

# THE GAVEL

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## PRESIDENT'S MESSAGE

*Judge James M. Wexstten*

As I near completion of my seventh month as President of this great organization, I am amazed how quickly the time has passed. As I said in my initial message, though I cannot assure success, I can absolutely guarantee my efforts. It is my fervent hope that through our communications by e-mail and otherwise you do see that the Association, its officers, committees, and members are actively working to promote the judiciary throughout Illinois.

My agenda of protecting the independence and integrity of the judiciary, reinvigorating the Speakers Bureau, pursuing adequate funding for our trial courts, promoting the Judicial Intern Opportunity Program, dealing with the growing disparity of salaries between circuit and associate judges, and under-funding of our pensions has consumed many hours and some may well take years to fully implement.

Please allow me to point out our successes and where we are on these and other initiatives.

I am extremely proud of the success of our Judicial Intern Opportunity Program which placed interns in 15 new circuits and a total of 17 circuits when you include Cook and Lake who had previously participated in the program. The Board of Directors again approved funding for this program and we continue to reach out to our partners in the Illinois State Bar Association, Chicago Bar Association, Illinois Association of Defense Trial Counsel, Illinois Trial Lawyers Association, Illinois Bar Foundation, and local bar associations to expand the program

further. As a reminder, this program allows financially disadvantaged and minority law students to participate in a paid six to eight week internship with a state court judge.

Through the efforts of Chris Ruys and many of you, our public relations has focused on informing the public through news articles, television tapings, and letters to the editors of the importance of an independent judiciary as well as promoting the reputation and integrity of the judiciary among our citizens. The Speakers Bureau is clearly reinvigorated through the good efforts of Second Vice President Mark Schuering and his team. Judges throughout Illinois have submitted their reports of speaking engagements and we know there are hundreds more who have done many presentations throughout the state of which we are unaware.

The Supreme Court of Illinois has given its support to the concept of adequate funding for the trial courts and I intend to move forward, albeit with some caution, as we must recognize the sensitivity of this issue considering the fiscal crisis of our state. As many of you are aware, Cook County Board President John Stroger announced his support for adequate funding for the trial courts. While this effort may take many years to complete, I am convinced it must be done. I will work closely with our partners and with the Administrative Office of the Illinois Courts to properly map out a strategy and timing for presentation of this issue to the legislature for its consideration.

Perhaps the issue of greatest frustration for many of our associate judges is the



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## IJA CONVENTION ANOTHER SUCCESS

### Illinois Judges Association

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Under the chairmanship of Judges Veronica Mathein and Edward Jordan, the 2005 Annual Convention was a resounding success. The 34<sup>th</sup> annual convention began at the Sheraton Chicago Hotel and Towers with a reception on the evening of Thursday, December 8<sup>th</sup>, and then took off in earnest with Justice Seymour Simon's Run for Justice at 6:45 A.M. on Friday, December 9<sup>th</sup>. Neither the heavy snowfall from the day before nor the bitter December cold kept Justice Simon and his hardy band from their pre-dawn run.

Just before the Saturday morning program, IJA President James Wexstten presented a special award to Chief Justice Robert Thomas which read:

"In Recognition of The Honorable Robert R. Thomas, Chief Justice, Illinois Supreme Court, for his commitment to cooperation between the bench and bar, the promotion of professionalism and civility, and for his dedication to excellence in the performance of judicial duties."

At 10:15 A.M. on Friday, the IJA presented a joint program with the ISBA, which was holding its mid-year meeting at the same time as our convention. The topic was, "Delivering the Message: How to Make Sure the Public Gets It." The program addressed ways to gain insight into the culture of the news media while providing appropriate and meaningful responses.

"Begin with impact," Adams County Judge Mark Drummond advised the eighty or more judges and lawyers who were held entranced by his presentation. Judge Drummond, an author and speaker of national reputation on trial practice and the art of public speaking, demonstrated his skill by keeping the audience engaged and entranced throughout his presentation. He delivered a priceless dialogue in which he played the roles of a plaintiff's attorney and a chiropractor demonstrating "whiplash" by snapping a rubber

model of a human spine. To demonstrate beginning a presentation with impact, Judge Drummond explained how he opens a presentation on drug abuse to high school students. On a large viewing screen Drummond displayed photos of a woman using methamphetamine photographed on subsequent booking photos over a number of years. The images were graphic, displaying the devastation wreaked on this once young, once beautiful woman's face. The audience became completely silent as they were displayed. "Hello, my name is Mark Drummond, a judge from the Adams County court house, and I'm here to talk to you about drug abuse," Drummond declared. "That's how you can begin with impact," he observed. "It's so much better than having the football coach introduce you by saying, 'Listen up to what this man has to say, guys. He's a judge and he can put you in jail.'" Judge Drummond demonstrated how one can use imagery, quotations, repetition and humor to make messages memorable.

