

16th Judicial Circuit County of Kane

Kane County Judicial Center
Suite 400 - A
37W777 Route 38
St. Charles, IL 60175-7536
Telephone (630) 232-3440



OFFICE OF THE CHIEF JUDGE
AND COURT ADMINISTRATOR

March 7, 2011

Illinois Department of Revenue
MC4-500
101 W. Jefferson
Springfield, IL 62794

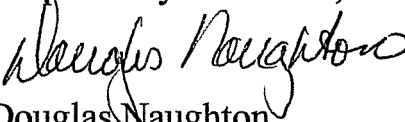
Gentlemen/Ladies:

Please find enclosed a completed Form PTAX-451 regarding the reimbursement of the salary for the Kane County Public Defender. I have had to modify the form to fit our needs in that the forms asks for the date of a County Board action where the Public Defender was appointed, and the authorizing Resolution for said appointment. In all counties, other than Cook, the Public Defender is appointed by a majority vote of the Circuit Judges, see the attached copy of 55 ILCS 5/3-4004.

In addition I have attached the Court's General Order 10-25 where the Chief Judge of the 16th Judicial Circuit, based upon an election by the Circuit Judges, appointed Thomas O. McCulloch as Interim Public Defender for Kane County.

If you need any additional information please do not hesitate to contact me at (630) 232-3443, or my e-mail address, naughtondoug@co.kane.il.us.

Respectfully submitted,


Douglas Naughton
Court Administrator

attachments (2)



PROPERTY TAX DIVISION
ILLINOIS DEPARTMENT OF REVENUE
PO BOX 19033
SPRINGFIELD IL 62794-9033

Step 1: Complete the following information

- 1 County Kane
2 Date of county board action 12/22/2010
3 Annual salary \$ 149,850.00
4 Effective date of salary increase or decrease 12/24/2010
5 Check which certified copy you are attaching
[] the resolution
[] minutes of the meeting at which the county board approved the change in the annual salary for the office of supervisor of assessments or public defender.

Step 2: Complete the following information

- 6 Check who is receiving the salary adjustment
[] supervisor of assessments
OR
[X] public defender
[X] full-time
[] part-time
7 Social Security number 341 - 38 - 1159
8 Thomas O. Mc Culloch
Name
305 south River Lane
Address
Geneva, IL 60134
City State ZIP

Step 3: Sign below

I certify that the information on this form is true and correct to the best of my knowledge.

Signature of the chairman of the board (handwritten signature)
Month / Day / Year

State of Illinois }
County }

I, _____, County Clerk in and for the county of _____ and keeper of the records and seal, do hereby certify that the above is true and correct.

Signature of county clerk
Month / Day / Year



GENERAL ORDER 10-25

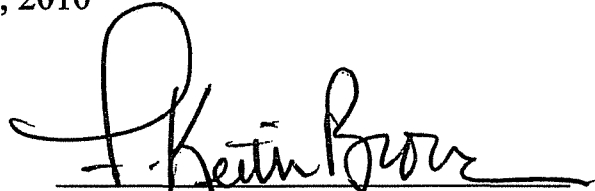
In RE: The Appointment of Interim Public Defender for Kane County

Pursuant to 55 ILCS 5/3-4004 it is hereby ordered as follows:

There being a vacancy in the office of the Kane County Public Defender, Attorney Thomas McCulloch is hereby appointed, by a majority vote of the Circuit Judges of the Sixteenth Circuit, as the Interim Public Defender until the selection of a permanent Kane County Public Defender is made pursuant to Illinois Complied Statutes.

This order shall take effect December 24, 2010.

Enter this 22nd, Day of December, 2010



F. Keith Brown, Chief Judge
Sixteenth Judicial Circuit

A true copy of the original of this document is on file in my office
Attest: Dec 22 2010
Deborah Seyller
Circuit Court Clerk, Kane County, Illinois
By: [Signature]
Deputy Clerk

FILED _____
ENTERED _____
2010 DEC 22 P 1:46
DEBORAH SEYLLER
CIRCUIT COURT CLERK
KANE COUNTY, IL

active and substantial participation of the private bar in the representation of indigent defendants.

