

THE GAVEL

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The Gavel

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The Gavel

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President's Message

Honorable Stephen Mathers

In this, my first 'Message' as your President, I want to share with you my renewed perception of, and appreciation for, the amount of time and effort which is spent by countless judges on projects and programs that benefit the IJA's Mission. In my preparation for becoming President, and since, I have spoken or exchanged e-mail messages with literally scores of judges throughout the State. Not once was any judge unwilling to discuss ideas or offer input; not once did any judge turn down my request to serve in a particular capacity (save twice, when serious family concerns made conscientious service impossible).

Even when indirectly solicited, by a mere letter inviting participation on a committee of the Association, you, as members of the IJA, have responded in overwhelming numbers. It is to all of you that I say now: Follow through; be an activist in whatever capacity you have chosen. Contact your committee Chair(s) with your questions and ideas; contact any appropriate committee Chair with your thoughts and concerns. Contact me, or any other officer, as well. A crucial measure of the worth of any organization is its responsiveness to its members needs, and that is one of the most important sources of an organization's strength, as well.

One of my uses for this column this year will be providing information on

the newer issues and/or programs that are being discussed, or implemented, by the IJA. I will mention two of these in this column, and will comment on others in future editions of the Gavel:

Speakers Program The Illinois Judicial Speakers Bureau is a collaborative program of the Supreme Court of Illinois and the IJA--the first opportunity, in fact, to work formally with the Justices who of course are already our professional brothers and sisters. Chief Justice Harrison first discussed the potential of such a Bureau with immediate past President Pat McGann last year, but logistic and organizational problems have delayed implementation until now.



The Court and the Executive Committee believe that it is crucial that we all be more involved in educating the public about the critical roles that judges play in the daily lives of citizens. Most importantly, we need to tell the story that we all know so well--that our courts are institutions of fairness and impartiality. If you believe that "the public" somehow knows this already, you have not been paying attention to the decades long erosion of public trust in all institutions, including those institutions known as The Law and The Courts.

A national survey by the National Center for State Courts found the following attitudes: 1) nearly 80% believe that elected judges are influenced by having to raise campaign funds; 2) twice as many people "strongly agree", compared with those who "disagree"

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JRS Corner

Most Frequently Asked Questions

By Rudy Kink

Can I recover taxed contributions within the first three years of retirement?

You can recover taxed contributions through annuity payments based on your age and life expectancy. The number of payments is divided into the total taxed contributions in your JRS account.

Age	Number of Monthly Payments
55	360
56-60	310
61-65	260
66-70	210
71+	160

See table at right.

Example: A member retires at age 65, and is eligible for a monthly retirement benefit of \$7,745. The member also has \$18,000 in previously taxed contributions. How much of the retirement benefit would be nontaxable?

$$\$18,000 \div 260 \text{ months} = \$69.23 \quad \bullet \quad \$7,745 - \$69.23 = \$7675.77 \text{ is taxable.}$$

New JRS Assistant Manager

On October 1, 2000, Jayne Waldeck joined the Judges' & General Assembly Retirement System, replacing former Assistant Manager Beverly Wells who retired December 31, 2000.

Prior to accepting the position with JRS/GARS, Jayne was the pension supervisor for the State Employees' Retirement System, a position she held for eleven years. Her experience with pension benefits and familiarity with other public pension funds in the State of Illinois should provide a seamless transition into her new appointment.

Jayne is married and resides in Farmersville with husband Rick, son

Ryan, and daughter Paige. We are looking forward to Jayne assisting us with our members benefits needs.



COLA News

This July

Illinois Judges

can expect a 3.1%

Cost of Living

increase.

Three New Justices Elected to Supreme Court

Justice Thomas R. Fitzgerald of the First District Joins The Supreme Court

By Rita M. Novak



Justice Thomas Fitzgerald's election to the Supreme Court marks another passage in his long and distinguished judicial service. In addition to his nearly 25 years as a judge and his

ceaseless dedication to justice system reforms, Justice Fitzgerald is a past President of the Illinois Judges Association.

Immediately prior to his election, Justice Fitzgerald served as Presiding Judge of the Criminal Division of the Cook County Circuit Court, a position he held since 1987. During his tenure, he implemented a number of reforms to attack the ever-increasing volume of criminal cases, including the Rehabilitation Alternative Program, which allows defendants with previous convictions to choose between time in jail or a residential drug treatment center; the Cook County Impact Incarceration Program, a locally supervised boot camp that offers literacy training, drug treatment, job placement and aftercare as a condition of probation; the Night Court, which dramatically reduced the number of cases pending before each judge and improved the timely disposition of cases; and administrative reforms to maximize the efficient use of criminal courtrooms. Justice Fitzgerald was also appointed by the Supreme Court as presiding judge for Illinois' first statewide Grand Jury.

