

THE GAVEL

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The Gavel
Grace G. Dickler
Daniel T. Gillespie
Editors
Illinois Judges Assn.
321 S. Plymouth Ct.
Chicago, IL 60604
312.431.1283
Toll-free:
888.431.1283
www.ija.org
e-mail: info@ija.org

JUSTICE MARY ANN G. McMORROW SUPREME COURT OF ILLINOIS

By
Judge Grace G. Dickler

Much has been written about Justice McMorrow since the announcement that she had been elected by her peers to become Chief Justice of the Illinois Supreme Court. However, this publication would be remiss if it did not recognize the achievements and example of Justice McMorrow as she begins her term as Chief Judge. While it is true that Justice McMorrow has been a "first" in many endeavors, it would be an injustice to assume that she became a lawyer, judge, appellate justice, supreme court justice and ultimately chief justice *because* she was a woman. In reviewing the numerous articles previously written about Justice McMorrow, it became increasingly clear to this author that Justice McMorrow's success is attributable to the credo by which she has led her life: To become the best that she could become. As Justice McMorrow noted in her installation speech as Chief Justice, she tells new admittees to the bar at the admission ceremony that they are to do their best and not compromise or settle for anything less. It is evident that Justice McMorrow has followed her own advice and has never compromised for anything less than excellence in all she has done.

It is incontrovertible that Justice McMorrow has a reputation for honesty and possessing the highest integrity. She is

widely praised for her sense of right and wrong. These traits have accompanied Justice McMorrow from the inception of her career as an attorney and through the various levels of the judiciary. While a young prosecutor, Justice McMorrow determined that a case against a defendant was weak. She informed the Judge of the weaknesses of the State's case and the Judge dismissed the case against the defendant. Actions such as the one previously described have earned Justice McMorrow the reputation as a fair and compassionate lawyer and jurist.



Justice McMorrow is also considered to be a very astute and intelligent jurist who has always been prepared and has always endeavored to do the right thing. This writer commenced an assignment in the Domestic Relations Division over a decade after Justice McMorrow left to preside over cases in her new assignment in the Law Division of the Circuit Court of Cook County. Notwithstanding the passage of more than ten years, staff and former colleagues still lauded Justice McMorrow for her insight and demeanor while a Domestic Relations judge. Her kindness extended equally to all that had the fortune to cross her path, be it litigants, colleagues, clerks or sheriffs.

As Chief Justice, Justice McMorrow hopes to systemically implement the strong beliefs

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PRESIDENT'S MESSAGE

"Time sure flies when you're having fun." While this past year seems to have gone by very quickly, I'm not quite sure exactly how much "fun" I've had. What has occurred for me this past year is my reaffirmation of the abilities, the intelligence and the devotion that judges in Illinois have for the courts, the people who use our court system and for each other.

I have been truly fortunate to work with and for some of the brightest women and men this state has ever produced. The Executive Committee, the Task Force and all the subcommittees that compose the Illinois Judges Association have done an outstanding job during a very difficult and tumultuous year. I have met and hopefully have made many new friends since becoming President last December.

The Illinois Judges Association has, I believe, taken its place among the important bar associations in the state. The IJA was an active participant in the Illinois State Bar Association's Future



Judge Stuart A. Nudelman

of the Courts Conference and I, because of my office, was one of four people who gave introductory remarks at the beginning of the conference. The IJA was also asked to be part of the swearing in ceremony of our new Chief Justice and long-time member, Mary Ann McMorrow. Our organization has been recognized at bar events, charitable events and civic events around the state as being a significant force in the legal community in Illinois.

We have, hopefully, spread the word of who we are and what we do in our

newspaper, The Gavel, our monthly News and Views newsletter and our monthly cable television program, Judicial Perspective.

As our membership quickly approaches 1,000, we believe that there is still much to do to help improve the court system, as well as the lives of the judges who work there. We steadfastly believe in the Constitution and our rights thereunder as it refers to the COLA legislation. We believe the legislature will be convinced of this position during the fall veto session. We are prepared, as an organization, to work with the legislature, or if need be, the courts to decide this most important issue. Now, more than ever before, your membership and participation in the IJA is so important. My best wishes to the incoming President, Ann Jorgensen and the rest of the officers and committee members of the IJA. We have the leadership to continue to make the Illinois Judges Association the premiere judges' group in the nation.