P.A. 86-962, Art. 3, § 3-4000, added by P.A. 87-111, § 1, eff. Aug. 9, 1991.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 3-4000.

5/3-4000.1. Definitions

§ 3-4000.1. Definitions. In this Division, except when a particular context clearly requires a different meaning, the following definitions apply:

"Board" means the county board of commissioners.

"President" means the president of the county board.

P.A. 86-962, Art. 3, § 3-4000.1, added by P.A. 87-111, § 1, eff. Aug. 9, 1991.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 3-4000.1.

5/3-4001. Public defender in counties over 35,000.

§ 3-4001. Public defender in counties over 35,000. In each county of this State containing 35,000 or more inhabitants there is created the office of Public Defender and the person to be appointed to such office shall be known as the Public Defender. No person shall be eligible to or hold such office unless he is duly licensed as an attorney and counselor-at-law in this State.

P.A. 86-962, Art. 3, § 3-4001, eff. Jan. 1, 1990.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 3-4001.

5/3-4002. Public defender in counties of less than 35,000

§ 3-4002. Public defender in counties of less than 35,000. In each county of this State containing less than 35,000 inhabitants, the county board may, by resolution, create the office of Public Defender and the person appointed to such office shall be known as the Public Defender. No person shall be eligible to or hold such office unless he or she is duly licensed as an attorney at law in this State.

P.A. 86-962, Art. 3, § 3-4002, eff. Jan. 1, 1990.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 3-4002.

5/3-4003. Public defender in adjoining counties

§ 3-4003. Public defender in adjoining counties. Any 2 or more adjoining counties of this State that are within the same judicial circuit, may by joint resolution of the several county boards involved, create a common office of Public Defender for the counties so joined. The person appointed to such office shall be known as the Public Defender. No person shall be eligible to or hold such office unless he or she is duly licensed as an attorney at law in this State.

P.A. 86-962, Art. 3, § 3-4003, eff. Jan. 1, 1990.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 3-4003.

5/3-4004. Appointment of Public Defender in counties under 1,000,000

§ 3-4004. Appointment of Public Defender in counties under 1,000,000. As soon as may be after this Division becomes applicable to a county with a population under 1,000,000, the judges of the Circuit Court of the circuit in which the county is located shall, by a majority vote of the entire number of those judges, appoint to the office of Public Defender a properly qualified person, who shall hold office, his death or resignation not intervening, at the pleasure of the judges competent to appoint. Whenever a vacancy occurs in the office it shall be filled in the same manner, and

the person appointed to fill the vacancy shall have the same tenure of office.

P.A. 86-962, Art. 3, § 3-4004, eff. Jan. 1, 1990. Amended by P.A. 87-111, § 1, eff. Aug. 9, 1991.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 3-4004.

5/3-4004.1. Appointment of Public Defender in counties over 1,000,000

§ 3-4004.1. Appointment of Public Defender in counties over 1,000,000. Whenever a vacancy shall occur in the position of Public Defender in counties over 1,000,000, a properly qualified person shall be appointed to the position by the President with the advice and consent of the Board.

P.A. 86-962, Art. 3, § 3-4004.1, added by P.A. 87-111, § 1, eff. Aug. 9, 1991.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 3-4004.1.

5/3-4004.2. Qualifications of Public Defender and terms of employment in counties over 1,000,000

§ 3-4004.2. Qualifications of Public Defender and terms of employment in counties over 1,000,000. In counties with a population over 1,000,000, the following qualifications and terms of employment shall apply:

(a) The president shall select as Public Defender only a person with the following qualifications: an attorney whose practice of law has clearly demonstrated experience in the representation of persons accused of crime; who has been licensed to practice law in this State or in another state for at least 5 years; who has had administrative experience; and who is dedicated to the goals of providing high quality representation for eligible persons and to improving the quality of defense services generally.

(b) The Public Defender shall devote full time to the duties of the public defender system and shall not otherwise engage in the practice of law.