Following in the footsteps of his
See FITZGERALD cont'd on Page 4

Justice Bob Thomas of the Second District Joins The Supreme Court

By Thomas J. Riggs

Justice Bob Thomas has served in the judiciary of the State of Illinois for the last twelve years, six years as a circuit court judge and six years as an appellate court justice. Justice Thomas ranks among the highest rated jurists by the DuPage County Bar Association.

Justice Thomas has taught trial practice at Loyola University School of Law, has conducted bar association seminars, speaks to charities, churches, corporations and bar associations, and formerly coached Wheaton Academy's high school soccer team.

He is a graduate of the University of Notre Dame, where he was an academic all American and kicked the winning field goal in the 1973 National Championship Sugarbowl Game against Alabama.



Justice Thomas' achievement as an NFL player for 12 years is well documented. Receiving less publicity was his induction into the

Academic All American Hall of Fame and NCAA Silver Anniversary Award, which honors recipients for 25 years of outstanding achievement.

While playing for the Chicago Bears, he attended Loyola University School of Law at night and during the off-season, passing the bar exam in 1981. Justice Thomas then practiced law for seven years, until he was elected to the Circuit Court for the 18th Judicial Circuit, where he was later appointed acting chief judge. Justice Thomas' judicial

See THOMAS Cont'd on Page 4

Justice Thomas Kilbride of the Third District Joins the Supreme Court

By Larry S. Vandersnick

Thomas Kilbride, of Rock Island, defeated State Senator Carl Hawkinson for the Supreme Court's Third Judicial District. The 21-county District straddles I-80 from Indiana to Iowa and encompasses nearly 2 million people.

Justice Kilbride, a Democrat, is only the third State Supreme Court justice from Rock Island County since 1900. He takes over the seat of Justice James Heiple, who retired.

Justice Kilbride, 47, was born in LaSalle and grew up in Kankakee, Illinois. He graduated from St. Mary's College in Winona, Minnesota in 1978 and the Antioch School of Law, Washington D.C. in 1981.

After law school, Justice Kilbride moved to the Quad City area. From 1981 - 1987, he worked as a legal aid attorney, providing legal services to low-income clients. From 1987 - 1993, he was an associate and partner in the Rock Island law firm of Klockau, McCarthy, Ellison & Marquis, P.C. From 1993 until his election, he was a sole practitioner in Rock Island, concentrating on appeals, environmental law, and employment matters. Additionally, Justice Kilbride served as counsel for numerous townships and municipalities in the Quad City area.

At Justice Kilbride's swearing in ceremony on December 4th, Illinois Chief Justice Moses Harrison noted that Justice Kilbride had practiced law longer than any other Justice now serving on the state's highest court. Kilbride had practiced law for over 20 years before ascending to the bench in December.

See KILBRIDE Cont'd on Page 4



PRESIDENT Cont'd from Page 1

that judges are influenced by political considerations; 3) ethnic minorities believe, by large majorities, that they are treated worse than other groups by the legal system.

Stuart Nudelman is the Chair of the IJA effort to educate the public about how judges perform their duties professionally and properly. Working with our Public Relations contractor, Chris Ruys, and P. R. Committee Chair Ann Jorgensen, the IJA intends to continue Stuart's Judges in the Classroom program, as well as to take advantage of Career Days at high schools throughout the State. Please contact Stuart or Ann if you are interested in participating in any of these programs.

Long Range Planning Some of you may not be aware that, over 30 years ago, the IJA was created by the leaders of various special courts and geographic judicial organizations merging to become one Association. For most of its existence, the IJA had no independent situs and used court personnel (although compensated by the IJA for after-hours work) for its staff. Four years ago, the Association acquired that independence, and with it has come increased credibility, stature, and attention, from the press and from bar organizations.

With this new status for the Association, I believe there is a commensurate requirement for continuity and consistency. And I further believe that the surest means of ensuring the viability of the Association is thus a plan of strategies, and tactics to accomplish those strategies, that can guide future officers and presidents.