Judge Drummond was followed by television anchor/commentator Paul M. Lisnek, who led a panel discussion on dealing with the press. Panelists included Judge Raymond McKoski, David Anderson, assistant executive director of the ISBA, James Grogan, chief counsel of the ARDC, Bernard Judge, editor and publisher of the *Chicago Daily Law Bulletin*, Steven Pflaum, a partner at McDermott Will & Emery and Chris Ruys, president of Chris Ruys Communications, Inc. Several judges and attorneys acted out scenarios, some involving reporters. Members of the panel made observations of important considerations for judges and attorneys. Timely advice was given on how attorneys and judges should communicate with the media and the public. There was a discussion intended to provide a better understanding of the separate ethical guidelines for judges, lawyers and the media. Under the affable guidance of Moderator Paul M. Lisnek, the group discussed the complex ethical and practical issues of public speaking and dealing with the media. A few well-disguised IJA members whose acting talents deserve anonymity, brought life to the panel

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discussion by presenting scenarios intended to illustrate some of the problems that can be presented by public speaking or media opportunities. In spite of the snow and several cancellations, the presentation was exceedingly well attended.

Following the morning program, more than 275 people attended the annual luncheon on Friday at noon. The large gathering heard fascinating remarks from Robert R. Thomas, the newly installed Chief Justice of the Illinois Supreme Court. Chief Justice Thomas spoke about his plans for the court and his views on our responsibility in administering justice. As usual, Justice Thomas was forceful and informative, and he kept the audience enthralled, first bringing us almost to tears with a heartwarming story of justice in his courtroom, then regaling us with yet another tale of

his days with the Chicago Bears.

Following the luncheon, President Wexstten presented Lifetime Achievement awards to Justice Thomas R. Fitzgerald and Judge Ann B. Jorgensen. President Wexstten also presented Presidential Service awards to Judges Richard A. Kavitt, Stephen C. Mathers, and Timothy J. Slavin. The Harold W. Sullivan Scholarship for 2005 was presented



to the Southern Illinois School of Law. Founders Awards were presented to Rudy Kink and Warren Lupel; and Amicus Curiae Awards to The Chicago Bar Association, the Illinois Association of Defense Trial Counsel, the Illinois State Bar Association, the Illinois Trial Lawyers Association, and Judge Spencer Williams.

The convention concluded on Friday afternoon with the IJA board meeting, and later, on Friday evening, Justice Thomas elaborated on his plans for the court and his views of the need for civility in the profession at the annual Supreme Court Dinner. Once again, the annual convention was quite successful, and as co-chairs, Judges Mathein and Jordan would like to thank the entire convention committee and, most particularly, our Executive Assistant, Maureen McClelland, whose tireless efforts contributed greatly toward making this convention meeting another success. The 35<sup>th</sup> Annual IJA convention will be held on Thursday and Friday, December 7 and 8, 2006.



Additional pictures from the Convention can be found on our website: [ija.org](http://ija.org)



**Did you know?** .....

The IJA sent me to report on the Chicago Public Schools. I joined many of our colleagues (including **Jesse Reyes, Karen Shields, Lewis Nixon, Cassandra Lewis, Jane Stuart, Elizabeth Rivera, Marsha Hayes, John Steele and Shelley Williams**) in



participating in Mayor Daley's *Principal for A Day* Program. None of us got the press actor Vince Vaughn received, but it really made an impression on most of the students. My personal experience was a bit like an episode of some bizarre reality TV show. I was assigned to teach an 8<sup>th</sup> Grade class at South Loop School. I was hoping to be assigned the task of tutoring the class for the 8<sup>th</sup> grade constitution test. No such luck. The teacher said that there were problems between students and she would like me to help the kids to solve them. . . taking each other's stuff and the like. Easy, I said, conflict resolution is my specialty; after all, I've been assigned to Domestic Relations for 7 years. In my wildest dreams, I did not imagine that the dispute was among two 8<sup>th</sup> graders over one stealing the other's "husband", a 7<sup>th</sup> grader named Paris. After I sent Paris back to his classroom, the evidence showed that one of the girls had posted defamatory information about the other (using the "h" word – I knew it as the "wh" word and other non-publishable information- lets just say that it had to do with the intimacies of the relationship) on her own personal website- the one that the whole class was privy to. Lawyer that I used to be, I launched into a lecture on the difference between libel and slander. Luckily, the assistant principal came to the class (holding the offending

internet material), lectured the class and called the girl's mothers. Next year, I'm only volunteering to lead the Pledge.

Justice **Warren Wolfson** of the 1<sup>st</sup> District stopped by the IJA Board meeting to put in a pitch for volunteering to be trained for the Lawyers' Assistance Program. I'm sure everyone knows that the program assists attorneys and judges with alcohol /substance abuse problems. Anyone interested should give him a ring.

#### **Supreme Stats**

As all of you know, the Supreme Court has adopted MCLE. They recently appointed a board to oversee the program and there is only one judge on it – McHenry County Circuit Judge **Michael Chmiel** joins 6 others on the Herculean task of setting the fees, credit hours, etc.

**Justice Lloyd Karmeier** was kind enough to sit down with me and chat for the IJA news. Unprepared as I was for this chance meeting, I did not obtain any juicy tidbits from him. Nonetheless, the IJA is just thrilled to report that Justice Karmeier has joined the IJA Board. He may be the first Supreme Court Justice to actually serve on the Board. (I note that **Justice Thomas Fitzgerald** is a past President of IJA and, of course, was active in the organization.) Over the years, **Justice Karmeier** has served on more than a dozen IJA committees. It will serve all of us well to be able to work even more with the court on matters of mutual interest.