(c) The Public Defender once approved by the Board shall serve for 6 years and may be removed by the President only for good cause or dereliction of duty after notice and a hearing before the Board. The effective date of this amendatory Act of 1991 shall be deemed the commencement of the term of the current public defender.

(d) The Public Defender's compensation shall be set at a level that is commensurate with his qualifications and experience and professionally appropriate with the responsibility of the position. The Public Defender's compensation shall be comparable with that paid to circuit court judges, but in no event shall be more than that of the State's Attorney of the county.

P.A. 86-962, Art. 3, § 3-4004.2, added by P.A. 87-111, § 1, eff. Aug. 9, 1991.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 3-4004.2.

5/3-4005. Oath of office

§ 3-4005. Oath of office. The person appointed as Public Defender, before entering on the duties of his office, shall take and subscribe an oath of office in writing before one of the judges competent to appoint, which oath shall be filed in the office of the County Clerk.

P.A. 86-962, Art. 3, § 3-4005, eff. Jan. 1, 1990.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 3-4005.

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P.A. 86-962, Art. 3, § 3-4000, added by P.A. 87-111, § 1, eff. Aug. 9, 1991.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 3-4000.

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"President" means the president of the county board.

P.A. 86-962, Art. 3, § 3-4000.1, added by P.A. 87-111, § 1, eff. Aug. 9, 1991.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 3-4000.1.

5/3-4001. Public defender in counties over 35,000

§ 3-4001. Public defender in counties over 35,000. In each county of this State containing 35,000 or more inhabitants there is created the office of Public Defender and the person to be appointed to such office shall be known as the Public Defender. No person shall be eligible to or hold such office unless he is duly licensed as an attorney and counselor-at-law in this State.

P.A. 86-962, Art. 3, § 3-4001, eff. Jan. 1, 1990.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 3-4001.

5/3-4002. Public defender in counties of less than 35,000

§ 3-4002. Public defender in counties of less than 35,000. In each county of this State containing less than 35,000 inhabitants, the county board may, by resolution, create the office of Public Defender and the person appointed to such office shall be known as the Public Defender. No person shall be eligible to or hold such office unless he or she is duly licensed as an attorney at law in this State.

P.A. 86-962, Art. 3, § 3-4002, eff. Jan. 1, 1990.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 3-4002.

5/3-4003. Public defender in adjoining counties

§ 3-4003. Public defender in adjoining counties. Any 2 or more adjoining counties of this State that are within the same judicial circuit, may by joint resolution of the several county boards involved, create a common office of Public Defender for the counties so joined. The person appointed to such office shall be known as the Public Defender. No person shall be eligible to or hold such office unless he or she is duly licensed as an attorney at law in this State.

P.A. 86-962, Art. 3, § 3-4003, eff. Jan. 1, 1990.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 3-4003.

5/3-4004. Appointment of Public Defender in counties under 1,000,000

§ 3-4004. Appointment of Public Defender in counties under 1,000,000. As soon as may be after this Division becomes applicable to a county with a population under 1,000,000, the judges of the Circuit Court of the circuit in which the county is located shall, by a majority vote of the entire number of those judges, appoint to the office of Public Defender a properly qualified person, who shall hold office, his death or resignation not intervening, at the pleasure of the judges competent to appoint. Whenever a vacancy occurs in the office it shall be filled in the same manner, and

the person appointed to fill the vacancy shall have the same tenure of office.

P.A. 86-962, Art. 3, § 3-4004, eff. Jan. 1, 1990. Amended by P.A. 87-111, § 1, eff. Aug. 9, 1991.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 3-4004.

5/3-4004.1. Appointment of Public Defender in counties over 1,000,000

§ 3-4004.1. Appointment of Public Defender in counties over 1,000,000. Whenever a vacancy shall occur in the position of Public Defender in counties over 1,000,000, a properly qualified person shall be appointed to the position by the President with the advice and consent of the Board.