CONVENTION UPDATE

By Judge Edward Jordan

The Illinois Judges Association will hold its 31st Annual Convention at the Sheraton Chicago Hotel and Towers, 301 East North Water Street, in Chicago, on December 12, 13 and 14, 2002. The convention will begin at 4:00 P.M. on Thursday, December 12th, with registration, followed by a reception in the Chicago Promenade East on the Ballroom Level of the hotel.

On Friday, December 13th, the Run For Justice with Justice Seymour Simon will begin at 6:45 A.M., at the Lakeshore Athletic Club Downtown, 441 North Wabash Avenue. A continental breakfast will be provided. Additional registration will be available on the Ballroom Level of the hotel beginning at 8:30 A.M. on Friday. At 11:00 A.M., in a joint program with the Illinois State Bar Association, Chief Justice Mary Ann McMorrow will lead a panel discussion of the topic, "Is Homophobia Unethical?"

At noon on Friday, the annual luncheon will feature Hon. Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, as our keynote speaker. Mr. Fitzgerald was appointed to his current assignment last year by U.S. Senator Peter Fitzgerald who is no relation to the U.S. Attorney. Our speaker comes to us following his participation in the successful prosecutions of major crime and terrorism figures in New York, and after receiving several awards from the Justice Department.

Immediately following the luncheon, the IJA will sponsor a panel discussion on one of the most important topics facing bench and bar today, "Terrorism and the Courts". Joel Daly, lawyer and news anchor with ABC News Chicago, and Walter Jacobson, news anchor with Fox News Chicago will moderate the program. The panel will feature Colleen Connell, attorney and Executive

Director of the Chicago Office of the ACLU; Brig. Gen. John S. Cooke (ret.), chair of the ABA standing committee on Armed Forces Law; Michael Ficaro, attorney and former Assistant State's Attorney; Dr. Carlos G. Rizowy, attorney and Member of the Academic Advisory Council of the National Strategy Forum; and Peggy Daley, attorney and counsel to Pinkerton's Security. The discussion promises to be lively and interesting, and highly important in today's world.

Business meetings of the IJA will convene at 9:30 A.M. on Saturday, December 14th. Tickets for the luncheon on Friday are \$60.00, with tables of ten available for \$600.00. The co-chairs of this year's convention planning committee are Judge Veronica Mathein and Judge Edward Jordan.

For further information or to make luncheon reservations, call the IJA at (312) 431-1283 or log onto their web site at www.ija.org.

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that she has personally followed throughout her career. Justice McMorrow is committed to providing the citizens of Illinois with the best possible system of justice - a system that will allow each participant, be it a lawyer or litigant - to believe that they have been treated fairly and with respect by a competent, fair and honest judge. At her installation, Justice McMorrow expressed concern that the public perception is that litigation takes too long to complete and the process is too costly. Justice McMorrow welcomes suggestions from the bench and bar that will aid the real or perceived problems of our judicial system.

Justice McMorrow further intends to address other significant issues during her tenure as Chief Justice. These issues include, but are not limited to, her commitment to providing legal services to the indigent so that equal justice under the law becomes a reality for all. Justice McMorrow will urge the further study and implementation of the recommendations of the death penalty committees. Further, she wishes to ensure expeditious hearings in child custody and termination of parental rights cases so that the children are put at ease about their future stability and residence. Justice McMorrow is also interested in the issues of elder law and

elder abuse, which is the project of the Women's Bar Association this year. Finally, Justice McMorrow is interested in curtailing the unauthorized practice of law in this State.

There is no question that Justice McMorrow will be tackling daunting issues, both on a procedural and substantive level. However, her past performance indicates that she will assuredly address those issues with diligence, strength and enthusiasm. Clearly, at the conclusion of Justice McMorrow's tenure, she will be remembered not only as the first female Chief Justice but, more importantly, as an exemplary jurist who is exceedingly capable, compassionate and fair.

