

THE GAVEL

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PRESIDENT'S MESSAGE

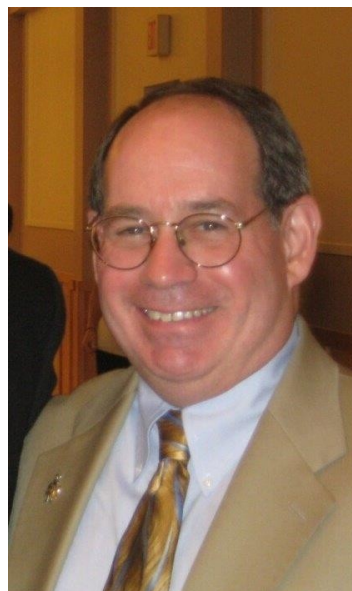
JUDGE ROBERT J. ANDERSON

It has been a busy year for the IJA. Half of my term as president of the IJA is already over. It is going by quickly! This is my final President's Message for The Gavel. Thanks again to Judges Liz Rochford and Celia Gamrath for their hard work as editors of The Gavel. They have done a great job! Thanks also to Kathy Hosty, for her work on The Gavel and everything else! All of my fellow officers continue to earn my gratitude for their help and hard work. The IJA is lucky to have them all!

Again, thanks to Kathy Hosty, our Joint Midyear meeting with the ISBA went off without any problems. One of the nice things about being President is that I got to present a number of awards to some very deserving people at our luncheon. Congratulations, again, to the recipients:

Judges Barbara Crowder, Laurence J. Dunford, Martin P. Moltz, Margaret J. Mullen,

Naomi Schuster and Retired Judge Alfred M. Swanson received Presidential Service Awards; Joseph R. Tybor posthumously received the Joseph R.



Tybor Award; Michael J. Tardy and the AOIC staff received the Amicus Curiae Award; Judge Mark A. VandeWiele received the Seymour Simon Spirit Award; Judge Ronald D. Spears received the Harold Sullivan Award; Judge Stephen C. Mathers received the Distin-

guished Service Award; and, Retired Judge Raymond J. McKoski received the Lifetime Achievement Award.

My thanks to all who attended; and, of course, my thanks to the Illinois State Bar Association, its staff and, my friend, ISBA President Umberto Davi for their hard work in making the Meeting so memorable. Finally, Attorney General Lisa Madigan gave a wonderful Keynote speech that inspired and motivated all of us who heard her remarks. She received the Founder's Award and my thanks for sharing her ideas with us.

One of my goals, when I became president, was to increase the number of Judges who were trained as facilitators for the LAP program. Each of you will have the opportunity to be trained at EdCon in the next few months. The training will be offered on Monday in the afternoon. Ethics credits will be available for participating in this program. I

am urging each of you to sign up for this training. Be a hero, help a lawyer, judge or law student. You can help save careers and lives. The sign up period for EdCon has begun. Please consider doing this.

I also wanted to thank Judge Marty Moltz for his work as Co-Chair of the Public Affairs and Outreach Committee. Thanks to his efforts, the IJA and the CBA are working together on a public outreach program. Judges are being interviewed and taped for webcasts on issues of interest to the public. So far, Judges Daniel Kubasiak, Carl Walker, Thomas Donnelly, Diane Shelley (the IJA Treasurer!), Rena Van Tine and Patrice Ball-Reed and Justice Jesse Reyes (Past IJA President) have participated in the program. My thanks to them and the CBA for this great project.

On February 25, 2016, the IJA, the ISBA and the John Marshall Law School will be hosting a dinner to present awards for Excellence in Service to the Public and the Profession to Chief Justice Rita Garman, Secretary of State Jesse White and Attorney Susan Sher. You will hear more about this event soon.

Finally, I wanted to thank each of you for being a member of the IJA. Our work is vitally important. Our Mission Statement proclaims that the IJA: "...supports judicial excellence ...fosters public confidence in an independent judiciary, works to preserve the independence of the judiciary by educating the public and students, and promotes a diverse judiciary that administers justice in a fair and impartial court system." All of us must work each day to meet these goals. I know the good job that most of us do in our work. But, there is more to be done. We must work together as an organization to foster Public Confidence, promote a diverse Judiciary and preserve our Judicial Independence. With your continued help and support, the IJA will continue in this mission. We need your help, time and ideas. Send me your ideas. We are in this together. Failure is not an option! Thanks!

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**PLEASE NOTE THAT THE IJA'S TOLL
FREE NUMBER IS NO LONGER
AVAILABLE. TO CALL THE IJA
OFFICE, PLEASE DIAL 312/431-1283**

JRS CORNER

BY TIM BLAIR

JRS Financial Condition at June 30, 2015

At June 30, 2015, based on the market value of assets, the funded ratio of JRS, which measures the financial condition of the System at a point in time, was 36.04%. This is an increase from the 34.81% funded ratio at June 30, 2014. The revenues and expenses affecting JRS' financial condition during FY 2015 are briefly outlined.

Sources of Revenue

The three primary sources of revenue for JRS are employer contributions, participant contributions and investment income. Participant contributions are set by statute at 8.5% or 11% of salary, depending on whether the member participates in the survivor's annuity benefit. Employer contributions are calculated by the System's actuary based on a statutory funding formula that requires the State to contribute an annual amount that will allow for a 90% funded ratio by the end of fiscal year 2045.

Participant and Employer Contributions

During FY 2015, participant contributions totaled \$15.4 million, down from \$15.9 million in FY 2014. Employer contributions increased from \$126.8 million in FY 2014 to \$134.0 million in FY 2015, thereby increasing total combined contributions from \$142.7 million in FY 2014 to \$149.4 million in FY 2015. The entire statutorily required employer contribution was received by the System in FY 2015.

Assets and Investments

JRS' investment function is managed by the Illinois State Board of Investment (ISBI). Even though the ISBI manages the investment function, the JRS Board of Trustees sets all actuarial assumptions, based on periodic reviews and recommendations of the System's actuaries. The Board has set the investment return assumption at 7.0% annually. In FY 2015, the ISBI realized an investment rate of return of 4.7%, compared to the FY 2014 rate of return of 17.9%. The market value of JRS' assets increased from \$776.0 million at June 30, 2014 to \$833.9 million at June 30, 2015.

Benefit Payments/Expenses

Total expenses increased from \$120.1 million in FY 2014 to \$127.6 million in FY 2015, an increase of \$7.5 million (\$7.1 million in benefits, \$0.3 million in refunds and \$50,000 in administrative expenses).

FY 2016

The JRS Board of Trustees annually certifies the required State contribution based on a statutory funding plan that was originally passed by the General Assembly in 1995. Based on the statutory funding plan, the JRS Board certified a State contribution of \$132.1 million for FY 2016. Through December 31, 2015, the State has contributed \$49.5 million to JRS, amounting to 4½ months of the FY 2016 certified contribution. During those six months, \$4.5 million has been withdrawn from the ISBI investment portfolio, primarily due to the timing of the employer contributions. If the remaining FY 2016 State contributions are made in a timely manner, staff expects to transfer \$10 million to the ISBI portfolio during FY 2016.

The State Actuary

The State Actuary, under the purview of the Auditor General, annually reviews all assumptions, calculations and methodology used in preparing the annual actuarial valuation and calculating the required State contribution. On December 30, 2015, the State Actuary stated they **"believe that the assumptions and methods used in the draft June 30, 2015 Actuarial Valuation, which are used to determine the required Fiscal Year 2017 State contribution, are reasonable. We also find that the certified contributions, notwithstanding the State funding requirements that do not conform to Actuarial Standards of Practice, were properly calculated in accordance with State law."**

JUDGES ARE.....