**Justice Karmeier** candidly agreed he has remained under scrutiny since the very visible and highly contentious election. He feels this good for the 5<sup>th</sup> District as it has raised the public's awareness and the public is talking about the system. The election served to promote understanding of the legal process. I note that **Karmeier** is no stranger to the Supreme Court, having clerked for 4 years for **Justice Byron Howse** (Supreme Court Justice 1957-69). Howse's granddaughter loaned the new justice her grandpa's cufflinks for his installation.

**Justice Thomas Fitzgerald** was honored as the 2005 Catholic Lawyer of the Year following the Red Mass.

And I must mention that the new Chief, **Justice Bob Thomas**, gave the keynote address at the IJA Convention. He stuck to more legal subject matter . . . this Bear fan will have to take him aside soon and get his input on why the Bears blew the Panthers game and why Lovie was calling all those long passes and what happened to the defense. Who is this Steve Smith anyway and why couldn't anyone tackle him. Perhaps this will be discussed at the Supreme Court's Education Conference. (Or, perhaps, this thought pattern is a consequence of my writing this column with a high fever.)

#### **Cook County's Corner**

The last few months have been trying for me personally as my mother is very ill, so my reporting will be a bit light. It seems that half the bench retired lately and most accepted positions at mediation firms. Fitting this bill are the popular and easy-going, **Michael Hogan**, the highly regarded, **Richard Siebel**, as well as the guy who should play professional golf, **John Morrissey**. **Bob Smierciak** 's friends and family planned a huge send-off for him at Niko's Restaurant in Bridgeview on the occasion of his retirement after 20 years on the bench. Also retiring were **Michael Pope, Allan Masters, Paul Nealis, Janice Bierman, Willie Wright**, and **Wilber Crooks**. **Robert Bastone** retired and then accepted an administrative job for the Chief. One of his first projects was making sure the new Domestic Violence facility was up and running. Rumor has it that he did a first class job.

Trying his hand at being a Chancellor is long time criminal court judge, **Stuart Palmer**. He tells me that he just loves the change of pace in both the cases and the locale. The affable **Miriam Harrison** was honored with a full circuit appointment after spending 20 years on the bench, most in the Probate Division. The equally affable **Wayne Rhine** was also honored with a

# ALL BAR RECEPTION FOR THE SUPREME COURT

The ISBA, the CBA and several organized bar associations joined in honoring Supreme Court Justices Mary Ann McMorrow and Robert Thomas last October. Several hundred attorneys and scores of judges attended the reception at the Standard Club in Chicago. ISBA President Robert Downs and CBA President Michael



Hyman recognized the Illinois Supreme Court's passing of the gavel from Chief Justice McMorrow to Chief Justice Thomas. Mr. Downs and Mr. Hyman acknowledged that Justice McMorrow's distinguished three-year term as chief justice was enhanced by her incredible dedication and abilities, as well as her unselfishness of character and grace, which kept the court on a steady course. Mr. Hyman observed that as Illinois' first female chief justice, Mary Ann McMorrow served as a role model who has inspired others to follow in her groundbreaking path, a path committed to the ways of opportunity, equality and justice. The true measure of a good leader, Mr. Hyman observed, includes cooperative working relationships, impeccable personal integrity, a positive attitude and a caring spirit, qualities that Justice McMorrow displayed as chief justice.

Mr. Hyman noted that Chief Justice Thomas understands and embodies



teamwork and collaboration and what it means to be a professional. By beginning his term with the launch of mandatory continuing legal education in Illinois, Chief Justice Thomas has declared that lawyers must never stop learning or honing their skills and that civility and professionalism must be core values, not mere buzz words, observed Mr. Hyman. The message is that while we may be adversaries, we must not be enemies, Hyman noted. Michael Hyman said that, like his predecessor, Chief Justice Thomas has indicated his willingness to listen to the bar associations and consider their ideas and concerns about changes to court rules and procedures as well as recommendations for improving our justice system.



Justice Mary Ann McMorrow thanked the CBA and ISBA officers and members for their support. Justice McMorrow highlighted a few of the initiatives she accomplished during her term, which included addressing the issue of vicarious liability for lawyers and fashioning new rules on expedited hearings for child custody cases, as well as amending the Supreme Court rules allowing judges to teach. Upon

following Justice McMorrow to the podium, Chief Justice Thomas declared that he was honored to succeed Justice McMorrow, who served Illinois ably and well in her various roles as an attorney and a judge. Justice Thomas acknowledged Justice McMorrow's conscious effort to foster the concept of collegiality and respect for those with whom she may have been embroiled in spirited disputes, while still doing so in a cordial manner. Justice Thomas observed, "The stakes are huge, and our pronouncements final. It is essential that we are willing to be persuaded as well as persuade. It is important to keep in perspective that ours are positions of service not power. Each of us owes a duty to ourselves and the public to ensure that the best decisions are reached and we do that best when we are able to enable a sense of collegiality."

Justice Thomas recalled that Abraham Lincoln encouraged efforts to rid the bar of an immoral tone. Justice Thomas emphasized the importance of decisions trial judges make in that they affect the lives of real people and theirs are most often the final decision on each case. They affect the lives of real people and theirs may be the final decision on this case. "What brings people to court?" Justice Thomas asked. "Remember, real people are at the heart of the disputes we decide," Justice Thomas reminded his audience. As chief justice, Thomas acknowledged that he will be tested to prove himself worthy of that position of trust. Chief Justice Thomas declared, "I will serve the cause of justice and walk humbly in that role."