JRS CORNER
MOST FREQUENTLY ASKED QUESTIONS

by Rudy Kink

Judges Retirement System - Retirees and Survivors

Why not choose the convenience of Direct Deposit instead of waiting for your retirement benefit to arrive in the mail, worrying that it could be lost or arrive late?

With Direct Deposit, your benefit is automatically deposited into the bank account of your choice. The Direct Deposit program has several advantages over having your pension check mailed to you:

- Your benefits are deposited earlier, since Direct Deposit takes advantage of the modern conveniences of electronic banking.
- You don't receive a payment stub for each direct deposit payment. Instead, the Comptroller's Office will periodically issue an earnings statement with information about your annuity payment. This comprehensive statement is also sent to you at the end of each calendar year.
- If you choose Direct Deposit, your first two payments are mailed to your home. All future payments are electronically deposited into your bank account on the 19th of each month.

Currently, over 82% of our retirees and survivors participate in this convenient program. To enroll in Direct Deposit, simply fill out the top portion of a Depository Agreement form and take it to your financial institution to complete. Then send this form to our office to start the Direct Deposit process.

If your financial institution can't process Direct Deposits through the electronic banking network, we can arrange to have your benefits mailed directly to your bank. The Comptroller and JRS encourage you to take advantage of the Direct Deposit program. If you have any questions about Direct Deposit or would like a Depository Agreement form sent to you, call us at 217/782-8500.

WANTED

Articles for future issues of *The Gavel*.

Please submit to Grace Dickler at jubans@aol.com or Daniel Gillespie at gilledt@aol.com.
We are especially in need of articles from outside of Cook County.

Despite the fact that my columns sometimes ruffle a few feathers (that's the life of both a gossip columnist and a judge), the IJA leadership saw fit to send me on my first mission as a reporter – to the RED MASS. Previously, I'd been confined to doing the majority of my reporting from my chambers – what a thrill to go on an investigative mission. What they forgot when giving me the assignment was that I'm Jewish (although I regularly attend Christmas Eve Mass and have been a bridesmaid in my fair share of Catholic weddings) and would have no clue what was going on (except for having mastered “the handshake of peace”). And, they forgot that I like to poke fun at things in my column so they now were going to authorize me to find humor in religious ritual. The easily offended best skip my column this month.

Now, as best I can understand it, the Red Mass was created to provide an interchange between the church and the judiciary and perhaps for the church to give us their two cents on a couple of issues the legislature and church disagree on. (Don't worry, I'm not going to bring up *Roe vs. Wade*). I was of the impression that the RED MASS was peculiar to Chicago given the predominately Catholic make-up of the Cook County court. But, the Law Bulletin righted my misconception when I saw Justice Scalia on the front page attending a Red Mass in Washington. If I wasn't on deadline, I'd get you a full history, including that it began in New York in 1928 but . . .

The first thing to know about the RED MASS is the location – Holy Name Cathedral. That, in itself, was quite a big deal to me as I'd never been there – only seen it on T.V. And what a place it is – the stained glass, the size, all the people. The judges got to be in a parade of religious bigwigs and walk down the aisle and sit up front so we could get a close-up look at the Cardinal. (I admit to being impressed). Of course, **Chief Justice Mary Ann**

McMorrow was given the honor of reading at the mass.

Luckily, Judge **Larry Fox** was sitting next to me to give me the play-by-play. I'm not sure, but I'll bet he attended Catholic school. (And now I know why you need at least 8 years of school to learn everything required of you during the mass). The man of the hour was **Associate Judge Daniel Welter**. He is a judge in Maywood and also a Deacon of the church. Amazingly, he was allowed to wear a fancy white robe, to give out communion and to sit with the Cardinals.

Some other judges got small parts in the ceremony as well. Judges **Edmund Ponce deLeon, Nancy Salyers, Justice Anne Burke** and others (forgive my slight – no notes during mass) carried important items (I think it was the holy water, but don't quote me on that) to the altar boys before the mass started.

