* note 9, at 141.

49. *Id.* at 145.

50. Minute Letters of the Study Committee, *supra* note 21. See also *People v. Carruthers*, 18 Ill.App.3d 255, 309 N.E. 2d 659 (1st Dist. 1974).

judicial inaction during voir dire examination under this terminology. The term was used in every draft rule proposed by the various committees and represents language accepted by about two-thirds of the judges of the state. It might be reasonable to assume that approval of this phrase forecasts a trend toward increased judicial dominance in the jury selection process. The rule certainly provides authority for the judge so inclined, and undoubtedly the rule was drafted to mandate such judicial dominance. It is hard to conceive of an interpretation of this rule, no matter how strained, which would justify counsel dominated selection of jurors.

The allusions in the report of the Study Committee on Jury Selection and Utilization that the failure of Rule 24-1 is attributable in part to the judiciary rather than to the practicing bar alone may indicate an insight which will prompt some action. If the new rule is to be implemented, it will be necessary for the court to question the prospective jurors on possible grounds for challenge for cause. Further, the court must be prepared to question the prospective jurors on matters which may be a basis for peremptory challenge. The use of prepared information cards on prospective jurors, recommended by the Judicial Conference in 1958, should assist court and counsel in decreasing the examination time.

The court's questioning of jurors should be reasonably thorough. Prepared form question sheets may provide a good checklist. Supplementary questioning can be submitted to the court in writing, to the court orally or to the jurors directly at the discretion of the court. As under the former rule, the use of the terms "additional questions," "further inquiry" and "supplement," do not indicate that repetition is appropriate. Rather, this stage of the inquiry is to allow parties or their attorneys an adequate opportunity to pose questions on matters of which the judge may not be aware due to his lack of familiarity with the particular case.

The last sentence of the rule, like the last clause of the predecessor rule, is a prohibition against education of jurors by the attorneys. The prior case law on the subject of examining jurors

concerning matters of law should not be altered by this language.⁵¹

The new Rule 234 represents a refinement of some ambiguous language in Rule 24-1. The ambiguity was self-inflicted by bench and bar. The new rule indicates a step toward firmer control of the trial by the judge. The reports on the rule show a sincere concern on the part of the judiciary about the appearance of justice, as well as a willingness to exercise adequate control of procedures to assure the efficient selection of an impartial jury. Only time will tell if this rule will fare better than its predecessor.

Some trial judges who have begun to exercise their authority under the new rule have indicated that jury selection time is cut by about one-half. Some members of the bar, while initially objecting to the court dominance or the court's decision to pose all questions to jurors itself, have subsequently come to approve of the method.⁵²

THE LEGISLATIVE CHALLENGE TO THE RULE

An immediate challenge to the rule came from the legislature which passed an amendment to section 115 of the Code of Criminal Procedure which conflicts with the new rule. Previously, section 115-4(f) explained that "the jurors shall be examined. . . as a panel of 4 commencing with the State."⁵³ Under this language it has been argued that section 115-4(f) provides for the right of attorneys to directly examine prospective jurors.⁵⁴ The new amendment draws the statute into even sharper conflict with Supreme Court Rules, by adding the following language to the statute:

Each opposing counsel has the right to conduct his own voir dire examination of each prospective juror for the purpose of

51. *Osborne v. Leonard*, 99 Ill.App.2d 391, 240 N.E.2d 769 (4th Dist. 1968); *Christian v. N.Y. Cent. R.R.*, 28 Ill.App.2d 57, 170 N.E.2d 183 (4th Dist. 1960). *But see People v. Kestian*, 335 Ill. 596, 167 N.E. 786 (1929).

52. Telephone conversations between Hon. Richard Eagelton and Hon. Wayne C. Townley, Jr. and the author, September, 1975.

53. ILL. REV. STAT. ch. 38, § 115-4(f) (1973).

54. When this argument has been raised in court, however, circuit judges have held the statute to be a usurpation of the supreme court's rulemaking authority.

determining such juror's qualifications, bias and prejudice, or freedom therefrom.⁵⁵

The supreme court has not altered Rule 431⁵⁶ which makes Rule 234 applicable to criminal cases.⁵⁷

While it has been suggested that the right to directly examine prospective jurors is constitutional,⁵⁸ the real issue presented in this conflict is not a constitutional right to examine prospective jurors directly, but rather the power to regulate court procedure. Since this rule-making authority has been adequately articulated elsewhere,⁵⁹ it will suffice here to note that the Illinois case law indicates such legislation is an unconstitutional usurpation of judicial authority.⁶⁰ The debates of the 1970 Constitutional Convention offer little insight into the intent of the drafters of our present constitution in regard to rule-making authority. However, in their Report on Recommendations on Article VI the Committee on Judiciary specifically cited the relevant case law⁶¹ and commented that the recommended language of the article in "no way affects existing constitutional status of the Legislative and Judicial Departments in respect to the general subject of rule making power in matters of practice and procedure."⁶²

55. ILL. REV. STAT. ch. 38, § 115-4(f) (1975).

56. ILL. REV. STAT. ch. 110A, § 431 (1973).

57. Interestingly, the legislation was introduced without any knowledge on the part of Representative Stearney, the sponsor, that the Judicial Conference was studying the matter. Telephone conversations between the author and Representative Stearney during July, 1975.

58. See Gutman, *Attorney-Conducted Voir Dire of Jurors: A Constitutional Right*, 39 BROOKLYN L. REV. 290 (1972); Comment, *Court Control over the Voir Dire Examination of Prospective Jurors*, 15 DEPAUL L. REV. 107 (1965); Cohn, *The Illinois Judicial Department—Changes Effected by Constitution of 1970*, 1971 U. ILL. L. F. 355.

59. Trumbull, *Judicial Responsibility for Regulating Practice and Procedure in Illinois*, 47 NW. U.L. REV. 443 (1952); Note, *People ex rel. Stamos v. Jones: A Restraining on Legislative Revision of the Illinois Supreme Court Rules*, 6 JOHN MARSHALL J. PRAC. & PRO. 382 (1973).

60. *People ex rel. Stamos v. Jones*, 40 Ill. 2d 62, 237 N.E.2d 495 (1968); *People v. Lobb*, 17 Ill.2d 287, 161 N.E.2d 325 (1959); *Agran v. Checker Taxi Co.*, 421 Ill. 145, 105 N.E.2d 713 (1952).

61. Sixth Illinois Constitutional Convention, 6 RECORD OF THE PROCEEDINGS 825 (1972).
62. *Id.*

CONCLUSION

The recent amendment to Illinois Supreme Court Rule 234 and the deliberations leading to the amendment have several interesting aspects. They provide the Illinois Judicial Conference with guidelines to continue its efforts to fulfill the duties placed upon the conference by the state constitution. They represent an extended process of study and evaluation by the members of the Illinois judiciary in an endeavor to improve the administration of justice. Finally the new rule brings into focus a conflict between the legislature and the judiciary concerning the rule-making authority of the supreme court in matters of legal procedure.