Cook County Chief Judge Timothy C. Evans thanked some of the officers and board members of the Latin American Police Association for its annual Christmas toy drive for the children using the Cook County Circuit Court's eight Children's Advocacy Rooms.



# SAGE ADVICE

by Judge William J. Bauer, 7th Circuit

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If “old” and “sage” were interchangeable, I would qualify as “sage”. Pity they don’t always add up to the same thing. Nevertheless, I shall shed my façade of modesty and plow ahead.

Before I climbed on the appellate bench 30 years and more ago, I had spent about 15 years as a trial lawyer, state and federal, and nine years as a trial judge – also state and federal. Some time early on, I concluded that patience and a willingness to listen were the hallmarks of a good judge. “Reminding” the judge of the applicable law (“Your Honor, may I refresh your recollection...”) was the job of the lawyer. But the pressures of large caseloads, the duties of running the courtroom day-to-day and all the other juggling of priorities that goes into the judicial business sometimes causes us to lose patience, to be less than kind. To expect more from lawyers, witnesses, jurors, court personnel and even the media than they can individually or collectively deliver.

Now comes the time to step back; when we are included to snarl or pontificate, we must pause and remember that we are not helping the cause of justice. When we lash out, it is against people who cannot lash back; it isn’t a fair fight. And judges, by definition, are supposed to be fair.

The experience of being a judge or being a lawyer can be pleasant or unpleasant. When we treat each other and those with whom we have professional contact and civility, patience and even kindness, the job becomes both more pleasant and easier.

We are, in this country, more and more concerned (rightfully so) about the increasing lack of civility in all areas of life. In a system that is designed to deliver the maximum of justice, incivility is both counterproductive and degrading. I sincerely believe that nearly all people respond to decent treatment in kind, and I also believe the judge is the role model in providing a civil atmosphere for the often frustrating business of doing justice. If we, as judges, give respect and civility to our brothers and sisters of the bar and bench, and to the seekers of justice and finders of fact, we will be given back the respect and civility that this profession and the exalted place we hold it richly deserved.

Kindness and civility beget kindness and civility. It is the true example of the trickle-down effect; if the judge sets the tone, it will be followed. Impatience and incivility also trickle down. If it starts on high, it sours the entire case of the court drama.

So, as an old and sage-lawyer/judge, I urge judges – and lawyers – to be kind, be patient and enjoy this wonderful profession.

(Cuts down on the stress, too!)

## ORAL HISTORY PROJECT ON COOK COUNTY JUDGES PROCEEDING IN CONJUNCTION WITH LOYOLA UNIVERSITY AND FORMER JUDGE THEODORE M. SWAIN

Under the leadership of James F. Henry, Judge of the Circuit Court of Cook County, a committee has been taking oral histories of retired Cook County judges, in order to preserve this rapidly vanishing heritage for later historical study by scholars and other researchers interested in the varied backgrounds and experiences of Cook County judges over time.

The project received a big assist by the volunteering of Professor Christopher Manning of the History Department of Loyola University. He has been helpful in structuring the project, and in providing specially-

trained graduate students from his seminar on oral history, to conduct the taped interviews which are later transcribed. Loyola has agreed to be the archive for these transcripts as they accumulate (after having been vetted by the interviewed judge).

Over twenty-five interviews have been completed. The first was with Judge Eugene Wachoski in 1996 and was recently presented to his family. Interviews of Justice Ellis E. Reid and Justice David Cerda have also been completed.

For further information contact Judge Henry at (312) 603-4601 or e-mail him at [Mewoodz@cookcountygov.com](mailto:Mewoodz@cookcountygov.com).

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full circuit appointment after spending 23 years on the bench in the First Municipal District. Also appointed was **Michael Howlett**. Congrats to **Sybil Thomas** who was named the new chair of the Illinois Judicial Council and to **Richard Elrod** on his award from the Jewish Judges Association. **Bob Gordon** is the new president of the latter association. Finally, 3<sup>rd</sup> VP, **Jim Epstein** is proud to be the father of a new baby girl.

Congrats to **Mary Jane Theis** of the First District on her son's admission to the bar and **Grace Dickler** on her daughter's admission. Did you know that both **Grace Dickler** and **Mary Kay Rochford** are running as Democrats in a traditionally Republican subcircuit. Both associate judges are running for vacant circuit positions. They are the only sitting judges in their respective races in the north suburbs. Did I mention that our own **Jesse Reyes** was inducted into the Thomas Kelly High School Hall of Fame.

Also aspiring to higher office are **Barbara Riley, Kathleen Kennedy, Eileen Brewer, Patricia Martin Bishop, Deborah Dooling, and William O'Neal**. All are competing for seats currently held by **Michael Murphy and David Erickson** of the 1<sup>st</sup> District. **Murphy**, former Presiding Judge of County Division, was humbled by his appointment to the seat in September and invited the entire Cook County bench to his induction.

267 Candidates are vying for the 7 or more open associate seats in Cook. Stay tuned.

Recovering from a kidney transplant is **Sheldon Garber**. He's always got a smile on his face and all the judges that he supervises laud him. We wish him a speedy recovery.

**Laudable in Lake**

The well-known **Christopher Stride** garnered the support to become the new associate in Lake. Otherwise it's quiet in Lake County . . . except for the rumblings that the legislature is taking away the new judgeships.