BY JUDGE ELIZABETH M. ROCHFORD

As the calendar page turns to reveal a new year, our judicial brethren continue to reveal themselves to be most generous with their time, skill and intellect, in the promotion of the legal profession, and in providing assistance to our communities. As always, sincere thanks to all who contributed and shared information with me. Please continue to send details of the good work and accomplishments of our colleagues to my attention at erochfordatty@sbcglobal.net

It is with sincere pride, and great pleasure, that I share, **JUDGES ARE.....**

MAKING HISTORY...When JUDGE JORGE ORTIZ took the oath of office as Lake County's Chief Judge, he became the first Hispanic chief judge in Illinois history.

PASSING THE PRESIDENCY...JUDGE STUART PAUL KATZ, immediate Past President of the Alliance of Illinois Judges, welcomed JUDGE MARY COLLEEN ROBERTS as the group's newly installed President.

PROVIDING ACCESS...Appellate Court JUSTICE MARY K. ROCHFORD was named as Chair of The Access to Justice Committee.

BRINGING FAMILIES TOGETHER...JUDGE GRACE DICKLER and JUDGE MICHELE F. LOWRANCE (Ret.) presented at the CBA's Committee on Representation of Children on the topic of "Working With Estrangement."

ICONS...The IJF honored JUSTICE MARY JANE THEIS, JUDGE DIANE WOOD and CHIEF JUDGE JOHN PHILLIPS as Judicial Icons at its summer reception.

GIVING PEOPLE A CLEAN START...JUDGE CHARLES P. BURNS celebrated the achievements of 25 clients who completed treatment and graduated from Cook County's Drug Court.

MAKING US PROUD...The Jewish Judges Association awarded its Seymour Simon Justice Award to Supreme Court JUSTICE MARY JANE THEIS, and its Lifetime Achievement Award to U.S. District JUDGE MILTON I. SHADUR.

JUDGE JORGE ORTIZ was lauded as the Lake County Latino Leader of the Year by Mano a Mano.

The Judge of the Year Award went to JUDGE CLARE E. McWILLIAMS, along with a replica of the Star Spangled Banner of 1814, presented by Illinois American Board of Trial Advocates.

JUSTICE LAURA LIU and JUDGE GRACE DICKLER were honored by the Advocates Society for their work and dedication to Access to Justice programs.

JUSTICE JESSE REYES did a fine job presiding over the Illinois State Bar Association's Unity Dinner which raised funds for the Diversity Scholarship, and JUSTICE CHARLES E. FREEMAN received the 2015 Unity Award.

And speaking of Justice Charles E. Freeman, JUDGE TIMOTHY C. EVANS received the Hon. Charles E. Freeman Judicial Merit Award from the Decalogue Society. It was a star studded affair. JUDGE DIANE WOOD received the Decalogue Society Award and JUSTICE MICHAEL HYMAN was the evening's emcee.

JUDGE MICHAEL CHMIEL received the John Powers Crowley Award from the Lawyers Assistance Program.

JUDGE DIANN MARSALEK received the Polish American Heritage Award for Public Service from The Polish American Congress.

Appellate Court JUSTICE SHELVIN LOUISE MARIE HALL received a U.S. Supreme Court Justice John Paul Stevens Award from the Chicago Bar Association and Foundation.

The Public Interest Law Initiative bestowed its Distinguished Public Service Award on Illinois Supreme Court Chief JUSTICE RITA B. GARMAN.

The National Judicial College presented its Advancement of Justice Award to JUDGE SOPHIA H. HALL.

JUDGE TIMOTHY C. EVANS accepted the ABA's Liberty Award from the Tort Trial and Insurance Practice Section.

MAKING A GOOD IMPRESSION AT THE BAR... The West Suburban Bar Association honored JUDGE SUSAN M. COLEMAN for Excellence in Leadership, and JUDGE MARK J. LOPEZ for Judicial Excellence.

MADD, IN A GOOD WAY... JUDGE ROBERT MORROW was named 2015 MADD (Mothers Against Drunk Drivers) Hero for his strong commitment to reducing recidivism.

LENDING A HAND... JUSTICE MAUREEN E. CONNORS was honored with a "My Hero Award" by Lawyers Lend-A-Hand To Youth program.

HEROES... CHIEF JUDGE-ELECT SUSAN CLANCY BOLES was named a Kane County Chronicle Home-town Hero for her work on the 7 Reasons to Leave the Party Program.

ROCKING UNDER THE STARS... JUSTICE MARY SCHOSTOK, JUDGE MARGARET MULLEN and JUDGE MARTIN MOLTZ served as co-chairs for the IJA's Ravinia Night in conjunction with the Lake County Bar Association. 150 judges, attorneys and guests enjoyed the music of country band Little Big Town.

GIVING GOOD ADVICE... JUDGES KATHY M. FLANAGAN, EILEEN O'NEILL BURKE, CARL ANTHONY WALKER and LORNA E. PROPPES were all presenters at the WBAI's "What Every Lawyer Should Know About Practicing in the Law Division."

PRESERVING HISTORY... JUDGE JOHN PHILLIPS, JUDGE MARGARET MULLEN, JUDGE MICHAEL FUSZ, JUDGE JOHN SCULLY and JUDGE MICHAEL BETAR all participated in the 19th Judicial Circuit's Annual Veterans History Project by interviewing 32 veterans of WW II, the Korean War, and the Vietnam War, about their service experience. The interviews were transcribed and sent to the Library of Congress National Archives for preservation.

SPEARHEADING THE CONVERSATION ON ISSUES OF RACE.... JUSTICE SHELVIN L. HALL discussed school segregation, then and now, at The Decalogue Society of Lawyers event on civil rights.

TAKING THE LEAD.... JUDGE SUSAN CLANCY BOLES is the new Chief Judge of Kane County.

RIISING TO THE TOP... JUDGE SHELLEY SUTKER-DERMER was sworn as President of The Jewish Judges Association of Illinois.

JUDGE DOMINIQUE C. ROSS was sworn as Chair of the Illinois Judicial Council by 1st District Appellate JUSTICE P. SCOTT NEVILLE, JR.

SENSITIVE TO CHILDREN...JUDGE GRACE DICKLER and the Cook County Circuit Court's Domestic Relations Division, in conjunction with the CBA's subcommittee on Representation of Children, presented on "How to Interview Small Children/Teens and Prepare for In-Cameras."

COMMITTED TO PROTECTING OUR SENIORS....JUDGE SUSAN FOX GILLIS spoke at an Elder Justice Center seminar titled "When a Mental Illness Requires Protective Care."

STEPPING TO THE PODIUM...Appellate Court JUSTICE JESSE G. REYES gave the keynote address at the 28th Illinois Association of Hispanic State Employees Conference.

JUDGE SHARON M. SULLIVAN spoke at the CBA's Real Estate Taxation Committee luncheon.

JUDGE ROGER G. FEIN was the featured speaker at the ISBA's special luncheon honoring the Class of 1965 Distinguished Counsellors, who were celebrated for completing 50 years of law practice.

JUDGE MICHAEL BETAR enjoyed the opportunity to serve as an invited guest lecturer at Lake Forest College on the subject of direct examination.

CONCERNED FOR THOSE AT RISK...SUPREME COURT JUSTICE ANNE M. BURKE presented on "Recognizing the Pressures of Law School: Identifying Students at Risk for Depression and What You Can Do to Help."

MODERATING THE MEDIATORS.... JUDGE GRACE G. DICKLER, JUDGE KAREN G. SHIELDS (Ret.) and JUDGE WILLIAM S. BOYD led the way at a financial mediation seminar sponsored by Cook County's Domestic Relations Division, the American Academy of Matrimonial Lawyers and the Association of Family and Conciliation Courts.

PROMOTING CIVIL RIGHTS...The Cook County Bar Association annual joint dinner meeting in conjunction with the Illinois Judicial Council and the Black Women Lawyers' Association hosted JUSTICE CHARLES E. FREEMAN as its guest speaker.

FINE DINING COMPANIONS...JUDGE LORNA E. PROPES was the featured guest at an informal dinner hosted by The Women's Bar Association of Illinois Civil Litigation Committee.