To accomplish this purposefully open-ended goal, I've appointed the Long Range Planning Committee and named past President Gino DiVito as Chair. In fact, all members are past Presidents, whose experience as officers and committee chairs goes back into the 1980's. The committee is presently meeting on a monthly basis and has made progress. I will keep you posted on any conclusions or reports that are prepared.

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FITZGERALD Cont'd from Page 3

father, also a circuit court judge, Justice Fitzgerald began his judicial career in 1976 as a felony trial judge. He soon distinguished himself as "a bright, young star," according to the Chicago Council of Lawyers, and over the course of two decades, has consistently received the highest possible judicial ratings from bar groups.

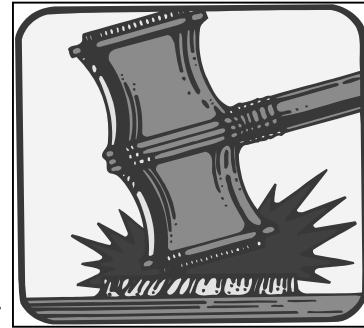
In the wake of the Greylord prosecutions, Justice Fitzgerald was tapped as Presiding Judge of the Chicago Traffic Court. Charged with reforming that court and restoring faith in the judiciary, Justice Fitzgerald instituted a number of changes, including establishing Traffic School, a nationally recognized program that has graduated nearly 2 million people.

Apart from his leadership on the court, Justice Fitzgerald has held numerous positions aimed at improving local and statewide administration of justice. In 1999, he was chosen by the Supreme Court to lead its Special Committee on Capital Cases. In addition, he has served on the Governor's Task Force on Crime and Corrections, the Illinois Truth in Sentencing Commission, the Cook County Board Committee on Courts in the 21st Century, and the state Supreme Court's Special Commission on the Administration of Justice. He was a member of the Cook County Circuit Court's Associate Judge Nominating Committee, Committee on Racial, Ethnic and Sexual Orientation Awareness, and Court Records Management Committee. Justice Fitzgerald is a former board member of the Lawyers Assistance Program.

After a tour of duty in the United States Navy, Justice Fitzgerald graduat-

ed with honors from the John Marshall Law School. He was a founder of the school's current law review and served as the law review's associate editor. He has taught at the John Marshall Law School, the Chicago-Kent College of Law, and the Einstein Institute for Science, Health and the Courts, and he has trained new judges in Cook County and throughout the state.

Justice Fitzgerald and his wife, Gayle, have five children and two grandchildren.



THOMAS Cont'd from Page 3

career has now surpassed his career as a professional athlete both as to duration and achievement.

Three areas that particularly interest him in improving our court system are alternative dispute resolution, continuing judicial education and the establishment of objective criteria for the appointment of circuit and appellate judges to existing vacancies.

Justice Thomas resides in West Chicago with his wife, Maggie, and their three children, Brendan, Jonathan and Jessica.

KILBRIDE Cont'd From Page 3

Justice Harrison applauded his colleague by stating, "He knows the law. He knows how the law works, and that's the kind of judge you want on the Supreme Court of Illinois."

Justice Kilbride resides in Rock Island with his wife, Mary, and three children, Kate, 16, Colleen, 13, and Clare, 9.



Highlights of Some Recent *Apprendi* Challenges in Illinois: Retroactivity and Consecutive Sentencing

By the Honorable Barbara Gilleran-Johnson and Gloria Kristopek, Staff Attorney for 19th Judicial Circuit

Last summer, the United States Supreme Court held that any fact, except a prior conviction, which increases a criminal penalty beyond a prescribed statutory maximum, must be submitted to a jury and proven beyond a reasonable doubt. See *Apprendi v. New Jersey*, 530 U.S. 466, 120 S.Ct. 2348, 147 L.E.2d 435 (2000). In the wake of *Apprendi*, many Illinois judges are wondering whether the decision applies retroactively to collateral proceedings and whether consecutive sentencing is constitutional. The answers to these questions are not clear because the law is in a state of flux and there is a conflict among, and even within, the districts of the Illinois Appellate Court. The importance of resolving these issues is evident when one considers that courts are addressing *Apprendi* challenges almost daily. In fact, since *Apprendi* was decided on June 26, 2000, almost 500 federal and state published decisions citing

Apprendi have been issued. In Illinois, most of the published appellate decisions are from the First District.

This article summarizes the substance of *Apprendi* and the Illinois Post-Conviction Hearing Act, and examines some of the recent Illinois appellate decisions addressing the retroactivity of *Apprendi* and the constitutionality of consecutive sentences after *Apprendi*.