I caught site of quite a few big shots there: Cook County Board President **John Stroger, Alderman Ed Burke, and Committeeman George Dunne**, to name a few. Of course many bar leaders attended.

What truly fascinated me were the HATS, yes the ritual of the HATS. I was so amazed that I called my mom and told her I had been to Holy Name and that the Cardinal took off his HAT, handed it to an altar boy and the HAT folded up. Under the red HAT was a red yarmulke (the orthodox Jews wear them too); then he unfolds the HAT and puts it back on; later he takes it off again and by the end of the mass you can see his head because he's not wearing the HAT or the yarmulke. As usual, my mom was non-plussed: “The Cardinal wears a miter – was the mayor there?”

One more thing about the HATS a/k/a miters: they're hanging from the ceiling of the Cathedral. As Judge **Candace Fabri** explained, when a Cardinal dies, they hang his HAT from the rafters. Kind of like Michael Jordan's number, I thought.

After the mass, during which Cardinal Keeler of Baltimore gave an insightful homily on the use of the words “under God” in the Pledge of Allegiance, (of course, he wears a red HAT too), the Catholic Lawyers Guild sponsored a brunch. **Justice Thomas Fitzgerald** introduced (fellow past IJA President) the Guild's *Catholic Lawyer of the Year: Justice Mary Jane Wendt Theis*. Justice **Theis** was deeply honored to receive the award, especially since she had attended the Red Mass brunch with her dad as a child.

Change is Afoot

Although I know I shouldn't fix what's not broken, the format of this column will be changing next issue. Instead of reporting on all the news about our colleagues, I will be selectively reporting on news I think you may find interesting. If you love it, let me know. If you hate it, let me know.

Should you want me to report on something pertaining to yourself or a colleague, feel free to e-mail me at lainiejet@aol.com or to write 1502 Richard J. Daley Center, Chicago, IL 60602 or to call 312-603-6140.

Supreme Stats

Justice Mary Ann McMorrow was sworn in as Chief Justice. In the past month, she has been honored by every legal organization in Chicago. She accepted each award with her customary grace and humility. I'm sure she was just as pleased after reading the October 22nd Chicago *Tribune* where the editors sang her praises and urged her retention.

In September, **Justice Moses W. Harrison II**, officially retired and **Philip J. Rarick** was appointed to fill the vacancy.

Cook County's Corner

The newest judge is Supreme Court appointee **LeRoy K. Martin, Jr.** A 1994 North Carolina Central University Law School graduate, Martin has been

working in the fields of real estate, criminal and domestic relations where he did an admirable job as a child representative. If my memory is correct, he is the son of the former Police Superintendent. Credit **Justice Fitzgerald** for seeking out qualified and diverse candidates.

Coming in just before *The Gavel's* deadline is the appointment of **Lisa Curcio** by **Justice Charles Freeman** to fill the vacancy occurring due to the retirement of **Judge Frank Siracusa**. **Siracusa** is a longtime member of the Probate Division. **Curcio** is a 1989 Loyola grad who has been on the plaintiff's side of a personal injury practice with her uncle, Joseph Curcio. She is a commissioner with the Character and Fitness Committee.

Kudos to **Judge Jane Stuart** who is active in supporting the retention judges and is chairing the **Illinois Judicial Council**. Jane, when do you sleep? And although I don't usually mention awards, as there are too many stars out there, **Associate Judge Ronald Davis** surely deserves applause for garnering the **Hon. John Powers Crowley Award** from LAP for his many contributions to the organization. Will LAP's new President, **Associate Judge Susan Fox Gillis** present the award?

Judge Edward Fiala merited a story in the September 6 *Chicago Tribune* when he retired after 26 years. Their headline said it all: "*Gentleman judge retires his gavel*". According to **Fiala**, he's exchanging his gavel for family time, painting and travel. Sounds fun.

Also retiring were Judges **Glynn Elliott, Jr.** and **Janice McGaughey**.

A federal bankruptcy judge made news when he gave up his gavel for more challenges and a pay raise. **Ronald Barliant** is joining a private firm after more than 14 years on the court. He was quoted as saying he's looking forward to the challenges in representing clients again. "Challenge" is the right word.