JUSTICE ANNE M. BURKE, JUSTICE JOY V. CUNNINGHAM and JUSTICE AURELIA PUCINSKI were panel members at a free lunchtime seminar discussing "Supreme Court Matters."

SUPPORTING WOMEN IN THE PROFESSION...The Lake County Bar Association and The Association of Women Attorneys of Lake County jointly hosted "Successful Women Lawyers: Paths Traveled, the Future and Diversity." The following judges participated on panels: JUSTICE MARY SEMINARA SCHOSTOK, JUSTICE ANN B. JORGENSEN, JUDGE VICTORIA ROSSETTI, JUDGE MARGARET MULLEN, JUDGE DONNA-JO VORDERSTRASSE, JUDGE CHRISTEN BISHOP and JUDGE ELIZABETH ROCHFORD.

SPOTTED AT THE FINISH LINE...JUDGES STEVEN MARK WAGNER and MARC WILLIAM MARTIN, enjoyed the view from the finish line at Arlington International Racecourse in support of a Northwest Suburban Bar Association event.

GIVING GOOD ADVICE... The 6th Annual Symposium with the Judges allowed a distinguished panel the opportunity to share insight and wisdom on advocacy and procedure. This year's panel included JUDGES JAMES P. FLANNERY, KATHY M. FLANAGAN, LARRY G. AXELROOD, EILEEN O'NEILL BURKE, WILLIAM E. GOMOLINSKI, JOHN P. KIRBY, DANIEL JOSEPH LYNCH, MARCIA MARAS, THOMAS MULROY, LORNA E. PROPEL, JAMES E. SNYDER and SANJAY T. TAILOR.

GOING INTERNATIONAL... JUDGE ROBERT BALANOFF monitored the presidential election in the Republic of Belarus for the Organization for the Security and Co-operation in Europe (OSCE) and the U.S. State Department.

GOING TO BATTLE... Loyola University hosted a seminar titled "Forming Community, Empowering Citizens and Humanizing Law," where JUDGE THOMAS MORE DONNELLY spoke on how judges can combat the myths of the inefficient and incompetent jury.

IN TRANSITION... JUDGE JOSEPH F. FACKEL was appointed by the Supreme Court to fill the vacancy created by the retirement of JUDGE F. MICHAEL MEERSMAN. JUDGE PATRICIA S. SPRATT was appointed to fill the vacancy created by the retirement of JUDGE ANITA RIVKIN-CAROTHERS. JUDGE MARK A. FELLHEIMER was appointed to the post of retiring JUDGE CHARLES G. REYNARD.

New Associate Judges:

JUDGE LUTHER SIMMONS, 3rd Circuit
JUDGE JEFFREY A. GOINET, 1st Circuit
JUDGE MAUREEN D. SHUETTE, 3rd Circuit
JUDGE MICHAEL E. COPPEDGE, 22nd Circuit
JUDGE JEFFREY L. HIRSCH, 22nd Circuit
JUDGE SARAH D. SMITH, 9th Circuit
JUDGE JENNIFER L. HIGHTOWER, 3rd Circuit
JUDGE RONALD A. BARCH, 17th Circuit
JUDGE DONNA HONZEL, 17th Circuit

New Circuit Judges:

JUDGE PATRICIA S. PRATT, Cook
JUDGE JAMES S. COWLIN, 22nd Circuit, changed
judgeships
JUDGE ANTHONY VAUPEL, 9th Circuit
JUDGE FREDERICK H. BATES, Cook

Retired Judges:

JUDGE DANEIL R. MIANDA, Cook County
JUDGE RICHARD F. WALSH, Cook County
JUDGE GORDON E. GRAHAM, 22nd Circuit
JUDGE MICHAEL PANTER, Cook
JUDGE THOMAS P. FECAROTA, JR., Cook
JUDGE MAUREEN P. FEERICK, Cook
JUDGE LOLA P. MADDOX, 3rd Circuit
JUDGE RALPH J. MENDELSON, 3rd Circuit
JUDGE JAMES B. STEWART, 9th Circuit
JUDGE PATRICK HEASLIP, 17th Circuit
JUDGE MARILYN JOHNSON, Cook County

JUDGE EDMUND PONCE DE LEON, Cook
JUDGE CHARLES REYNARD, 11th Circuit
JUDGE RONALD D. SPEARS, 4th Circuit
JUDGE LISA RUBLE MURPHY, Cook
JUDGE RICHARD AGUIRRE, 10th Circuit
JUDGE CLAYTON J. CRANE, Cook
JUDGE ELLEN DAUBER, 20th Circuit
JUDGE LORETTA EADIE-DANIELS, Cook
JUDGE MICHELLE D. JORDAN, Cook
JUDGE JOSEPH G. KAZMIERSKI, Jr. Cook
JUDGE PATRICK W. KELLEY, 7th Circuit

REMEMBERED FONDLY AND RESPECTFULLY... JUDGE JOSEPH H. KELLEY (Ret., 11th Circuit); JUDGE SAUL ANTHONY PERDOMO (Ret., Cook County); JUSTICE THOMAS R. FITZGERALD (Ret., Chief Justice, Illinois Supreme Court); JUDGE JEAN PRENDERGAST ROONEY (Cook County); JUSTICE MARVIN DUNN (Ret., 2nd Appellate); JUDGE PATRICK McLAUGHLIN (Ret., 2nd Circuit) and JUDGE KURT KLEIN (Ret., 16th Circuit).

MINDFULNESS AND THE PRACTICE OF LAW—PART II

BY KAREN MUNOZ OF DOLAN LAW PC

In this article, we explore a little more about what mindfulness is, and what it isn't, and how it can help us in our day to day lives.

What is Mindfulness?

Mindfulness means many things to many people, but a general idea is the "knowing of what is going on, inside and outside of ourselves, moment to moment." Mindfulness is not to be confused with mindlessness. Rather, to be mindful we must actively work on connecting to the breath and constantly be aware of our inner and outer surroundings. This takes effort; it is no easy task.

Mindfulness is a way to find a connection with our inner selves and a way to find calm; it provides a way to tap into what matters to each of us. There is extensive research that mindfulness reduces stress and promotes clarity. For lawyers and judges, it helps us become clearer and to be present; it forces us to examine who we are and who we hope to be as officers of the justice system. It helps us reflect on what people expect from us and the justice system. It brings awareness to the fact people want to be heard; they want predictability, guidance, resolution, respect, understanding and empathy.

As judges, you carry the heavy burden and stress of being the ultimate decider of conflict. At times, this may leave you feeling depleted, angry, frustrated and emotional. Mindfulness can help combat these feelings and reduce your stress. The first step is to breathe. The next is to stop, think and not react impulsively.

Granted, it takes time and practice to train the mind to stay calm and not react impulsively. Breath control, meditation and yoga can help. In fact, rate of breathing and state of mind go hand-in-hand. The slower the rate of breath, the more control there is over the mind.

A simple and effective breathing technique is to close the eyes and take tiny neck circles for a few minutes each day. Or close the eyes and concentrate on inhaling for 3 to 5 counts and then exhaling for 3 to 5 counts. Not only will your heart rate and breathing rate slow down, but your body will become more relaxed. A few minutes a day in chambers breathing and calming the mind will provide lasting benefits both on and off the bench. Cheers to a new you and a new year in 2016!



FREE TRAINING AND CREDITS AT ED CON 2016

ILLINOIS LAWYERS ASSISTANCE PROGRAM

Serving on the bench presents a unique opportunity for helping others in the legal community. The Illinois Lawyers' Assistance Program has designed a free half-day training to teach Illinois judges the skills they need to help save the career and/or the life of a colleague in need. This half-day training at the 2016 Judicial Education Conference in Lombard focuses on the four most critical skill areas: (1) alcohol and drug addiction (2) mental health issues (3) interventions and (4) an intervention role play. The training is designed to respect a judge's busy schedule and tailored to the role of the judge in the intervention process and providing peer support to other judges. All who participate in this training will learn early detection skills for identifying mental health and addiction issues, as well as how to apply tools for handling such problems effectively. Two training dates are available during Ed Con: Monday February 1st and April 4th from 1:00 – 4:15 pm. Registration is required and space is limited. All participants will receive a volunteer handbook and three hours of Ethics credits at Ed Con 2016. You can help change and even save someone's life!