**DuPage Doings**

Have I mentioned how impressed we are that our former President, **Ann Jorgensen**, was elected DuPage County's first female Chief Judge. Shortly after her election, the *Law Bulletin* ran pages of new orders/assignments. In addition to her other amazing qualities, **Jorgensen** is incredibly organized.

DuPage lost **Anthony Peccarelli** to cancer. He had served as Chief Judge, Appellate Court Justice and State's Attorney.

**Around the State**

Appointed by the Supreme Court were **Kevin Parker** (4<sup>th</sup> Circuit), **Don Weber** (3<sup>rd</sup> Circuit)

New associates named were **Chrisy Solverson** (1<sup>st</sup> Circuit), **Richard Klauss** (6<sup>th</sup> Circuit)

Hanging up the gavel were **Phillip Kardis** (3<sup>rd</sup> Circuit), **Daniel Doyle** (17<sup>th</sup>), **Scott Mansfield** (20<sup>th</sup>) **Gene Nottolini** (16<sup>th</sup>).

The *Galesburg Register* ran an entire editorial about the expected retirement of Judge **Harry Bulkeley** of the 9<sup>th</sup> Circuit. Although not even planning to retire for a year, the newspaper praised him for being "a true public servant", "even-handed, common sense application of the law" and involvement in the community. Wow.

**RETIREE'S CORNER**

**Edward Masters**, Former Chief Judge of Will County, received the 2005 Distinguished Service Award from Chicago-Kent College of Law. Among other achievements, his family endowed need-based scholarships in the field of labor/employment law. **Ellis Reid** joined the Law Offices of Langdon Neal upon his retirement. He enjoys the bounty of corporate matters that have come his way.

Retired Judge **Jim Wimbiscus** (from the 13<sup>th</sup> Circuit – near Starved Rock) sent in this photo of many of our ex-colleagues who are living in the Sunshine State. As previously reported,



they meet semi-monthly for lunch in Naples, Florida. Looks like hurricane did not thwart their plans.

**INMEMORIAM**

We will miss . . . **Peter Bakakos** 79, a past President of the Hellenic Bar Association . Bakakos served the Cook County bench for 29 years, retiring in 2002. He was an active member of this organization. Also passing were Cook's retired Associate Judge **Leo Wren, 80**; he retired in 1997. The former President of the Hellenic Bar Association and a judge for 4 years, **Samuel Maragos**, died at age 83. Also passing were retired judges **James Meehan** (74) and **John Moran** (90).

**YOUR NEW YEAR'S RESOLUTION**

For those of you wondering what you can do new this year . . . e-mail me. I'd love to hear your news, comments on retirement or eulogy of one of our departed brethren. One of my resolutions is that I will quit this column if no one gives me a hand. So, come on, give me some news! I can be reached at [lainejet@aol.com](mailto:lainejet@aol.com) or write to 1502 Richard J. Daley Center, Chicago, IL 60602 or call 312-603-6140.

# JRS CORNER

## MOST FREQUENTLY ASKED QUESTIONS

by Tim Blair

### Tax Deferral of Optional Service Purchases

Members of the Judges' Retirement System (JRS) may purchase optional service credit, including previously refunded service, military service credit, and service credit for certain other types of public employment. In addition to making these contributions in a lump-sum post-tax basis, these optional service credit purchases may also be made through payroll deduction to JRS on a pre-tax basis, or may be transferred from an eligible pension plan or Individual Retirement Account.

### Payroll Deduction

Members of JRS may choose to purchase optional service on a pre-tax basis by authorizing the contributions to be made in installments through payroll deduction. The installment period may not be longer than 5 years unless specifically requested by the participant. The election to make pre-tax contributions through payroll deduction is irrevocable, and the withholding of contributions may not be terminated or changed for any reason other than the death or disability of the participant or termination of employment.

Optional service credit is only granted after all required contributions are paid to JRS in full. If a judge becomes disabled or terminates employment before the end of the installment period, the total balance remaining must be paid

to JRS within 30 days on a post-tax basis. In the event of the death of a participant prior to the end of the installment period, the qualified survivor is allowed to complete the required payments within 60 days of notification by JRS.

Active judges who wish to repay a refund or establish other optional service credit with the Teachers' Retirement System, the State Universities Retirement System, the State Employees' Retirement System or the General Assembly Retirement System may do so through payroll deduction. Each of these systems has adopted policies and guidelines for the establishment of optional service credit. The payroll deduction option is not available when establishing optional service credit in the Chicago and Cook County Funds and the Illinois Municipal Retirement Fund.

### Rollover from Qualified Plan

Members of JRS may purchase optional service credit by "rolling over" funds to JRS from other eligible pension plans; i.e. Individual Retirement Accounts and Deferred Compensation Accounts. The optional service credit is granted by JRS upon payment of the required contribution.

If you have any questions about the purchase of optional service credit and the available payment options, please contact the Judges' Retirement System at (217) 782-8500.

## THE 100 YEAR CELEBRATION OF ALPHA PHI ALPHA FRATERNITY, INC.

by Judge Lewis Nixon

"The opening of the school year, 1905-1906, found at Cornell University, Ithaca, New York, a group of black students distributed in the various colleges of the University, who were desirous of maintaining more intimate contacts with one another than their classroom study permitted."