Laudable in Lake

At press time, the eyes are focused on the 16 candidates who applied for the new associate judge position which will be available due to **Associate Judge Victoria Rossetti** being appointed to fill the position of **Circuit Judge Barbara Gilleran-Johnson** who is moving on to the appellate court.

DuPage Doings

Chief Judge Robert Kilander was given a new three year term. He aims to oversee construction of a courthouse annex, expand the use of technology in the courts. Already he has implemented a video bond court.

Bruce Kelsey is the new Associate Judge in DuPage. He has a broad litigation background. **Kelsey** bested 216 other applicants as well as another candidate who had also been a previous finalist for the position.

Around the State

The first woman judge to serve in Kane County (ever), **Judge Pamela Kirkland Jensen**, retired after 15 years of service to the 16th Circuit. She had the pleasure of swearing in the new

ISBA President in July. Her initial goals upon retirement are traveling around the United States and England.

Meanwhile, Kane County's Chief Judge **Grant Wegner** is stepping down from the "Chief" position after two terms. He carried a full felony caseload in addition to the massive amount of administrative duties. He's credited with expediting felonies to relieve jail overcrowding as well as implementing a Drug Rehabilitation Court (initiated by former Chief Judge **Peter Grometer**). **Joseph Grady** received the new appointment in Kane.

The Third District Appellate Court lost **Thomas Homer** who retired. Also retiring was the 17th Circuit's **C. Craig Peterson**.

Richard Mitchell is the new Judge in the 7th Circuit, Morgan County, **Vincent Lopinot** joins the 20th Circuit in St. Clair County, **Robert Hillebrand** was appointed a full circuit judge in the 20th, and **Clyde Kuehn** and **James Donovan** both joined the 5th District Appellate Court.

IN MEMORIAM

We will miss these judges who died recently . . . Judge **Thomas McMillen**, who served as both a state and federal judge. After "retirement", he served as an arbitrator for the Illinois Labor relations Board.

All were sad to learn of the death of a true pioneer, retired **Judge Lucia Thomas**, age 85. An African American Woman, she was perhaps the first such woman appointed to the court in 1977. She served on the bench until 1990.

CHANGES IN SUPREME COURT RULES 64 AND 66

On September 30, 2002, the Supreme Court enacted substantial changes to Rules 64 and 66. Prior to the instant changes, a judge was not allowed to teach or instruct prior to 5:30 p.m. and was to file with the AOIC a certificate from the supervising judge certifying that the teaching would not interfere with judicial duties. The amendment to Rule 64 removes the restriction of teaching only after 5:30 p.m. and no longer requires a certificate to be filed with AOIC. However, the Rule, as amended, requires that the activity be approved by a supervising, presiding or chief judge.

Rule 66 previously capped the compensation a judge could receive at \$5000.00 within a six month period. This restriction was removed. A judge may now receive reasonable compensation so long as it does not exceed what a person who is not a judge would receive for the same activity. Rule 66 now also holds that any payment for reimbursement that exceeds the actual cost of travel, food, and lodging reasonably incurred be considered compensation to said judge.

A REVIEW OF THE TENTH EDUCATIONAL FORUM OF THE ROSCOE POUND INSTITUTE

By Judge Alexander P. White

On Saturday, July 20, 2002, ninety-six state appellate and trial judges participated in the Tenth Educational Forum for State Court Judges in Atlanta, Georgia. The topic of the forum was "State Court and Federal Authority: A Threat to Judicial Independence." The forum consisted of morning and afternoon plenary sessions followed by small breakout discussion groups and a closing plenary session. Two subjects were addressed. The first was "Trends in Federalism and What They Mean for State Courts," which focused on incursions into the traditional Constitutional role of the State courts. The second was "Issues State Courts Face When Considering Federal Preemption of State Court Procedures: An Analysis for State Court Judges," which focused on two mainstays of the U.S. legal system: the supremacy of federal law and the independence of state courts.