The Illinois Judges Foundation



The Illinois Judges Association

invite you to attend

A Purely Social Reception

Ed Con Session 1

Ed Con Session 2

Wednesday, February 3, 2016

Wednesday, April 6, 2016

5:30 p.m. - 7:00 p.m.

Harry Carey's Italian Steakhouse

**Located in the Westin Lombard Hotel*

***Complimentary Hors D'Oeuvres & Cash Bar*

Please RSVP online at www.ijfFoundation.org

There is no cost to attend this event.

A suggested donation of \$25.00 can be made online to support the event

Proceeds from this event will assist with the annual grant provided by the

IJP to the IJA's "Page It Forward Reading Program."

To date, the IJP has purchased 3600 books for distribution by Illinois Judges.

One Book. One Judge. One Goal.

REPORT ON RETIREE HEALTH CARE COVERAGE AND PENSION STATUS

BY JUDGE JOHN P. COADY (RETIRED)

Impact of Budget Crisis: Without a budget, Central Management Services (CMS) has no authority to pay Fiscal Year 2016 health care related claims.

The impact of the budget crisis upon retirees covered by Medicare and Medicare Advantage appears to be, at least at this point, minimal. To date, health care services generally continue, as do payment of claims by providers of health care coverage in the same fashion as before the budget crisis.

The impact upon non-Medicare eligible retirees could grow in the coming months if a resolution to the budget crisis is not reached soon. For example, non-Medicare eligible retirees could begin to experience increasing demands for payment at the time of service, with a few of those demands having already begun.

IJA will continue to monitor the situation.

Medicare Advantage and Health Insurance changes: The State's policy regarding health care for Medicare-eligible retirees and non-Medicare eligible retirees has for several years been determined at the negotiation table with the State's labor unions, and in particular with the American Federation of State, County & Municipal Employees (AFSCME).

The last workers' labor contracts expired on June 30th. The governor and unions agreed to an extension of their labor contracts as negotiations continue.

The media has reported that the State has reached agreements with the Teamsters and trade unions but not with AFSCME. Those agreements are not binding upon AFSCME.

IJA will monitor developments with the State's negotiations with AFSCME. In particular, IJA will monitor whether any agreement with AFSCME includes changes to health care benefits. Presumably any changes to retiree health care coverage must be consistent with the recent Illinois Supreme Court decision in *Kanerva* prohibiting the State from assessing retirees with any health insurance premiums.

It is not expected that any changes in retirees' health care benefits would include terminating Medicare Advantage and returning to original Medicare. Reports are that the State and most retirees have been generally satisfied with the switch to Medicare Advantage.

If Medicare Advantage remains but some changes are made, federal rules and regulations prohibit those changes from being effective until the next Medicare Advantage year begins, that is, on January 1, 2017.

Pension Status: With the May 2015 Illinois Supreme Court decision protecting Illinois retirees' pension benefits, the focus has turned to proper funding of the pension funds. The full December and January state pension payments have been made. November's payment was not made, but Comptroller Leslie Munger states that payment will be made up this spring.

The current trend is that the funding level, while remaining at unacceptable levels, has been rising. The funded ratio of the Judicial Retirement System based on market value of assets has risen from 34.81% on June 30, 2014 to 36.04% on June 30, 2015.

RETIRED JUDGES COMMITTEE REPORT

BY CO-CHAIRS DON BERNARDI AND FRED FOREMAN

The Retired Judges Committee met in the fall to plan a half-day seminar for the spring of 2016 for spouses and partners of retired judges that will concentrate on issues of health insurance, Medicare Advantage through United Healthcare, and survivor benefits and resources. On that same day, the Committee also hopes to conduct a half-day CLE seminar for retired IJA members. Notices will issue when the planning is completed.

MEDIA RESPONSE COMMITTEE REPORT

BY CO-CHAIRS BARB CROWDER AND ALFRED SWANSON (RETIRED)

The Media Response Committee is available to assist any judge who is unfairly criticized or who needs particular assistance with a thorny public relations issue.

If you or someone you know is unfairly criticized in the media or needs assistance with the press, please contact Al Swanson or Barb Crowder. We will assist in wording a response or in drafting letters or press releases to respond to the press or to educate the public on the law and functioning of the court system.

To that end, the Media Response Committee is asking all IJA members who are retired or those in contact with retirees and bar association leaders to help. We are trying to create a database of individuals who are willing to sign letters to the editor or editorials or to otherwise respond in the many situations where sitting judges cannot comment. Retired judges who will volunteer to be a resource would be greatly appreciated. We need people all around the state. In addition, many of you have contacts who are past presidents of bar associations. Often, current or past bar presidents are also willing to be resources. If you could ask those individuals and send along their contact information for our list, the media committee would be grateful. We hope to be able to improve our response time by having individuals in all areas of the state that can be contacted.

We are here to help. And please help us help you.

Barb Crowder (blcrowder@co.madison.il.us) and Al Swanson (judgeswanson2010@gmail.com)

PRIVACY AND COURT SECURITY

BY JUDGE MIKE CHMIEL

This past year, the Illinois Judges Association's Court Facilities and Security Committee morphed into the Privacy and Court Security Committee. Historically, this Committee studied court facilities upon request and handled special projects. With the advent of the Judicial Privacy Act in Illinois, the Committee now focuses its attention on matters involving judicial privacy and court security. Fortunately, these matters are relatively calm in Illinois, but it is imperative to stay alert. If you know of an emerging issue, please notify the Committee so we can work together on it.

Over the past year, the Committee has developed a relationship with the Supreme Court Marshal, who effectively covers addresses security issues for the Illinois Supreme Court, but also serves as a resource for the Circuit and Appellate Courts of Illinois. As you may know, Marshall Robert Shay retired in August of 2015, and in September of 2015, the Supreme Court appointed his Chief Deputy Marshal – Jim Cimarossa – as his successor. Marshal Cimarossa's Chief Deputy Marshal is Clay Dowis. Both men and other deputies have been generous with their time and extremely informative.

Marshal Cimarossa agreed to continue to work with the Committee as circumstances warrant and time allows. Here, we are reminded of the continuing need to respect the different approaches to court security in the 102 counties of the State. Nevertheless, the Committee has access to a statewide structure (the IJA) to help roll things out.

Privacy cont. on page 12

For starters, please recall or otherwise note the Marshal's Office has developed the Illinois Court Security Information System/Threat Reporting which can be accessed at <https://courttapps.illinoiscourts.gov/> where users can utilize their "Ed Con" name and password to gain access. As Chief Deputy Dowis notes: "This system allows you to review all the subject reported statewide, review previous Security Notifications, and to report a threat (if you are so inclined)."

Next, the Committee hopes to explore periodic advisories concerning opportunities to protect judicial personnel and threats, and potential training in areas such as active shootings and personal security.

Notwithstanding the apparent calm, the Committee is monitoring litigation which is pending in Rock Island County to address court facilities there.

At Ed Con 2016, Judges Mark VandeWiele and Mike Chmiel will present a kiosk on Monday at 4:30 p.m. called "Judicial Privacy: Hiding in Plain Sight." Through this kiosk, the presenters will explore options and issues under the Judicial Privacy Act. Attendees are requested to bring questions and war stories, and to give their questions to the presenters in advance.

Thanks to Judge Larry Dunford, the Committee has been able to establish a page at ija.org in the "Members Only" section. The page can be found at the far left of the home page and is called "Judicial Privacy and Security." On this page, the Committee will post articles, forms and other items to assist members with privacy and security.