The above words are known and held dear by every individual who has had the opportunity to be initiated into Alpha Phi Alpha Fraternity, Inc. As the first intercollegiate Greek letter fraternity established for African-American college students, it was organized at Cornell University, in Ithaca, New York, in 1906. The seven visionary founders at Cornell were, Henry Arthur Callis, Charles Henry Chapman, Eugene Kinckle Jones, George Biddle Kelley, Nathaniel Allison Murray, Robert Harold Ogle and Vertner Woodson Tandy. Among these seven visionaries were the first president of the Urban League, the first African-American Senate committee staffer, and the first African-Americans to be registered as an architect and an engineer, respectively in the State of New York. Despite the difficulties of organization in this untried field of student life, the early fraternity pioneers succeeded in laying a firm foundation and remained steadfast in their goals.

The fraternity initially served as a study and support group for minority students who faced racial prejudice educationally and socially at Cornell. During those beginning days, the founders and early leaders of the Fraternity worked to lay a solid foundation based on scholarship, fellowship, good character and the uplifting of humanity.

The fraternity has grown steadily in influence throughout the years. 125,000 men have been initiated into Alpha Phi Alpha since its founding in 1906. It has been interracial since 1945. There are now 350 college chapters on campuses, and 350 alumni chapters in local communities, located in 44 states, the District of Columbia, the Caribbean, Europe, Asia and Africa.

This summer, July 25-30, 2006 members of Alpha Phi Alpha, families and friends will converge on Washington, DC to celebrate the 100<sup>th</sup> Anniversary of the organization whose members have had an enormous impact on the lives of countless

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## JUDGES SHOULD EXPLAIN THE JURIES TO THE PUBLIC: A REVIEW OF THE ABA FORUM ON ISSUES CONFRONTING THE JURY SYSTEM

*by Judge Alexander White*

As part of their initiative on the American jury, at the ABA 2005 midyear meeting, a panel was convened to discuss issues affecting jury trials. The issue before the group was "Reaching a Verdict: What Do We Want for the American Jury System?" The group was presented with three approaches in respect to the jury system. The first was to examine what works and what's important. In this perspective the major problem with the jury system is misperception and misunderstanding, fueled by the Internet and the media, that it doesn't work. In fact, proponents of this approach say, juries function very well in their job; finding the facts and applying the law. As a society, we need to unveil the workings of the jury system; educate and inform the public as well as encouraging jury service.

Proposed solutions include:

- Encourage the legal profession to reach out to the public with accurate information about the system, as well as public service announcements, op-ed pieces, "jury service appreciation week" and TV/radio interviews with judges.
- Organize community-friendly court activities, observation programs, community discussion forums, school field trips and bench/bar outreach activities aimed at community groups.
- Provide a realistic picture of how the system is working and put it into perspective. There has been only a generation or so of truly democratic juries and more time is needed to get a fair picture.
- Counter sensationalized examples of jury trials and their results with prompt

explanations and contrast them with successful examples.

- Televised examples of well-run jury trials.

The second approach was to reclaim justice by strengthening and reforming the jury system. In this perspective the major problem is that the jury's work has been bogged down in an overly complicated and adversarial, win-at-all-costs system that leaves justice and common sense out of the equation. Proponents of this approach list such things as over-contentiousness, expense, delay, ineffectiveness and hyper-technicality. Overload is all too common and increasingly entrenched in the adversarial system. The broad remedy from this perspective is to institute reforms.

Proposed solutions include:

- Preclude voir dire which results in a jury crafted to favor one side.
- Encourage judges to remain neutral but not passive when proceedings become unreasonable.
- Promote changes to make jury services relevant and meaningful including: a juror's bill of rights, respectful, clean and comfortable surroundings, access to parking, orientation materials and reasonable compensation.
- Allow jurors more active participation in the trial, including note-taking, trial notebooks containing exhibits and submission of questions.
- Put instructions and as much other information as possible in clear language.

The third approach is to build a new system to do what's necessary to achieve justice in a changing and increasingly complex world. In this perspective the major problem is that the jury system is out-moded and in danger of being swamped by the increasing number of types of cases being tried, exploding technology, and deepening complexity of our society. In fact, proponents of this approach say, there is already a shift away from jury trials to a variety of alternative ways of resolving disagreements. They say it would be better to face this change head-on and assist it in any way we can instead of putting our energy and resources into shoring up the jury system. The broad remedy is to build a new system that achieves justice. Proponents also say that the perception many people have that the jury is working well is mistaken in that the good feelings people get from being around or participating in the jury system has more to do with human psychology and group dynamics than with its effectiveness.

Proposed solutions for this are:

- Move toward an inquisitorial system where a neutral investigator pursues all the facts necessary to resolve a dispute.
- Use panels of lay and expert jurors or panels of judges instead of all-lay jurors.
- Find meaningful ways to make members of the public an integral part of alternative systems, taking the best parts of the jury system and making them part of these other ways of resolving disputes
- A report will be promulgated in the future with a recommendation and an implementation plan.

growing disparity of the salaries of circuit and associate judges. While we recognize this is a direct result of our success with the COLA, we must still recognize and do everything we can to help solve the problem. This is not a new problem. In reviewing the 2000 issue of *The Gavel* under then President Pat McGann, I was reminded that this has been an ongoing issue for our organization. As was pointed out then, the historic \$5,000 difference between circuit and associate judge salaries only existed for ten of the now thirty years that state-wide compensation levels have been equalized. Currently associate judges are compensated at 93% of circuit judge salaries. I intend to, if given the opportunity through the Compensation Review Board, again illustrate the work done by the associate judges and request they give consideration to remedying the widening gap.