At the morning plenary session, Professor Georgene M. Vairo of Loyola Law School in Los Angeles asked the rhetorical question, "[I]s the federal government a threat to state courts?" Professor Vairo examined various federal government activities, which despite the United States Supreme Court's recent federalism decisions that seem to show a determination to give states their due role as a joint sovereign, reveal a significant incursion on state jurisdiction.

Professor Vairo then discussed federal legislative developments, and demonstrated the evident desire of Congress to remove significant numbers of actions filed in state courts to the federal courts, in apparent contradiction of the federal judiciary's Judicial Conference of the United States strong call in 1995 to restrict federal court jurisdiction. Examples of enacted litigation with this effect include the Securities Litigation Uniform Standards Act of 1997, the "Y2K" Act, parts of an Act that gave rise to the September 11th

Victims Compensation Fund, and Bankruptcy Code provisions. Examples of proposed legislation includes statutes that would allow easier removal of class actions to federal courts without complete diversity of citizenship, set up compensation funds as exclusive remedies for asbestos-related injuries, and provide tax relief for parties paying into asbestos settlement funds.

Professor Vairo then examined a number of federal court trends that tend to enhance federal judicial powers at the expense of state courts. These include the following: aggressive use of the Bankruptcy Statutes to stay litigation against debtors and in some cases against third parties; increased use of the All Writs Act to enjoin state litigation that might frustrate federal court settlements; use of anti-forum shopping sanctions against attorneys who file parallel class actions in state courts, despite the fact that the state court finds the attorneys' actions appropriate; applications of varying rules to permit late removals to federal courts, including a party's cost of compliance with an injunction in the calculation of the amount in controversy; and expressions of support by committees of the Judicial Conference for relaxed standards for diversity jurisdiction.

Despite these findings, Professor Vairo pointed to exceptions to this trend. Federal courts have been striking down the use of "settlement classes" to resolve major segments of the asbestos litigation and other complex litigation, they have recognized a state court settlement of a class action as precluding a federal securities class action, and they have denied. All Writs Act injunctions against state court litigation in some cases.

Finally, in respect to perspectives, Professor Vairo considered how the federal courts have come to dominate the field of complex state-claim-based

litigation, and suggested a more balanced approach by Congress and the federal courts to use the best forum for resolution of such cases.

In response Kenneth M. Suggs, Esq. of Columbia, South Carolina, reviewed the history of tort reform and the role of state courts in determining state legislative tort reform efforts were unconstitutional. He emphasized the trend by defendants in tort actions to remove cases to the federal courts. He argued state courts do not have the resources to hear complex litigation and are more political. Dean John L. Carroll, of the Cumberland Law School, Birmingham, Alabama, observed there are perceptions state courts lack resources, lack tools such as multi-state litigation rules, and do not manage firmly. He argued national problems can only be resolved in federal courts. Patrick A. Long, Esq. of Santa Ana, California asserted defendants use federal courts because they offer better administration and the politics of federal judicial appointments is tempered by life tenure. The Honorable Gerald W. VandeWalle, Chief Justice of the North Dakota Supreme Court, argued Congress, not the federal courts, should determine federal jurisdiction and that programs are being developed by the National Center for State Courts, which are similar to federal multi-state litigation panels, in an attempt to resolve jurisdictional disputes.

At the afternoon plenary session, Professor Wendy E. Parmet of Northeastern University School of Law, explained the conflict between federal preemption and states rights.

As a background proposition, she expanded on her introduction and explained the "Madisonian Compromise," which demonstrates the Drafters of the United States Constitution assumed the continuation of state courts' authority. Their

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authority, however, was qualified by the Constitution's assertion that federal law would be supreme (the supremacy clause) and must be enforced by state judges. It raises the question of how to reconcile the continued independence of state courts with their obligations under the Supremacy Clause.