As time marches, the Committee has continued to review reports involving judicial privacy and security from Illinois and elsewhere with a continuing desire to provide insight to the membership of the IJA. The Committee plans to continue to work on the items referenced above and new assignments to come.

The IJA Privacy and Court Security Committee is co-chaired by Circuit Judges E. Kenneth Wright, Jr. of Cook County, and Michael J. Chmiel of McHenry County. IJA First Vice President Israel Desierto of Cook County serves as the Officer Liaison for the Committee. Other active Committee members are Judges Mark VandeWiele, Joseph Hettel and Susan O'Leary.

IN-SCHOOL PROGRAMS COMMITTEE REPORT

BY CO-CHAIRS DOMENICA STEPHENON AND PATRICIA PIPER GOLDEN
(RETIRED)

Resolve to Do a School Presentation by Law Day

By now, many of us have already broken our New Year's Resolution, but there's still time to add a new one. Why not resolve to do a presentation at a school by Law Day? There are three IJA programs to choose from: *Bringing the Courtroom to the Classroom* (BCCR); *7 Reasons to Leave the Party*; and *One Book, One Judge, One Goal*.

Last year IJA President Michael Hyman and ISBA President Rick Felice suggested that a judge and attorney form a team to present the program, *Bringing the Courtroom to the Classroom*, to students throughout Illinois. The program, originally designed by Justice Carol Pope for presentation by IJA members, is an hour-long program on a Fourth Amendment issue based on an actual case involving a search in a school where marijuana was found and resulted in criminal charges. The presentation begins with a script acting out the fact pattern followed by power point slides.

In order to give this presentation you must be trained. Many of you have been trained already, but if not, training has been made even easier because now you can get trained on your own schedule by watching a YouTube video rather than attending a seminar. The link for the YouTube training is: <https://youtu.be/36XBSD-nN5w> After completing the training, you will be given a power point presentation to assist you in your presentation to the students.



Current IJA President Robert Anderson and ISBA President Umberto Davi wish to continue this successful partnership and enlarge the number of students experiencing this program. It is also a perfect way to speak to the public, teachers and students about the law.

7 Reasons to Leave the Party is a presentation designed to inform students about the legal and personal consequences of drinking and driving, taking drugs and having sex. It is targeted for 7th through 12th graders and is usually presented in the fall and spring. Most schools request the presentation near Homecoming, Prom and major school parties. The presentation can be done in an assembly type setting or in a small classroom. The presentation is through power point and is approximately 55 minutes in length.



During the program, teens are given a "contract" containing a pledge not to drink alcohol, not to drive with someone who has been drinking, and to promise that if they are at a place where they feel uncomfortable or unsafe, they will call the parent or guardian for a ride home - no questions asked. The first 5 percent of students who return the signed contract with the signature of their parent/guardian will receive a key chain flashlight courtesy of the IJA – and, more importantly, gain a new respect for the importance of lawful conduct and the role that the judicial system plays in it.

Training for this program is done in person a few times a year. If you haven't already been trained for this program and are interested in the training, please contact Kathy Hosty.

The **One Book, One Judge, One Goal** presentation does not require any additional training. It involves reading "Abe Lincoln's Hat" by Martha Brenner to primary grade students in an effort to promote literacy and education to the students. The judge makes a one-time appearance in a classroom in his or her community as a guest reader telling the students about the personality and adventures of Abraham Lincoln. The story reveals a secret about what he stored inside of his famous, tall black hat. By reading the story to the students it will encourage a discussion about history, law, and books. The books are provided by a grant of the Illinois Judges Foundation, and are available by request to Kathy Hosty.



MORE PROOF FOR LAW AND LITERATURE

BY CHARLES REYNARD

Cook County Judge Thomas Donnelly and I serve as co-chairs of the Literature and Law Committee of the Illinois Judges Association. Retired Judge Stuart Shiffman from Sangamon County serves on this committee as well. Judge Shiffman reported that a certain novel published in 1964 was among his favorites and that it demonstrated for him the relevance of attorneys reading and responding to literature. I read it, and agree completely with Judge Shiffman's perspective. I invited him to present a review. It follows:

From the moment we begin law school, lawyers read. Cases, statutes and law review articles consume our time, and the reading continues long after we have completed formal legal education. With so much reading it is easy to understand why most lawyers ignore the suggestion that they should read even more. But for centuries, lawyers have been encouraged to expand their reading beyond the traditional legal texts, to include works of literature in their reading. Literature expands our view of the law. It takes us beyond the confines of lawyerly jargon and lawyerly responses to legal problems. There is more to justice than the viewpoint of lawyers and judges.

In 1922, John Henry Wigmore published an article in the *Illinois Law Review* entitled "A List of One Hundred Legal Novels." In 1976, Richard Weisberg revisited the list in an article in the *Northwestern Law Review*. Judge Richard Posner has also weighed into the discussion with his book *Law and Literature*, now in its third edition. The web sites of many law schools contain the syllabi of law and literature classes where reading lists of many great legal themed works of literature can be found.

During my judicial career, I have enjoyed law and literature programs at the National Judicial College and the Illinois Judicial Education Conference. The reading material has always been substantial, but one book which I actually read before beginning law school has remained on my reading list. I have gladly accepted the opportunity offered by my colleague Judge Charles Reynard to promote this book, as a wonderful vehicle for discussion of issues of law and justice. *A Covenant With Death*, by Steven Becker (Atheneum, 1964), raises important legal issues that still resonate in our legal system one-half century after the book's publication in 1964.

This is a good moment for a spoiler alert. In discussing the novel I must disclose some plot twists and turns. I do so with great reluctance and for those readers who abhor too much plot information, please just skip down to the final two paragraphs. Otherwise, here we go.

The novel, written in the style of *To Kill a Mockingbird*, is a retrospective narrative. Judge Ben Lewis, now recognized in the New Mexico community of Old Sole-dad as "old Judge Lewis" was a 29-year-old, recently appointed trial judge in 1923, the year the novel takes place. His community is rocked by the strangling death of Louise Talbot. The prime suspect is her husband Bryan, because he is the only man in town with means, motive, and opportunity. Bryan Talbot, though professing his innocence, is promptly arrested, tried, convicted, and sentenced to death. His appeal is quickly resolved, and an execution date set.

As Bryan Talbot is on the gallows and awaiting the noose, he slips from his bindings. Chaos ensues, and Talbot and the hangman fall from the gallows. Talbot survives because in the fall he lands on the hangman, who dies from his injury. Talbot's hanging must be postponed until a new executioner can arrive. But while awaiting the new executioner, another resident of the town commits suicide and leaves a note confessing to the murder of Louise Talbot. Bryan Talbot is in fact, innocent of his wife's murder. Before Talbot can be released from jail, the prosecutor and sheriff charge him with a second murder, this time Talbot's alleged victim is the hangman.

Ben Lewis is the Judge in Talbot's second trial, Talbot's lawyer waives jury and stipulates to the evidence received. Judge Lewis is faced with deciding Bryan Talbot's fate.

A Covenant With Death raises some important legal questions for discussion in a group of judges and lawyers. Of course, the death penalty is one topic for debate. But perhaps more important, is the judge's dilemma in pitting his own idea of social justice, against the black letter application of the law. Judges and lawyers have vigorously participated in that discussion for as long as we have had laws. The plot of Becker's novel provides a fertile context for discussion about "when doing the right thing" conflicts with the law.

As Oliver Wendell Holmes once observed, "Life-transforming ideas have always come to me through books." Lawyers and judges can find some of those challenging and life-altering ideas in, *A Covenant With Death*.

HONORABLE JORGE ORTIZ—NEW LAKE COUNTY CHIEF JUDGE

BY JUDGE ALFRED M. SWANSON (RETIRED)



Since he was a young boy, Jorge Ortiz wanted to be a lawyer. He considered baseball and the priesthood. But, he always came back to the law.