P.A. 86-962, Art. 3, § 3-4004.1, added by P.A. 87-111, § 1, eff. Aug. 9, 1991.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 3-4004.1.

5/3-4004.2. Qualifications of Public Defender and terms of employment in counties over 1,000,000

§ 3-4004.2. Qualifications of Public Defender and terms of employment in counties over 1,000,000. In counties with a population over 1,000,000, the following qualifications and terms of employment shall apply:

(a) The president shall select as Public Defender only a person with the following qualifications: an attorney whose practice of law has clearly demonstrated experience in the representation of persons accused of crime; who has been licensed to practice law in this State or in another state for at least 5 years; who has had administrative experience; and who is dedicated to the goals of providing high quality representation for eligible persons and to improving the quality of defense services generally.

(b) The Public Defender shall devote full time to the duties of the public defender system and shall not otherwise engage in the practice of law.

(c) The Public Defender once approved by the Board shall serve for 6 years and may be removed by the President only for good cause or dereliction of duty after notice and a hearing before the Board. The effective date of this amendatory Act of 1991 shall be deemed the commencement of the term of the current public defender.

(d) The Public Defender's compensation shall be set at a level that is commensurate with his qualifications and experience and professionally appropriate with the responsibility of the position. The Public Defender's compensation shall be comparable with that paid to circuit court judges, but in no event shall be more than that of the State's Attorney of the county.

P.A. 86-962, Art. 3, § 3-4004.2, added by P.A. 87-111, § 1, eff. Aug. 9, 1991.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 3-4004.2.

5/3-4005. Oath of office

§ 3-4005. Oath of office. The person appointed as Public Defender, before entering on the duties of his office, shall take and subscribe an oath of office in writing before one of the judges competent to appoint, which oath shall be filed in the office of the County Clerk.

P.A. 86-962, Art. 3, § 3-4005, eff. Jan. 1, 1990.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 3-4005.

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5/3-4006. Duties of public defender

§ 3-4006. Duties of public defender. The Public Defender, as directed by the court, shall act as attorney, without fee, before any court within any county for all persons who are held in custody or who are charged with the commission of any criminal offense, and who the court finds are unable to employ counsel.

The Public Defender shall be the attorney, without fee, when so appointed by the court under Section 1-20 of the Juvenile Court Act¹ or Section 1-5 of the Juvenile Court Act of 1987² or by any court under Section 5(b) of the Parental Notice of Abortion Act of 1983³ for any party who the court finds is financially unable to employ counsel.

Every court shall, with the consent of the defendant and where the court finds that the rights of the defendant would be prejudiced by the appointment of the public defender, appoint counsel other than the public defender, except as otherwise provided in Section 113-3 of the "Code of Criminal Procedure of 1963".⁴ That counsel shall be compensated as is provided by law. He shall also, in the case of the conviction of any such person, prosecute any proceeding in review which in his judgment the interests of justice require.

P.A. 86-962, Art. 3, § 3-4006, eff. Jan. 1, 1990.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 3-4006.

Former Ill.Rev.Stat. ch. 34, ¶ 701-20 (repealed).

705 ILCS 405/1-5.

720 ILCS 520/5 (repealed).

725 ILCS 5/113-3.

5/3-4006.1. Powers and Duties of the Cook County Public Defender

§ 3-4006.1. Powers and Duties of the Cook County Public Defender. For each State fiscal year, the Cook County Public Defender shall appear before the General Assembly and request appropriations to be made from the Capital Budget Trust Fund to the State Treasurer for the purpose of providing trial defense assistance in capital cases. The Public Defender may appear before the General Assembly at other times during the State's fiscal year to request supplemental appropriations be made from the Trust Fund to the State Treasurer.

P.A. 86-962, Art. 3, § 3-4006.1, added by P.A. 91-589, § 25, eff. Jan. 1, 2000.

5/3-4007. Compensation

§ 3-4007. Compensation.

(a) The public defender shall be paid out of the county treasury, and the State treasury as provided in subsection (b) as the sole compensation for his or her services a salary amount fixed by the County Board. When a Public Defender in a county of 30,000 or more population is receiving not less than 90% of the compensation of the State's attorney of such county, that Public Defender shall not engage in the private practice of law.

