

THE GAVEL

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President's Message

Honorable Patrick E. McGann

Dear Colleagues:

This year is passing by very quickly. It has been a great honor to serve as your President. Hopefully, I have continued to follow the path set by our founders and have made the Association stronger. I have attempted to focus on those issues of importance to the judges of Illinois. We have met with some successes and have encountered a few setbacks, but I firmly believe that we are moving forward.

When I became the President of your Association, I promised to focus on three areas.

Educational outreach was my first priority. With the help of Chris Ruys, the hard work of our members has constantly been brought to the public's attention. Our cable TV program "Judicial Perspective" has been distributed throughout Illinois. As I travel around to seminars and meetings, I have received favorable comments from people who have seen the programs. Other initiatives such as "Judges in the Classroom" have been expanded. These are just two of our efforts to promote public awareness of the judiciary.

Over the last few months, I have met with Chief Justice Moses Harrison II and members of the Administrative Office to develop a Speakers Program. In a few weeks, I hope to announce the kickoff of this

important initiative. In order for this program to succeed, we need judges to come forward and volunteer. Our plan is to aggressively solicit speaking engagements from various civic groups. A list of suggested topics will be furnished to these groups. Judges interested in participating should call Kathy McEnroe and register. Once a speaking engagement is scheduled, the judge will be provided with an outline on the topic to facilitate

presentation. Participation will benefit not only the speaker, but all of our colleagues as well. I encourage all members to consider participation in this endeavor.

The second focus of my presidency was to maintain a program to

assure adequate compensation levels for the judges of Illinois. First of all, every judge in Illinois will receive a 4.1% cost of living adjustment on July 1, 2000. This is a direct result of the efforts of the Illinois Judges Association. Today, Illinois judges are compensated at a level exceeded only by that of federal judges and the New York state court judges. When our pension contribution is considered, our level of compensation is behind that of only three other states. These statistics only point to the success of the efforts of the many judges who have served this Association.

While we can point to these statis-

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PRESIDENT Cont'd from Page 1

tics with pride, it would be shortsighted to only discuss levels of compensation. The major focus of this organization, in my opinion, should always be promoting an independent judiciary. One of the key elements of this ideal is establishing compensation levels which will attract the best qualified individuals to serve as judges in Illinois. This principle must always be stressed whenever the issue of compensation arises. This lesson was re-enforced during preparation for this year's presentation before the Compensation Review Board. At that time I had the opportunity to discuss this issue with two outstanding attorneys, William Austin and Leonard Amari. Both attorneys have spent a combined total of over thirty years promoting the concept that adequate compensation is essential to achieving the goal of an independent judiciary. They have spent countless hours at their own expense preparing and presenting evidence to the Compensation Review Board. All citizens of Illinois owe a tremendous debt of gratitude to these two public minded individuals.

As we are well aware, the Report of the Compensation Review Board was rejected by both Houses of the

Legislature. Some may consider this a major setback. Although disappointing, this year's effort will prove to be a major step forward. One of my goals was to close the compensation gap between Associate and Circuit Judges. We have all labored under the idea that the historic \$5,000 difference must be restored. However, when examined from a historical perspective, that difference only existed for 10 of the 25 years that statewide compensation levels were equalized. Indeed, the last time the \$5000 differential existed Associate Judges were compensated at 94% of circuit judges.

In preparing for our presentation to the Board, the executive committee met and discussed various options. It was agreed that the most prudent approach would be to illustrate the work done by the Associate Judges and attempt to move closer to the historic differential. The final position was to request two annual 2% increases for the circuit, appellate, and supreme court and two annual 3% increases for associate judges. The committee also decided it was important to gain support outside the organization for this position. I am happy to report that the

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Good-Bye Old Friend!

The place where many judges began their careers or experienced, for the first time, high volume courts is closing its doors. The Reid Murdoch grocery warehouse, affectionately known as (Chicago) Traffic Court is closing its doors this fall and moving to temporary quarters. Built in 1914 to store non-perishable groceries, the building was acquired by the City of Chicago in the 1950's and re-opened in 1955 as the Traffic Section of Chicago's Municipal Court. Herladed as a model of modern court design, it has served as "Traffic Court" for over 45 years relatively unaffected by modern technology such as working escalators or ventilation systems.