“He is a good listener who is not afraid to make a decision.” That is how Judge John Phillips describes Jorge Ortiz, his successor as Chief Judge of the Lake County Circuit Court. Judge Margaret Mullen, herself a former Chief Judge in the 19th Circuit, agrees. When she interviewed Ortiz in 2002 when he was a candidate for associate judge, she asked him what he felt was the most important quality for a judge and told me she was impressed with his answer: “The most important quality of a judge is the ability to decide. You would certainly expect a judge to know the law and be courteous to people. But, ultimately what they’re there for is to get a decision on a disputed issue.”

When he took office January 4, 2016, as Lake County’s Chief Judge, he became the first Hispanic Chief Circuit Court Judge in Illinois History. I sat down recently with Judge Ortiz in his chambers in Waukegan to learn more about him and his plans for the 19th Circuit. I also spoke with some of his colleagues.

Ortiz is the youngest of nine children. He grew up in Chicago’s Logan Square neighborhood. He is the only lawyer in the family. He attended Catholic elementary schools, graduated from St. Ignatius High School, and received a degree in political science from Loyola University. He was an evening division student at John Marshall Law School where he received his J.D. He worked his way through college and law school as a garbage collector, servicing buses for the CTA and as a social worker for the Archdiocese of Chicago.

After law school, Judge Ortiz was an Assistant Lake County States Attorney. Then in private practice, he was a Village prosecutor and did corporate municipal among other cases in a general practice law firm. In 2002, he was selected to become an associate judge, the first Hispanic judge in Lake

County. As a new judge, he heard traffic and misdemeanor cases. He moved to the family division where he heard support matters, adoptions, orders of protection and related matters. In 2008 he was appointed and in 2010, he was elected a circuit judge. His last judicial assignments were in the Law Division and the last two years as the presiding judge.

Judge Ortiz told me he will miss trying cases and will particularly miss the enjoyment he got from attempting to settle cases. One difficult case to settle was one that resulted in the book, *Digging up Daddy*. The case involved children who wanted to honor the wishes of their mother who died in Texas that she wanted to be buried next to her husband who had died earlier and was believed buried in Lake County. When the children started the process of removing his remains to Texas, they encountered a problem. His remains had been misplaced and were never found. The litigation was intense and sometimes bitter. Judge Ortiz told me he used his experience as a social worker to settle the case with an apology and a memorial to the children’s parents.

His toughest cases, he said, were while presiding in the family division where he had to decide custody issues or the removal of children from the family home or the termination of parental rights. He said the responsibility of trying to decide what was in the best interests of children would sometimes keep him awake at night.

Being a Judge was worth it, he said, recalling the time when two years after a case was resolved he received a letter from a child’s guardian *ad litem* thanking him for his efforts in reaching the resolution. And, he recalled another time after a case was closed that he received a letter where the writer said that even though Judge Ortiz had ruled against him, the writer thanked him for taking the time to read everything and explain his ruling so that the man felt he had been treated fairly. That letter expressed his goal as a judge, to treat people fairly so they leave the courtroom feeling they were treated right.

In his new role as Chief Judge, Judge Ortiz recognizes that a good part of his job will be community relations with everyone watching his every move as the person responsible for the entire court of 39 judges. Projects include implementing a new case management system, dealing with the ever-growing expense of litigation while making sure all have access to justice.

Judge Ortiz maintains he is fortunate to serve. And, one thing was clear from our conversation – he is passionate about being a judge and part of the judicial system.

Alfred Swanson is a retired Judge of the Circuit Court of Cook County and editor of the ISBA Bench & Bar Newsletter where a version of this article first appeared.

Distinguished Professional Services Joint Dinner The John Marshall School Award of Exemplary Professional Service

Thursday, February 25 - The Standard Club, 320 S. Plymouth Ct., Chicago, IL

5:30 - 6:30 Reception

6:30 Dinner

\$100 per person. Registration details to follow.

The Illinois Judges Association, the Illinois State Bar Association, the John Marshall Law School, the Justinian Society of Lawyers and other bar associations will co-sponsor a dinner on February 25 to recognize the following individuals who have provided exemplary service to the legal profession and the public in the State of Illinois:

- Hon. Rita Garman, Chief Justice of the Illinois Supreme Court
- Jesse White, Illinois Secretary of State
- Susan Sher, Senior Advisor to University of Chicago President and Executive Vice President for Medical Affairs

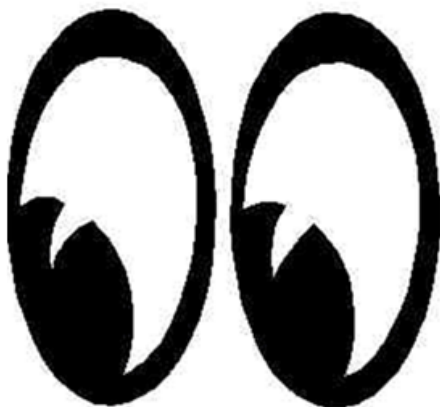
LONDON IS CALLING!

The next IJA trip will be to London. The dates are October 14-23, 2016. Details to follow.

For further information, please contact Judge Tom Lipscomb
tjl007@netzero.com



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Keep your eyes peeled for a survey from the Illinois Judges Association about the IJA website. This will arrive in your email inbox between 1/28 and 2/4. Please respond to our *brief* survey. We need your input on our site. Thanks!

COURTS EMBRACE STATEWIDE STANDARDIZED FORMS TO SUPPORT ACCESS TO JUSTICE

BY JUSTICE MARY K. ROCHFORD

The Illinois Supreme Court has made providing access to justice a high priority. At its most basic, access to justice ensures people have the ability to meaningfully participate in their court cases. Traditionally, access to the courts was achieved by legal representation. And yet, there are a growing number of self-represented litigants in Illinois and across the country. Low-income residents can seek assistance from civil legal aid and pro bono organizations, however, demand for free or low-cost legal assistance far exceeds existing supply. In Illinois, there is one legal aid staff attorney for every 7,227 low-income residents--making it simply impossible for many of those litigants to get legal representation.

How, then, do we address the issue of the growing number of self-represented litigants in Illinois? There is little debate among court staff or the judiciary that self-represented litigants profoundly impact the court system and the administration of justice. Inexperienced self-represented litigants require additional court resources and may pose challenges to judges, who must balance treating all litigants fairly while ensuring that unrepresented litigants understand court process. Without procedural fairness, citizens lose faith in the fairness and effectiveness of the judicial branch of government. Researchers have examined the user experience in the court system and found that the public's trust in the justice system is driven far more by whether their interaction with the courts was positive or negative, *i.e.*, whether they were treated with respect and felt heard, rather than whether they win or lose.

The Illinois Supreme Court created the Illinois Supreme Court Commission on Access to Justice (ATJ Commission) in June of 2012, to "promote, facilitate, and enhance equal access to justice with an emphasis on access to the Illinois civil courts..." and has prioritized the development of statewide, standardized forms that explain how to participate in a legal case in simple, easy to understand terms. By Supreme Court Rule, standardized forms must be accepted by every court across the state.

The ATJ Commission's Forms Committee and its substantive drafting subcommittees draft forms in areas of law where there is a high volume of self-represented litigants and where it is determined that standardized forms will enhance access to justice. Members of the Forms Committee and the substantive drafting subcommittees serve on a volunteer basis, and represent a diverse cross section of court stakeholders, including: trial court judges, appellate court justices, private attorneys, legal aid advocates and court administrators from across the state. A Forms Officer, who is employed by the Administrative Office of the Illinois Courts (AOIC), staffs the Forms Committee and subcommittees and provides oversight to the development process.

A self-represented litigant's inability to comprehend procedural process presents a significant risk to otherwise meritorious claims or defenses and slows the efficiency of the courts. As such, each "form suite" includes not only the legal form, but also includes a Getting Started form, containing concise information about what type of cases this form can and cannot be used for and statutory authority governing the form. In addition, each "form suite" also includes a detailed instruction sheet with information about how to serve the party on the other side of the case, and, if applicable, how to ask for a court date and how to prepare for court.