(b) The State treasury must pay 66 2/3% of the public defender's annual salary. If the public defender is employed in that capacity, his or her salary must be at least 66 2/3% of that county's State's attorney's annual compensation. These amounts furnished by the State shall be payable from the State treasury to the county in which each Public Defender is employed.

In cases where 2 or more adjoining counties have joined to form a common office of Public Defender, the salary

of the Public Defender shall be set and paid as provided by a joint resolution of the various county boards involved.

P.A. 86-962, Art. 3, § 3-4007, eff. Jan. 1, 1990. Amended by P.A. 92-508, § 5, eff. July 1, 2002.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 3-4007.

5/3-4008. Assistants in counties under 1,000,000

§ 3-4008. Assistants in counties under 1,000,000. The Public Defender in counties with a population under 1,000,000 shall have power to appoint, in the manner directed by the judges mentioned in Section 3-4004 the number of assistants, all duly licensed practitioners, that those judges deem necessary for the proper discharge of the duties of the office, who shall serve at the pleasure of the Public Defender. He shall also, in like manner, appoint the number of clerks and other employees necessary for the due transaction of the business of the office. The compensation of the assistants, clerks and employees shall be fixed by the County Board and paid out of the county treasury.

P.A. 86-962, Art. 3, § 3-4008, eff. Jan. 1, 1990. Amended by P.A. 87-111, § 1, eff. Aug. 9, 1991.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 3-4008.

5/3-4008.1. Assistants in counties over 1,000,000

§ 3-4008.1. Assistants in counties over 1,000,000. The Public Defender in counties with a population over 1,000,000 shall appoint assistants, all duly licensed practitioners, as that Public Defender shall deem necessary for the proper discharge of the duties of the office, who shall serve at the pleasure of the Public Defender. The Public Defender shall also, in like manner, appoint clerks and other employees necessary for the transaction of the business of the office. The compensation of and the appropriate number of assistants, clerks, and employees shall be fixed by the County Board and paid out of the county treasury.

P.A. 86-962, Art. 3, § 3-4008.1, added by P.A. 87-111, § 1, eff. Aug. 9, 1991.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 3-4008.1.

5/3-4009. Office quarters; expenses

§ 3-4009. Office quarters; expenses. The County Board shall provide suitable office quarters for the use of the Public Defender, and shall pay out of the county treasury for necessary office, travel and other expenses incurred in the defense of cases. In counties of less than 500,000 population, such payment shall be made after the circuit court of the county approves such expenses as being necessary and proper. In cases where 2 or more adjoining counties have joined to form a common office of Public Defender, the expenses incurred under this Section shall be paid as provided for in a joint resolution of the various county boards involved.

P.A. 86-962, Art. 3, § 3-4009, eff. Jan. 1, 1990.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 3-4009.

5/3-4010. Records; reports in counties under 1,000,000

§ 3-4010. Records; reports in counties under 1,000,000. The Public Defender in counties with a population under 1,000,000 shall keep a record of the services rendered by him and prepare and file monthly with the County Board a written report of such services transmitting a copy of such report to the clerk of the Circuit Court for the judges thereof. In cases where 2 or more adjoining counties have joined to form a common office of Public Defender, the

**16th Judicial Circuit
County of Kane**

Office of the Chief Judge
and Court Administrator
Kane County Judicial Center
Suite 400-A
37W777 Route 38
St. Charles, IL 60175-7536



Illinois Department of Revenue
MC4-500
101 W. Jefferson
Springfield, IL 62794
Attn: Public Defender Reimbursement

Questions or Concerns?

Please call Joanie Griffin -Property Tax Office
of IL Dept. of Revenue.

- PHONE: 217.785.1356
- FAX: 217.782.9932
- MAIL: IL Dept. of Revenue
~~Joanie Griffin~~ – MC4-500
101 West Jefferson
Springfield, IL 62794