Judges from across the State of

Illinois have presided over court calls in this grand old place. Many memories have certainly been shared over the years with friends and colleagues. Sadly, memories will be all that remains as the developer creates trendy restaurants, boutiques and modern offices along the Chicago River.



On December 4, 2000, Traffic Court will temporarily relocate to the Richard J. Daley Center, a civic center named for the man who cut the ribbon when "traffic Court" first opened. The Traffic cases will be heard in newly constructed courtrooms on the fourth floor and concourse level. Surely some of the charm will be lost, but progress does not come without cost.

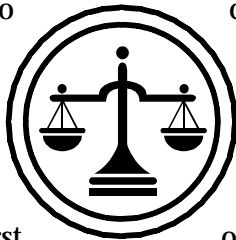
PRESIDENT Cont'd from Page 2

chief judges of every circuit enthusiastically supported this approach. Chief Judge Thomas Callum of the Eighteenth Judicial Circuit testified before the Board to explain the work of the associate judges in our state. All of our members owe Judge Callum a great thank you for his efforts. The Compensation Review Board, for the first time, impliedly acknowledged the increasing disparity in compensation levels for the trial judges of Illinois. Their Report to the Legislature recommended two annual 2% pay increases for the circuit, appellate, and supreme court and that associate judges be compensated at 94% of the level of circuit court judges. This would result in a form of parity which could be maintained in the future. Even though rejected, the Report will serve as a strong precedent for future presentations.

Finally, I would be remiss if I failed to recognize the courtesy extended to Judge Callum and myself by the Compensation Review Board. Each member was well-informed and concerned about judicial compensation issues as well as their fiduciary responsibility to the taxpayers. When our presentation concluded, Judge Callum and I were convinced that our proposal would receive a critical review and that the Report would be prepared in a thorough and fair manner. This proved to be true.

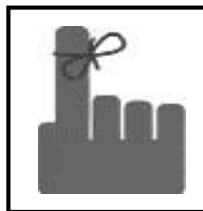
In the area of membership, the officers and directors continue to strive toward a goal of 95% participation. Our efforts alone are not enough. We need the support of all of our members to make certain that their friends and colleagues are also active members. I believe that the IJA is the only organization working for all of the judges of Illinois.

Since I became your President,



one issue has come to the forefront - electronic reporting of court proceedings. The Association has been contacted by the Court Reporters Association expressing their concerns over the quality of the technology and the potential loss of positions. Their leadership has provided research materials that raise concerns about the adequacy of the current state of electronic reporting. As a result, the President's Task Force was convened to consider this issue. These discussions provided not only a proposed policy statement to be considered by the Board of Directors at the mid-year meeting, but also a plan of action. Initially, it must be noted that the Association recognizes an obligation to the taxpayers of Illinois to implement technological improvements which will create a more efficient cost-effective court system. However, in implementing technology, the obligation to provide due process of law to all litigants cannot be impaired. In other words, our goal of "Equal Justice For All" must be mission, not technology, driven. I do want to add that I have had discussions about this issue with the Director of the Administrative Office of Illinois Courts, Joseph Schillaci, and have worked with members of his staff on a committee to develop standards for electronic recording systems and their operators. I can assure you that they are committed to installing the best system available. Nevertheless, the Task Force believes that the Association has an obligation to make certain the best system available will create and preserve a record which will comport with due process requirements.

In an effort to meet this responsibility, the President's Task Force has designated Judge Mark Scheuring of Quincy to examine the issue and report to the Board of Directors at the July meeting. The



IMPORTANT DATES 2000

July 14

Board of Directors Mid-Year Meeting

September 8

Nominating Committee Meeting

IJA Headquarters

President's Task Force Meeting

IJA Headquarters

October 20

President's Task Force Meeting

IJA Headquarters

November 3

Committee Reports Due for Annual Meeting of the Board of Directors

December 7, 8 & 9

Annual Meeting & Convention

Chicago

input of our members is critically important to our study of this issue. Please contact Judge Scheuring or myself if you have used or observed the use of electronic court reporting equipment.