The issue of the under-funding of our pensions along with the under-funding of state employees and teachers pensions is approaching a crisis in my opinion. A recent news article identified Illinois' pension system as the worst funded of any state in the country with \$35 billion dollars in unfunded liability in fiscal year 2005. The plan covering teachers had 60.8 % of the money needed to cover its pension liability; the plan covering the state employees retirement system was 54.4% funded; the judicial retirement system was 47.5% funded; and the General Assembly retirement system had a funded rate of 39.1%. I have been in touch with representatives of AFSCME and the teachers in an effort to coordinate a response that additional revenues must be sought by the State of Illinois and that funding state government by not funding pension is irresponsible.

Two programs that we are working on with the Illinois State Bar Association continue to progress. They are Pro Se Litigants and the Role of the Bench in Raising the Bar on Professionalism and Civility. I have appreciated very much my association with ISBA President Bob Downs and

Executive Director Bob Craghead and the officers and staff of the Illinois State Bar Association for their support and effort. Cooperating with Michael Hyman, President of the Chicago Bar Association, and Terry Murphy, Executive Director, we are participating in the commemoration of the Nuremberg trials to be held in March of this year. The CBA and ISBA have been terrific partners on many issues.

We all know and appreciate the work of the Lawyers Assistance Program. Judge Warren Wolfson, one of our members and LAP's immediate past President, presented and update on LAP operations to the Board of Directors at our December meeting. Nineteen members of the Board volunteered to become intervenors and we will hopefully have additional support from members of the Task Force.

Through the work of the Task Force we now have a written policy when a judge requests that we file an amicus brief on issues other than discipline.

Jesse Reyes, Jim Epstein, Jane Stuart and I are scheduled to meet with the Editorial Boards of the Chicago Sun Times and Chicago Tribune. This is an effort to raise the awareness of the media and its readers of the importance of the judiciary in Illinois and our efforts that we believe benefit our citizens.

On January 6th, I was provided a draft of legislation from the Chicago Board of Election Commissioners that would provide for address confidentiality for judges in Illinois. The bill would apply to all state and federal judges living in Illinois, including judges who are no longer serving on the bench whether due to retirement, resignation, or otherwise. The bill would also apply to all family members or relatives residing with the judge. We applaud and support this thoughtful effort.

Lastly, we appreciate the continued support of our retired judges who remain members of IJA. We again support legislation that they have had introduced to allow them to administer oaths of office.

Thanks to all of you for your support.

human beings. The Centennial Convention will be preceded by a Centennial era, a period of preparation and mobilization consisting of nationwide activities and events; the commissioning of intellectual and scholarly works; the presentation of exhibits, lectures, artwork and musical expositions and the production of film and video presentations.

Among those persons who can be counted as "Alphas" are the late Supreme Court Justice Thurgood Marshall, the late Judge Sidney A. Jones, Jr. (ret. Cir. Ct. of Cook county), Hon. Myles A. Paige, the late Ernest N. Morial, Martin Luther King, Jr., 1930s track star Jesse Owens, jazz great Duke Ellington, former Senator Edward Brooke, W.E.B. DuBois, Paul Robeson, William H. Gray, former UN Ambassador Andrew Young, Adam Clayton Powell and current Cook County Board President John H. Stroger, Jr., The circuit Court of Cook county also has 7 current jurists who have been initiated into Alpha Phi Alpha; Hon. A.C. Cunningham, Hon. Raymond Funderburke, Hon. Gay-Lloyd Lott, Hon. Lewis Nixon, Hon. John Owen Steele, Hon. Eddie Stephens and Hon. Walter Williams.

Alpha Phi Alpha has taken the lead in spearheading the drive to build the Martin Luther King, Jr. National Memorial in Washington, DC to honor the late great civil rights leader. Finally, one may notice on selected cars driving down the roads of our great State of Illinois snazzy Alpha Phi Alpha license plates. In January, 2006 the Illinois Secretary of State approved the petition of Alpha Phi Alpha to issue a specialized "vanity plate" displaying the logo and all extra funds generated go to the charitable foundation established. More than 1000 members of Alpha Phi Alpha signed a request to create this plate.

Alpha Phi Alpha invites all to join in commemorating its first 100 years of existence this year!

# SIX-WEEKS IN THE LIFE OF A JUDICIAL INTERN

by LaToya Berry, *Judicial Clerk Summer 2005*  
*Third Judicial Circuit of Illinois*

I began my “well rounded experience” early one morning with the anticipation and intimidation of starting a new internship. My first quest of facing the judges turned out to be a cordial greeting by my supervising judge, Judge Crowder (where I also learned that judges do have legs after all). As I was informed of the extent of my position, it was a treat to learn that I would not only be working with the one judge, but circulating through the system with all of the judges. This meant that I would be working in each division of the circuit, including the law division, family law division, probate division, juvenile, domestic relations, small claims, tax division, and even traffic and misdemeanor. Little did I know that I would be embarking on a journey that would bring me in contact with all areas of the law, not only in doing research and writing, but courtroom experience, field trips, and outside learning.