The *Apprendi* Decision

In *Apprendi*, the defendant fired shots into the home of an African-American family and was charged under a New Jersey law with second-degree possession of a firearm for an unlawful purpose. N.J. Stat. Ann. § 2C:39-4(a) (West 1995). The prison term under the New Jersey firearms statute was 5 to 10 years. A separate New Jersey statute (a hate crime law) provided for an extended term of imprisonment if the trial judge found by a preponderance of the evidence that the defendant acted with a purpose to intimidate an individual or group of individuals based on race, color, gender, handicap, religion, sexu-

al orientation or ethnicity. N.J. Stat. Ann. § 2C:44-3(e) (West Supp. 2000). Under the New Jersey hate crime law, the extended term for second-degree offenses was imprisonment between 10 to 20 years. N.J. Stat. Ann. § 2C:43-7(a)(3). The New Jersey trial court enhanced the defendant's sentence to 12 years on the firearms count, finding by a preponderance of the evidence that the defendant acted with a purpose to intimidate an individual or group of individuals because of race.

The issue before the United States Supreme Court was whether the Due Process Clause of the Fourteenth Amendment required the factual determination authorizing an increase in the maximum prison sentence be made by a jury and proven beyond a reasonable doubt. The *Apprendi* court held that it was unconstitutional for a legislature to remove from the jury the assessment of facts that increase the prescribed range of penalties to which a criminal defendant is exposed, and that such facts must be proven beyond a reasonable doubt.

See APPENDI *cont'd on Page 10*

Judge O'Connell Continues to Promote Programs to Increase Minority Access to the Courts

Diversity is the touchstone of community outreach programs breaking new ground in the Circuit Court of Cook County in Illinois.

In six years as the Circuit Court of Cook County's Chief Judge, Honorable Donald P. O'Connell has consistently reached across racial and ethnic lines to develop acclaimed programs that increase minority access to the court.

One extremely successful outreach program is the Circuit Court of Cook County Community Heritage Month Courthouse Tour series. Held in conjunction with observances celebrating

racial and ethnic diversity, this popular program offering tours of the Richard J. Daley Center is entering its third year.

The tour series has drawn hundreds of participants during Arab Heritage Month, Asian Pacific American Heritage Month, Black History Month, Italian Heritage Month and National Latino/Hispanic Heritage Month. Tour highlights include a visit to an active courtroom to observe a trial in progress, a viewing of the court's juror orientation video and an informal meeting one-on-one with judges of the Circuit Court.

The court's community liaison team coordinates the tour series, working with community groups to initiate programs that increase understanding of the court. The liaisons also provide input to the court on access issues. The court's community liaison team, composed of an Hispanic, an Asian American and an African American, was expanded in the last year by Chief Judge O'Connell to include two new African American liaisons.

Other community outreach efforts by the court include the translation of

See ACCESS *cont'd on Page 7*

“Do I Really Sound Like That?” - Judge’s Review of a Digital Recording Courtroom

by Susan Sumner Tungate, Associate Judge 21st Judicial Circuit

Being a "progressive traditionalist," I greeted the news that "my courtroom" in Kankakee County would be part of a pilot program for digital recording



J. Gregory Householter, Circuit Judge, mans the system from his courtroom.

with enthusiastic reluctance. The problem was obvious. The increasing numbers of cases and tighter financial resources have created a shortage of records in courtrooms throughout the state.

The Administrative Office of the Illinois Courts, under the directive of the Illinois Supreme Court, offers a solution. They are implementing a program that utilizes a balanced combination of digital recording equipment along with conventional court reporting methods to insure more records and better coverage in Illinois courtrooms

There are two types of systems being used by the Administrative Office, a "centralized system" and a "stand alone system." Digital recording equipment, including microphones, a computer and playback equipment, is installed along with a video camera to monitor activity. With a centralized system the system is run

by an operator in a control room that starts and stops recordings, monitors sound quality and makes notations of activities (i.e. new case and participant names.) These notations are keys to locating audio selections and to assist in transcription. An Electronic Recording Operator (E.R.O.) or Court Reporter trained in the operation of the system staffs the control room. In a "stand alone" system, there is no control room or video and the system is operated from the courtroom.

Judges can control what is recorded from the bench by muting the microphones and in some instances have the capability of recording from another location such as a conference room or chambers. Each microphone can also be muted independently. If there is a need for playback, the Judge can request that a specific portion of the audio be played back through the speakers in the courtroom. The transcriptions of proceedings are ordered in the normal manner.