After drafting a form suite, the subcommittee then submits the form for a plain language review and user testing with the general public to ensure that the form is easy to read, understand, and complete. The Forms Committee then approves the forms for public comment which includes posting on the AOIC's website, <http://www.illinoiscourts.gov/Forms/forms.asp>, for 45 days and submission to the Conference of Chief Judges for review. The Forms Committee has the difficult task of drafting forms for statewide acceptance. Therefore, feedback from the public, attorneys, clerks, and the judiciary is a particularly vital part of the development process to ensure that publicly released forms meet the diverse needs of the state. As a result, each comment submitted is carefully considered by the drafting subcommittee and the Forms Committee before final approval of each form suite.

After final approval, each form suite is published on the AOIC's website and translated into the most commonly spoken non-English languages in Illinois. Each courthouse across the state is also encouraged to

provide court users easy access to the form. All final forms are also automated by Illinois Legal Aid Online for an interactive user experience. Currently, there are 10 form suites available for public use and the Forms Committee expects to publish many more this year.

The increase in self-represented litigants shows no signs of abating and is changing the face of the civil justice system in Illinois. Following the Supreme Court's lead, we must continue to identify ways to improve meaningful access and procedural fairness by designing processes and creating systems that work well for cases involving self-represented litigants. Such efforts will serve to make Illinois' courts more fair, accessible and efficient for everyone.

1 [Ill. S. Ct. R. 10-100\(a\)](#) (eff. June 13, 2012)

2 Administrative Office of the Illinois Courts, preliminary data from 24 judicial circuits demonstrates approximately 65% of all disposed civil cases had at least one party that was unrepresented.

3 *Access to Justice in Illinois*, Illinois Supreme Court Commission on Access to Justice, November 2014.

4 *Procedural Justice and the Courts*, Tom Tyler 44 Ct. Rev. 26 (2007-2008) <http://amjudges.org/publications/courtrv/cr44-1/CR44-1-2Tyler.pdf>

5 [Ill. S. Ct. R. 10-100\(a\)](#) (eff. June 13, 2012)

6 [Ill. S. Ct. R. 10-101\(c\)](#) (eff. Nov. 28, 2012)

7 [Ill. S. Ct. R. 10-101\(a\)](#) (eff. Nov. 28, 2012)

8 Illinois Legal Aid Online liaisons with the Forms Committee and completes the plain language review.

9 Appearance Pro Se, Application for Waiver of Court Fees, Request for Name Change (Adult), Request to Expunge & Impound Criminal Records, Request to Seal Criminal Records, Motion, Mortgage Foreclosure Answer & Appearance, Motion to Stay Foreclosure Sale, and Motion to Vacate Default Judgment of Foreclosure: <http://www.illinoiscourts.gov/Forms/approved/default.asp>

MID YEAR MEETING AND LUNCHEON

BY JUDGE PATRICE BALL REED

Each year, at an annual luncheon, the Illinois Judges Association honors those who have gone above and beyond what was requested of them by presenting several awards. This year, IJA President Bob Anderson initiated a new award: The Joseph Tybor Award. The Joseph Tybor Award was given posthumously to Joseph ("Joe") Tybor, who passed away in October 2015. Joe was a gentleman and scholar, who served with distinction as the Director of Communications for the Illinois Supreme Court. The Award was presented to Joe's wife Sandra. It reads: "In recognition of [Joe Tybor's] exemplary service, dedication, professionalism and commitment to the Courts, Judges, and the Judicial System of the State of Illinois."

Earlier in the day, the ISBA Bench and Bar Section Council presented Sandra Tybor and the Tybor children with a Certificate of Appreciation in honor of Joe's hard work and dedication as a longtime productive member of the Council. Supreme Court Justice Lloyd Karmeier and Appellate Justice Michael Hyman spoke eloquently in presenting the Certificate.

In addition to presenting The Joseph Tybor Award, IJA President Bob Anderson recognized the accomplishments and exemplary service of others at the luncheon by bestowing the following awards:

Amicus Curiae Award: Michael Tardy, Director of the Administrative Office of the Illinois Courts, for his long-term commitment to creating and maintaining an independent judiciary.

Seymour Simon Spirit Award: Judge Mark A. VandeWiele, 14th Judicial Circuit, Rock Island County, Rock Island, for his extraordinary loyalty, commitment, devotion, dedication and service to the IJA and its members.



Harold Sullivan Award: Judge Ronald D. Spears, 4th Judicial Circuit, Christian County, Taylorville, for his exemplary service to the judiciary, dedication to the improvement of the administration of justice, commitment to a strong and independent judicial branch and unfailing devotion to judges and their welfare.

Distinguished Service Award: Judge Stephen C. Mathers, 9th Judicial Circuit, Knox County, Galesburg, for his devoted service to the courts, the community, the IJA and the nation.

Lifetime Achievement Award: Judge Raymond J. McKoski (ret.), 19th Judicial Circuit, Lake County, Waukegan, for his many years of devotion to promoting the American ideals of justice and equality for all.

Presidential Service Awards: Judge Barbara Crowder, 3rd Judicial Circuit, Madison County, Edwardsville; Judge Margaret J. Mullen, 19th Judicial Circuit, Lake County, Waukegan; Judge Alfred Swanson (ret.), Circuit Court of Cook County, Chicago; Judge Laurence J. Dunford, Circuit Court of Cook County, Chicago; Associate Judge Martin P. Moltz, Circuit Court of Cook County, Chicago; and Associate Judge Naomi H. Schuster, Circuit Court of Cook County, Chicago, for their extraordinary talents and efforts on behalf of IJA members, particularly with respect to the IJA Committees on which they serve.

Founder's Award: Illinois Attorney General Lisa Madigan, for her longtime commitment to creating and maintaining an independent judiciary. In addition to receiving the Founder's Award, Attorney General Madigan was the keynote speaker of the IJA luncheon. She always provides pearls of wisdom when giving a speech. This occasion was no exception!

Obviously, the IJA luncheon was a huge success with a star-studded lineup of awardees and a talented, inspiring guest speaker. We look forward to next year's celebration at the 2016 IJA luncheon!



SO YOU WANT TO BE A MEDIA STAR? WHAT YOU CAN LEARN FROM THE JUDGES AND LAWYERS WHO APPEAR IN THE MEDIA

BY GERALDINE D'SOUZA, ASSISTANT STATE'S ATTORNEY, COOK COUNTY
CONTRIBUTIONS FROM JUDGE MARTIN P. MOLTZ AND JUDGE PATRICIA O'BRIEN SHEAHAN

During the Illinois Judges Association meeting held in conjunction with the Illinois Bar Association in December 2015, participants enjoyed a CLE entitled "Media Talk: How and Why Judges and Lawyers Should Speak on Legal Topics". This event entailed a panel discussion in which judges and one lawyer who regularly appear in the media spoke about their experiences and why they believe it is good for the profession overall if judges and lawyers speak to the media. They provided helpful suggestions as to how to address questions in the media, and also some hints on how to become a guest speaker if one is interested.

The program coordinators were Judge Margaret Mullen from Lake County, who also moderated the panel discussion and did a superior job as chief coordinator, Judge Martin P. Moltz of Cook County, and Judge Barbara Crowder of the 3rd Judicial Circuit. The CLE began with a sample radio show, in which members of the audience, which included both lawyers and judges, were able to submit questions to the panel. The panelists were put on the spot and asked questions about such things as the disproportionate number of minorities involved in the criminal justice system and about accepting campaign contributions from lawyers who then go on to practice before them.