If you have other issues or concerns, please do not hesitate to call me at 312-431-1283 or via e-mail at pmcgann321@yahoo.com. Have a great summer!

Convention Time Around the Corner

Mark your calendars and make plans to attend the 28th Annual Convention of the Illinois Judges Association. This year the convention will again be held at the Chicago Sheraton Hotel and Towers in downtown Chicago. Registration opens at 4:30 P. M. on Thursday, December 7, 2000. The luncheon will be at noon on December 8, and the Business Meeting and election of Officers and Directors on Saturday December 9. New convention co-
See CONVENTION Cont'd on Page 4

Judicial Perspective: Illinois Judges Association on Television

This year the Illinois Judges Association continued its community education television program "Judicial Perspective". The program will be produced eight times this year and distributed to cable stations throughout Illinois. Three programs have been completed to date.

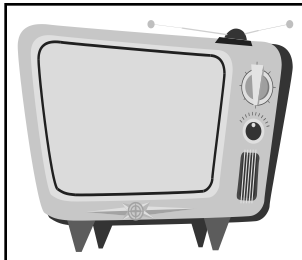
The first program was an edited presentation of the keynote remarks of Dr. Milton Rosenberg at the annual luncheon. The format was styled after similar cable presentations by organizations such as the National Press Club. The goal was to demonstrate that the judiciary and legal community is concerned about a broad range of issues facing the community. The reception from local cable companies was extremely promising. Based on this success, future keynote addresses will be videotaped and distributed throughout Illinois.

Chief Justice Moses H. Harrison II was the guest on our second program and was an overwhelming success. This program was devoted to informing citizens of the work of

the Supreme Court. The Chief Justice began by telling the viewers about his background and route to the Supreme Court. The program then focused on the appellate process. Chief Justice Harrison did an outstanding job explaining what cases come before the Court and how they are decided. Of great interest to the audience was his clear explanation of the separate branches of government and how they interact. This program has been widely distributed throughout the state. From comments received, the Chief Justice's appearance received "two thumbs up."

The next program to be released is a candid discussion of "Drug Courts". Joining the host, Judge Patrick E. McGann, will be Judges Judy Mitchell-Davis and Lawrence Fox of the Cook County Circuit and Clark Erickson of the 21st Judicial Circuit, Kankakee. They will present viewers with an in depth view of the

workings of these courts. In keeping with the theme "Judges as Problem Solvers", each judge will explain his or her experiences with drug offenders and how this approach is designed to break the cycle between crime and drug abuse. The program was taped on June 6, 2000, and is currently being distributed to cable outlets throughout the state.



Call your cable station and ask them about "Judicial Perspective."

Future programs are being planned. If you have any suggestions, please contact Kathy McEnroe.

CONVENTION Cont'd from Page 3
chairs Judges Michelle Lowrance and Mary Ellen Coghlan have planned some new and interesting programs for our members. They have also promised to maintain the culinary standards set by former co-chair Judge Gloria Coco.

The convention again will be held jointly with that of the ISBA. This is one of the few times during the year that we are able to meet with our colleagues and lawyers from around the state in a social setting. Plan on attending to meet old friends and gain some new ones.

On Friday afternoon, a joint IJA/ISBA forum on trial misconduct will be held. The program will focus on defining conduct which will cause reversible error and that which will merit discipline. This is an area of litigation which few lawyers let alone the public understand. It has also been the subject of media attention.

Last year, a few people were unable to reserve a room at the hotel, so make your plans now to attend another outstanding convention.

Bankruptcy Judge Eugene R. Wedoff Addresses Cook County Circuit Court Judges

In late November of 1999, thirty-three Cook County Circuit Court judges were treated to a talk with Bankruptcy Judge Eugene R. Wedoff who hears cases in the Northern District of Illinois. First Municipal District Presiding Judge Jacqueline P. Cox met Judge Wedoff at a Cook County Bar Association Bankruptcy Law Seminar and realized that he would be an excellent resource for state court judges who are often faced with bankruptcy law issues. Judges from both the First Municipal District and the Domestic Relations Division attended the seminar.