The Supreme Court has rendered these systems a form of official record in Administrative Order M.R. 15956 so records are available in courtrooms where they were previously unavailable due to court reporters being assigned elsewhere.

Like anything new, the system takes some "getting used

to". After listening to five minutes of a recording of my divorce call I wondered, "Do I really sound like that?" In Kankakee, the reaction to the system has been positive, and unexpected benefits have been discovered. For example, in camera interviews with children seem to be more relaxed (presumably because the record is being taken unnoticeably by the system).

As a judge, you control what is recorded in your courtroom; you must verify that the system is up and running when you begin the call. You must be sure that counsel identifies himself or herself, and when examination of witnesses begins, you must train yourself to say the name of the individual eliciting testimony.

The record is only as good as the participants make it. Mumbling or walking away from the microphone can present problems. After working in a recording courtroom, lawyers and judges alike soon learn what they must do to insure a clear record. Due to the sensitivity of the microphones, when non-participants are allowed to talk in a recording courtroom, their conversation can be picked up, making it difficult for the transcriptionist to hear the proceedings. Further, since some judges leave the microphones on even

See RECORDING cont'd on Page 7



Kristin Anderson, E.R.O.C.S.R., operates the system from a control room.



Retention judges ran to the aid of marathoners, including Associate Judge Lainie Berger, at LaSalle's Bank's Chicago Marathon in October. Pictured from left: Tom Panichi, Jackie Cox, Jim Henry, Berger, Ray Figueroa and Marsha Hayes.

ACCESS Cont'd from Page 5

the court's informational guide into Spanish, Polish, Chinese, Korean, Russian, Arabic, Serbian and Croatian. The court's guide was first released in May 1999 and includes an overview of the court's organization and structure and a detailed description of the trial process. A directory of court locations, court services and county services also is included. Thousands of copies of the guide have been distributed to schools, churches, libraries and community organizations throughout Cook County.

Also in spring 1999, the Circuit Court of Cook County made history when it became the first state court in Illinois to hold an annual jobs forum to actively recruit minority law students for clerking positions. In the two years since the forums began, an astonishing 31 applicants were hired as summer clerks or for full-time positions.

The forums are a special project of the Committee on Racial, Ethnic and Sexual Orientation Awareness in the Circuit Court of Cook County founded by Chief Judge O'Connell in 1997. Composed of judges, lawyers and clergy with Chief Judge O'Connell as its chair, the committee is dedicated solely

to identifying perceived bias within the court system and recommending ways to eliminate it. The committee's vice-chairs, Judge Timothy C. Evans and Justice Judith Cohen, were the driving force behind the development of the minority law students jobs forum. The committee's newsletter on the court's diversity efforts, AWARE! reaches more than 10,000 people in Cook County.

The court's community outreach has also expanded to the Internet with the launch of the court's web site www.cookcountycourt.org in April 2000. The site receives more than 55,000 visitors per month, providing information on a variety of court-related topics, including juror information.

"As the largest unified court system in the world, we must remain sensitive to the needs of those persons and groups who may have been left outside the process," said Chief Judge O'Connell. "We recognize the paramount importance of building bridges between the Cook County Circuit Court and the diverse populations that it serves. We can do no less if we are to make our court system a better place for all the citizens of Cook County."

RECORDING Cont'd from Page 6

when court matters are not being heard, privacy of individuals using the courtroom to discuss matters is at issue. To help with this concern, signs are placed in several locations to remind people not to have confidential conversations in recording courtrooms. Attorneys must remember to mute their microphones when having a discussion with their client during proceedings. Since transcriptionists are trained professionals and know whether an audible comment is for the record or not, these conversations have not been a reported problem.

Although the digital recording devices do not suffer from human frailties, they do present some problems. Being electronic, they sometimes don't function as they should. It takes some initial "tweaking" to set proper levels in each courtroom. Fortunately, from this judge's standpoint, they are easier to deal with than programming the VCR. When I was moved to a non-recording courtroom without a court reporter, I found that I missed the availability of a record.

Currently, three vendors are supplying digital technology in the Illinois Courts: CourtSmart, Voice IQ (formerly B C B Voice Systems), and FTR (For the Record). DuPage, Saline, and Kankakee Counties were the pilot sites for each of these vendors respectively. Randolph, Jersey, Jo Daviess, Lee, Pope, Piatt and Cook also have recording systems installed. McHenry, Knox, Henderson, Kane, St. Clair and Monroe Counties are scheduled for installations. Several additional counties are requesting the technology.