The panel included several judges. Judge Michael McCuskey, from the 10th Judicial Circuit, and Justice Robert Steigmann of the Illinois Appellate Court do regular guest appearances on radio shows in their home jurisdictions. James Turpin, who hosts a radio show which highlights legal issues in the Champaign, Illinois area was also on the panel. Mr. Turpin explained how the public is very interested in legal topics, and that he enjoys having judges and lawyers appear as guests on his show because those garner the highest ratings. Justice Steigmann explained that speaking to the media and answering general questions thrown out by listeners to the radio show on which he appears helps the system as a whole. His concern is to insure that the general public not believe that judges are out of touch with the needs of regular citizens and "live in an Ivory tower". He believes that his media appearances show that judges do understand the concerns of everyday citizens. Judge McCuskey pointed out that his media appearances help people to understand the system and the law.

Retired Lake County Judge Raymond McKoski was a panelist. Judge McKoski is an international expert in judicial ethics, who explained that the ethical rules for judges when speaking to the media are in the Illinois Judicial Code, and do not allow judges to speak about any case which is pending before them. While speaking about court procedures and the law is acceptable, judges must use a hypothetical scenario and not address any specific case which is pending before them. Judges must also insure that nothing that they say reflects adversely on their impartiality. When giving a personal opinion on an issue, a judge must explain that it is merely a personal opinion and explain that as a judge they will put aside that opinion and follow the law. It is important for the public to know that the judge will put aside their personal opinions when ruling on a legal matter.

Illinois Supreme Court Rule 64A encourages judges to "speak, write, lecture, teach and participate in other activities concerning the law, the legal system and the administration of justice", and Illinois Judicial Ethics Committee (IJE) Op. 1998-10 specifically allows for judges to appear occasionally on radio and television programs. However, judges must always keep in mind Illinois Supreme Court Rule 63A(7) which states that a judge shall "abstain from public comment about a pending or impending proceeding in any court". An impending matter is a matter not yet filed but expected to occur in the near or imminent future. Judges must always refrain from making any comments which cast doubt on their judicial integrity and impartiality.

Karen Conti was the final panelist. She is a successful attorney who has become a coveted media commentator, appearing as a guest on everything from Court TV to Nancy Grace and CNN. Ms. Conti had a very interesting start to her media career in that she was on the team of lawyers who represented John Wayne Gacy during his appeal. The media was of course interested in the case and Ms. Conti, a fervent anti-death penalty

advocate, felt that speaking to the media could aid her client and perhaps further her cause. Ms. Conti did consent to speak to the media, and made sure to always be prepared and have specific and concise answers. She also went on to explain how important it is not to use “legalese” when speaking to the media since you want to use language that the viewers understand. Due to her stellar performance during the Gacy case, Ms. Conti was asked to comment on other media worthy cases, and from there a whole side career as a media personality evolved.

There can be tremendous benefits from speaking to the media, and all panelists felt that having attorneys and the judiciary speak to the media can benefit the legal system as a whole. Karen Conti, who represents clients and does commentary on pending cases in which she is not involved, explained that there are many benefits to attorneys appearing in the media. She explained that the primary benefit is to her clients, who may want her to speak to the media on their behalf in order to try to gain an advantage in their case. The second benefit is to the lawyer. Having the general public view an attorney as a persuasive and articulate advocate is a wonderful way to reach potential clients. Finally, the system as a whole benefits when lawyers appear in the media. Ms. Conti uses her position as a media personality to advocate for injustices in the system, and was able to use her platform to speak out against the death penalty when her client John Wayne Gacy was facing that ultimate punishment. It is a way to reach and enlighten the public as to issues and additional perspectives.

All the panelists believe that they do a service to the legal system overall by speaking in the media about legal issues. Explaining legal issues and court proceedings to the public and having a public who is educated about certain legal issues can only lead to a better court system overall and more trust in the system as a whole. Judges who wish to pursue the role of media commentator should contact their local TV and radio stations via letter. They should explain their area of expertise and how it relates to the current hot topics in the media. Who knows, you may have a whole side career as a media celebrity awaiting you!

POETRY AND THE LAW: REMEMBERING TO BE INSPIRED

BY JUDGE CHARLES G. REYNARD (RETIRED)

Judges Tom Donnelly and Charles Reynard, co-chairs of the IJA’s Literature and Law Committee, joined with the ISBA to present, “Poetry and the Law: Remembering to be Inspired.” The program reflects a growing recognition that practitioners and judges who appreciate literature are improving their ability to understand themselves, as well as the people they serve.

Donnelly and Reynard, along with Justice Warren Wolfson, Judge Mary Mikva and poet journalist Judith Valente, read law-related poems to a group of approximately 75 participants, including judges and practitioners. A lively discussion ensued about the subject readings, experiences, and the demands of the legal profession. Participants were also given an opportunity to do some on the spot writing including poems and prose pieces, many of which were then presented aloud to the group.

The presentation was well received, and many audience members expressed an interest in participating in similar programs in the future.



IJA PHOTOS

Judge Margaret Mullen moderated a panel discussion at the IJA/ISBA Mid-Year Meeting on December 11, 2015. *Media Talk: How and Why Judges and Lawyers Should Speak on Legal Topics* began with a simulated "live radio broadcast" in a talk radio format and included "call-in" questions from the audience. The panelists included professional radio host Jim Turpin and his frequent guests, Justice Bob Steigmann and Judge Mike McCuskey, as well as attorney Karen Conti. After the "show," the group discussed the importance of explaining the rule of law to the public and the ethical strictures placed upon lawyers and judges. Judge Ray McKoski, an internationally known expert on judicial ethics, was part of the program. The presentation was attended by about 150 lawyers and judges from across the state. IJA Media Response Team Co-Chair Judge Barbara Crowder and Judicial Outreach Committee Co-Chair Martin Moltz presented the seminar, with Judge Mullen.

Photo: From Left: Judge Ray McKoski (Ret.), Judge Margaret Mullen (19th Circuit), Judge Barbara Crowder (3rd Circuit), WDWS Radio Host Jim Turpin, attorney and radio personality Karen Conti, Justice Robert Steigmann (Illinois Appellate), Judge Michael McCuskey (10th Circuit), not pictured Judge Martin Moltz (Cook County).



Pictured at the 'Dining in History' event held in the Madison County Courthouse in Edwardsville on Sunday November 8th are Supreme Court Justice Lloyd Karmeier, Madison County Circuit Clerk Mark Von Nida and Third Circuit Chief Judge David Hylla. With them is a copy of the Declarations of Independence

The 100th birthday dinner celebrating the Madison County courthouse in Edwardsville featured a presentation by Third Judicial Circuit Chief Judge David Hylla of framed Declarations of Independence that were hand-rolled from the plates at the Bureau of Printing and Engraving. The circuit judges and the Madison County Bar Association are providing one framed declaration for each circuit judge's courtroom (nine) and one for the lobby of the 100 year old courthouse. Circuit Clerk Mark Von Nida spoke of the history and mysteries from the courthouse following the dinner held on the first floor atrium of the courthouse. The dinner was sponsored by the Madison County Historical Society.

Besides Chief Judge Hylla and Justice Karmeier, other IJA members in attendance were Circuit Judge Andreas Matoesian, the longest serving judge in the state, Circuit Judge William Mudge, IJA Board member and Circuit Judge Barbara Crowder and Associate Judge Maureen Schuette.



Judges Rita Novak and Russ Hartigan

About 25 Illinois Judges Association members participated in the 2015 Race Judicata 5K Run/Walk. IJA was part of a big team of runners from the Women's Bar Association of Illinois, Illinois State Bar Association, Illinois Judicial Council and Alliance of Illinois Judges. IJA is very grateful to WBAI and the Illinois Bar Foundation for organizing our team! The annual event raises thousands of dollars for Chicago

Area Volunteer Legal Services. Despite a very rainy start, IJA members had a great time. It is not too early to save-the-date for this year. The 21st Race Judicata will be held September 15, 2016. Join us!



Judges Naomi Schuster, Debra Walker and Rita Novak