Judge Wedoff covered many issues including automatic stays of litigation, how to have them vacated or lifted; the extent to which, if at all, a state court judge can question a debtor when an automatic stay is in effect; the use of exempt funds by bankrupt debtors for attorneys' fees and the nondischarge of debts to a spouse or child for alimony or support.

Judge Wedoff provided us with excellent information. We are indebted to him. He gave us resourceful written materials which are available upon request to Judge Cox at (312) 603-6132.

Greater Fairness Comes to Judicial Pensions

By Retired Judge Michael S. Jordan

On December 10, 1999 Governor George Ryan signed Senate Bill 1020 and by virtue of the super majorities (over 60%) cast for passage in both the state house and senate, the bill took effect upon signing at 3:00 p.m. that day and became Public Act 91-653.

The Act has three major features. It allows an offset of the penalty for retirement before age 60 for months of judicial service beyond 20 years. The penalty of 0.5 percent for each month by which the judge is under 60 is reduced by 5/12 of one percent for every month of service in excess of 20 years. Therefore, a participant with at least 26 years of service may retire at age 55 without a reduction in the annuity. For those like myself, closer to age 60, less service is required. I had 68 months beyond 20 years and was 28 months short of age 60 giving me an offset in excess of the penalty. With no pay raise in sight, it was an easy choice to leave immediately. I was amazed to discover I was the only judge in Cook county to do so and that there were only a handful of judges to do so in the rest of the state.

The second feature of the Act allows a judge with at least 20 years of service who has reached age 60 to stop deductions for the pension except for amounts reflective of pay increases. These judges will effectively get an increase in net pay with no penalty in their pension payments later. The exact number of judges taking advantage of this option is unknown but growing as more judges realize the possibility of this benefit.

The third feature of the Act

gives the option to those judges who for reasons known only to them had opted out of our pension program. This group had a brief time to opt back in with back payments made to the System. The number in this group is also unknown to me. I suspect those in this group would wish to be anonymous.

The independent Pension Review Commission had concluded that this Act would have no adverse effect on the integrity of the pension fund and, accordingly, the bill had bipartisan support. Many members of the IJA, including those not even touched by the Act, worked hard and long to make passage seem so easy. We appreciate the actions of the entire leadership in both legislative bodies in both parties, the sponsors, the committee chairs, and all those who voted "aye". Our appreciation goes as well to Governor Ryan for his support. The Act creates equity for all.

The Act was a great incentive for me to begin the practice of mediation and arbitration. I plan to serve the community engaged in conflict resolution with the skills I have acquired over the past 26 years. Some of my friends keep referring to the Act as the "Jordan bill". I deny it was written for me; but I enjoy having been the first in the state to retire early with its benefits. Plan your own retirement as early as possible. If you have any questions about the Act and its effect on you, contact Mr. Rudy Kink at the Judge's Retirement System of Illinois in Springfield at 217-782-8500. He is most knowledgeable and most helpful. We are all fortunate to have his dedicated services.

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IJA Board Minutes - December 11, 1999



Minutes of a meeting of the Illinois Judges Association Board of Directors Meeting held on Saturday, December 11, 1999 at noon in Chicago. President Patrick E. McGann called the meeting to order. Those Board Members in attendance were:

Donald D. Bernardi, Bruce W. Black, Dennis J. Burke, Robert E. Byrne, Robert L. Carter, Carl J. Cipolla, Harry Clem, Sharon J. Coleman, Donald M. Devlin, Gino L. Divito, Timothy C. Evans, Michael R. Galasso, Daniel T. Gillespie, Patricia P. Golden, Raymond L. Jagielski, Barbara C. Gilleran Johnson, Ann B. Jorgensen, Richard A. Kavitt, Lynne Kawamoto, Patrick J. Leston, Thomas M. Lytton, Stephen C. Mathers, Patrick E. McGann, J. Patrick Morse, Stuart A. Nudelman, Victoria A. Rossetti, Harvey Schwartz, William G. Schwartz, John J. Scotillo, Stuart H. Shiffman, Timothy J. Slavin, John O. Steele, Mary Jane Theis, Chet W. Vahle, Walter Williams.

Also present: Kathy McEnroe, Executive Secretary.