Professor Parmet discussed norms of construction, and emphasized that state courts cannot enforce a federal statute that itself is unconstitutional. Yet, as Justice Brandeis observed in his concurrence in *Ashwander v. Tennessee Valley Authority*, courts that have available to them more than one ground of decision, including one that does not involve a Constitutional question, may not have to, and, if possible, should not, reach the Constitutional question. One particularly relevant non-Constitutional response is the use of a "plain statement" rule, under which a state court will not interpret a federal statute as regulating state court procedures unless Congress, in the statutory language itself, has made a clear statement of its intent to do so. Another is an interpretation that the federal statute, for the most part, incorporates state law and so creates little conflict between federal and state law.

Professor Parmet analyzed the constitutional issues and discussed

avenues state courts must use to decide the Constitutional issues raised by federal efforts to regulate state court procedures. The first is to determine whether Congress had the authority to make the law in question. That authority must come from somewhere in the Constitution. The Supremacy and State Judges Clauses are not, by themselves, sources of authority. Possible sources of Congressional authority include the Constitution's Commerce Clause, the Spending Clause, or Section 5 of the Fourteenth Amendment, which can be used to enforce rights granted in Section 1 of the same Amendment, many of which relate to courtroom procedures. In addition, there may be relevant limitations upon Congressional authority derived from the Tenth Amendment, which has been read as a limit on Congress's power to commandeer either the legislative or executive branches of state government – the "No-Commandeering Principle." However, whether that principle limits the power of Congress to require state courts to apply federal procedural requirements remains uncertain. One reason to believe the "No-Commandeering" Principle should apply to state judges is the general practice of the federal courts to give deference to state procedures, even where the state courts are adjudicating federal claims, and especially where there is a strong state interest in following state court procedure.

In her conclusion, Professor Parmet asserted that although recent federal legislation affecting state court procedure raises complex and troubling federalism issues, it may be unlikely the United States Supreme Court will be able to cut through the complexity with a single, definitive decision agreed to by a clear majority of the Court. Thus, state judges may have to expect to be called upon in the foreseeable future to decide, on their own, the limits of the application of federal law in their courtrooms.

In response, Robert S. Peck of the Center for Constitutional Litigation of Washington, D.C., argued that Congress only has the authority to regulate state law issues and not state law claims. The Honorable James D. Moyer, U.S. Magistrate Judge of the U.S. District Court for the Western District of Kentucky, stated the federalization of state court procedures is an issue which must be resolved. John H. Beisner, Esq., Washington, D.C., suggested federal question and diversity issues are exclusively federal jurisdiction, concurrent jurisdiction may address issues in either federal or state courts, and all other matters should be exclusively state jurisdiction. The Honorable Stanley G. Feldman, Justice, of the Arizona Supreme Court, argued that federal courts should only take jurisdiction where they have been given congressional authority and that state court judges must actively assert jurisdiction.

RACE JUDICATA



Pictured from left to right: Rita Novak, Rena Van Tine, Jesse Reyes, Mary Anne Mason, Nancy Katz, Charles Burns, Moira Johnson and Rick Stevens

ABA AWARD OF EXCELLENCE IN SERVICE



Justice S. Louis Rathje (center) received the ABA Award of Excellence in Service on August 9. Pictured with Justice Rathje are Judge Steven Mathers and Joel D. Medd, District Judge, Grand Forks, North Dakota

ECUMENICAL SERVICE



The St. Clair County Bar Association held its 26th Annual Ecumenical Service August 16th at a Mosque for the first time. The Theme of this year's service was "*A Call for Peace and Justice.*"

Pictured (left to right) U.S. District Court Judge Michael J. Reagan, U.S. District Court Judge William D. Stiehl, Fifth District Appellate Court Judge Richard P. Goldenhersh, President of the St. Clair County Bar Association Circuit Judge Milton S. Wharton, Mr. Mohammed Kibria, President of the Mosque and Islamic Center of Belleville, and U. S. Attorney for the Southern District of Illinois Miriam F. Miquelon.

Help US Build YOUR Benchbook!

The IJA is proud to announce a new addition to our website,
an on-line Benchbook for Judges:
<http://ija.org/bb/benchbok.htm>

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or e-mail your contribution to the Benchbook
to dayouck@prairienet.org

**Illinois Judges Association
321 South Plymouth Court
Chicago, Illinois 60604**