During my first week, I spent time getting acquainted with the court system. This consisted of meeting all of the judges of the circuit and many of the lawyers who practice in the Madison County area. I was immediately impressed by the welcoming arms of the judges. On my first day, Judge Harrison explained the court system to me in detail, taking me on a tour of the courthouse and to the circuit clerk’s office to meet all of the clerks. They explained their duties and the cases that come through the circuit, “this is where it all begins” was the gist of it. Afterwards, I was able to observe the first of many trials I was to attend, which was a small claims trial with Judge Harrison. I was able to get a front seat view of the trial process and an up close observation of the documents that were filed. Later that day, I attended a Family Violence Committee meeting with Judge Crowder. I found that many of the judges and lawyers are active in organizations and committees. With all that my first day had to offer, I knew

there was much more in store for me to look forward to!

In the following weeks of my internship, my courtroom experience led me through various areas of law. I attended a jury trial on forcible entry and detainer from the very start of jury selections to the finish. During the process, the judge invited me up to the bench to attend all side bar meetings with the attorney’s and to view all documents with him. In a separate case, I tabulated and organized exhibits in preparation for trial. Later on I observed closing arguments in a major asbestos trial, motion arguments in a tax case, and on. In each proceeding, I noted the intensity of the legal advocates and sometimes competitive nature that causes you to keep up with the fast pace of the surrounding atmosphere. On the flip side, I visited the criminal court and viewed a murder trial. With that said, I even enjoyed the leisure of helping with marriage proceedings, writing bond warrants for the traffic and misdemeanor division, and attending one of many wonderful programs like the drug court graduation.

While my courtroom experience was engaging and enjoyable at times, the next level of experience presented itself to me in the form of vigorous but exciting research and writing assignments. I patiently but anxiously awaited my first assignment, and before I knew it I was researching in several different areas of the law at once. Some of the judges were giving me assignments at our first meeting. It was not unusual to be given an assignment that ranged from straight forward to very challenging. However, these assignments were not your typical law school hypothetical as they involved real life situations and required a great deal of care. I tried to learn the different personalities of all of the judges, but found that they were all surprisingly down to earth and approachable if I had a problem. I remember my first disagreement with a judge. I explained

the research that I gathered and the conclusion that I reached. Although the judge promptly disagreed, he appreciated my individuality and that I stuck to my position, and welcomed the debate. A few days later, he came to me and explained that after review of the legal issue, my findings were correct after all.

To add to my research experience, I was able to write a very involved memorandum on the Medical Studies Act, getting very familiar with the topic and submerging myself with information and research. To round off my research, I did projects in the areas of marital property and estates, legal and medical negligence, products liability, social security and child support. As you can see, my research and writing experiences varied just as much as my courtroom experience.

In a final balance to my experience, I enjoyed field trips and outside learning that allowed me get the full experience of the Third Circuit. In order to do this, I visited the other courts and mental health facilities in Granite City and attended a bar meeting in Alton. I also paid a visit to the Bond County court, the counterpart to Madison County, in Greenville where the first person I met told me, “You’re in God’s country now”. The attending judge stressed the importance of getting cultured so we visited a little mom ‘n pop shop for ice cream sundaes and learned of the country and folk music that is deeply rooted in that area. This complimented my experience and reinforced to me that gaining the full knowledge of the geographic area you’re practicing in leads to better lawyering. And finally, Judge Crowder and I went to our state’s capital, Springfield, to attend the Judicial Intern Opportunity Orientation Program. It was an opportunity to meet other judges and law students in the program, gain knowledge pertinent to our future careers, and give feedback about our own experiences.

*Intern Continued on page 12*

## JUDGES NEEDED AS LAP INTERVENORS

Addictive disorders, such as alcoholism and drug abuse, as well as psychological conditions, such as clinical depression and bi-polar disorders, plague the legal profession. Some estimates contend that 10 to 20 per cent of legal professionals suffer from the diseases of alcoholism and drug abuse. That includes lawyers and judges. These are progressive and often deadly diseases. The Lawyers' Assistance Program attempts to confront these diseases and disorders and to direct those suffering from them to places where help is available. This is called intervention. Judges play a key role in the intervention process, as well as providing peer support for those who need it. Only judges take part when a judge is the subject

of an intervention. Each participating judge is trained in intervention technique. By being trained, a judge can assert the confidentiality provided by Supreme Court Rule 1.6 (d) & (e). More trained judges are needed. LAP is in the process of establishing a specially tailored training session for judges. It will take place on February 23, 2006 from noon to 5:00 p.m. at 20 South Clark, 14th Floor, Chicago. The only requirements for becoming a trained intervenor are care, concern, and a desire to alleviate the suffering of those afflicted by chemical and psychological impairments. Please contact Maureen McClelland at the IJA office for more information.

*Intern Continued from page 11*

My well balanced weekly agenda acquainted me with the court system and allowed me to research in areas I was not interested in and introduced me to the diverse areas practice that I was not familiar with and would not otherwise be exposed. While the program required hard work and stamina, it was balanced by the built in advisors that the judges provided as, being able to rotate with different judges and different courts, as well as the program taking me outside of the courts to have a cultural experience. If I had it my way, I would extend the program to eight weeks, although the 6-weeks I had were very fulfilling and I never had a dull moment. I received priceless advice and training for my future career in the law field, and will never forget how the judges welcomed me and entrusted me with important projects. I was even encouraged to work on getting published. I would encourage more downstate courts to pick up this wonderful program; and more students to try out.

**Illinois Judges Association  
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