President McGann welcomed new officer and directors. He announced that increasing membership would be a goal for the year. A formal membership drive will be held from February 1 to April 30, 2000.

Upon a motion duly made, seconded and carried, the minutes of the July 9, 1999 meeting of the Board of Directors were approved.

President McGann reviewed correspondence to the Illinois Judges Association requesting donations. The Illinois Traffic Court Conference request for \$1,000 was discussed. A motion to decline the Conference's request was made and seconded. A discussion ensued and the question was called. The motion

carried unanimously.

Associate Judges Report The Board discussed Supreme Court Rule 39 and the suggested amendment. It was agreed to send the matter back to the Committee to create talking points regarding why the amendment should be made. Justice DiVito moved to authorize the Executive Committee to move on the issue as it seemed fit. The motion was unanimously approved.

The Board discussed the pay differential between Associate and Circuit judges. A motion was made seconded and unanimously approved to allow the Executive Committee to create a policy on presenting information to the Compensation Review Board

Benefits and Pensions Judge Kavitt delivered the Benefits and Pensions Committee report. He announced that Governor Ryan signed SB 1020 which affects judges pensions.

Budget and Finance Judge Nudelman delivered the Budget and Finance report. Copies of the year end financial reports were distributed.

Convention Committee Judge McGann and Judge Coco were congratulated on the outstanding success of the Convention. The two judges received a round of applause for their great work.

Electronic Media The committee was congratulated on the outstanding work on the IJA website.

Government Affairs Judge Galasso and Judge Evans delivered the Government Affairs report. They thanked the many people involved in the successful passage of SB 1020 including the Chicago Bar Association, Larry Sufferdin, Judge Kavitt, Justice Theis and Mary Ann Gaziano.

Judicial Discipline Judge Jorgensen delivered the Judicial Discipline Committee report. She indicated that no new issues have developed since the committee's last report. She indicted that Judge

Nancy Arnold will be next year's Chair.

Judicial Selection and Retention Judge Jagielski delivered the Judicial Selection and Retention Committee report. The committee has taken no position regarding merit retention.

Liaison Committee Justice Theis delivered the Liaison Committee report. She suggested that the IJA institutionalize relationships with the Illinois State Bar Association and the Chicago Bar Association.

Public Relations Justice Galasso gave the Public Relations report. Chris Ruys Communications continues to represent the IJA very well and has succeeded in getting good publicity for the good works of the judiciary.

Judge McGann indicated that Judge Dan Locallo will be the incoming Editor of *The Gavel*.

Retired Judges Judge Schwartz delivered the Retired Judges Committee report. The committee recommended the concept of senior status for retired judges. Judge Slavin moved to forward Judge Madden's memo regarding the matter to the Conference of Chief Judges. The motion was seconded and approved.

Judge McGann discussed the plan to create an IJA scholarship. A foundation will be set up and a minimum of \$5,000 will be given each year to each of the seven Illinois law schools on a rotating basis beginning with DePaul. A motion was made to establish the Sullivan Scholarship named in honor of Judge Harold Sullivan. The motion was approved with one dissenting.

The need for funding award and incentives for the Lawyers in the Classroom was discussed. The Board approved to set aside \$3,000 for this purpose.

There being no other business the meeting was adjourned.

www.ija.org

A publication of The Illinois Judges Association David A. Youck, Chairman: dayouck@prairienet.org

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Please use my HOME or OFFICE address.
email Address: _____
State Senator's Name & District #: _____ State Rep.'s Name & District #: _____
On which committees would you like to serve? _____
Please submit your membership fee (\$150 for active judges and \$75 for retired judges annually) with this application to:

Illinois Judges Association
321 South Plymouth Court
Chicago, IL 60604

THE EDITOR'S CORNER

Judge Daniel M. Locallo

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The goal of the GAVEL is to provide practical and useful information, on activities of the association; its judges and the circuits through which each of our state judges, active and retired have an interest. It also seeks to bring all of our judges together by providing a vehicle for communication. In every issue we hope to include information that will be useful in everyday work.

The GAVEL invites the submission of unsolicited articles, essays and book reviews. Letters to the editor, intended for publication, are also welcome.

Thanks, DML

THE GAVEL

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