For additional
information,
contact the
Administrative
Office of the
Illinois Courts at
(217) 785-2125

Photographs by Clark Erickson, Circuit Judge 21st Judicial Circuit

Did You Know . . . by Lainie Berger & a host of statewide correspondents

The past few months have been a gossip columnist's dream. Everyone is moving everywhere, four new members joined the Supreme Court, and lots of new chiefs and presidings were named. And retention efforts paid off for every judge around the state. Whew! Somehow, with all the changes, I'm sure that I'm going to leave someone out. Hey, just have your press agent call me - I'm certainly easier to reach than Sneed or INC.

The Supremes

The new members of the Supreme Court who were chosen by the voters are featured in this issue. Of course, we wish Justice **Benjamin Miller**, the best on his retirement. As a past President of the Women's Bar of Illinois, I would be remiss in not mentioning that Justice Miller is both a member and supporter, attending most of our Annual Dinners. Therefore, it came as no surprise that he was the one to recommend **Rita Garman** to take his place on the court. Congratulations **Justice Garman**. Look for features on both of these Justices in our next issue. Justice **Michael Bilandic** retired after many years of public service, including serving as mayor of the City of Chicago. And Justice **James Heiple** decided to leave the bench at the end of his term. Maybe the retiring justices will want to write for this publication (am I dreaming?)

Cook County's Corner

Judge **Paul Biebel** was appointed Presiding Judge of the Criminal Division, taking the place of **Justice Fitzgerald**. In addition to Fitzgerald being a tough act to follow, Biebel has to cope with the onslaught of negative publicity surrounding our criminal courts of late. Surely, his experience as the Public Defender for Cook County will assist him.

I tried my first civil jury in front of Judge **Ellis Reid** who was assigned by the Supreme Court to the 1st District Appellate Court after a successful retention bid. **Justice Reid**, who has served on the bench since 1985, spent the past 6 years in the Chancery Division. **Judge Reid** took the seat of **Justice Morton Zwick**, who had decided not to seek retention prior to losing his bid for the

Supreme Court in November in a highly publicized and expensive election. **Justice Zwick** was quoted as stating that he was going to try his hand at writing the "great American novel" after leaving the bench.

As part of **Chief Judge Donald O'Connell's** continued efforts for diversity in our system, he transferred **Judges Donna Felton** and **Eddie Stephens** to Rolling Meadows and Skokie, respectively. Each municipal district now has at least one black jurist.

Judge Robert Gordon was re-appointed to the circuit bench. **Kenneth Cortesi** joins the bench after a Supreme Court appointment. Prior to his appointment, he was the chief attorney for the Chicago Transit Authority's Torts Division. The Supreme Court recalled Judge **Albert Green** who heads the court's Chancery Division. Green, 76, was quoted by the Law Bulletin as saying he was too young to retire. Also recalled were **Judges Robert Cusack, Allen Freeman, Walter Kowalski, Benjamin Novoselsky** and **James Quinlan, Jr.** And joining the bench for the first time following election in November were: **Mary Margaret Brosnahan, Matthew Coghlan, Loretta Eadie-Daniels, Marcella Lipinski, Joyce Murphy Gorman, Joan Margaret O'Brien, Donna Felton, Thomas Roti, Colleen Sheehan** and **Maura Slattery Boyle**. Welcome one and all. Did I mention that IJA's Third Vice President, **John O. Steele**, won handily in November to move from associate to circuit judge?

Retiring after 18 years on the bench was Associate Judge **John M. Sorrentino**. A large party was held to wish him well. Leaving the bench due to expired appointments were **Thomas Donnelly, Marvin Leavitt, Judges Raymond Myles, James Prendergast, Richard Stevens, Mitchell Ware**, and **Charles**

Winkler. We hope you need those robes again sometime soon. **Judges Carl Cipolla, Mitchell Leikin, Ronald Olson** and **Richard Samuels** all have hung up their robes for the final time, retiring after having been recalled. **Judge Michael Czaja** and **Associate Judge Nello Gamberdino** are both reading this issue at their leisure, having retired in December.

Our past President, Judge **Patrick McGann**, hasn't found any free time since he turned over the gavel to **Stephen Mathers** in the past few months. As some of you may know, Pat is the Supervising Judge of Cook County's Traffic Court and therefore had to supervise the court's move to new courtrooms in the Daley Center. Traffic court serves about 1600 litigants per day. I hear the move went well. I'm sure all of our colleagues who come to Chicago to help us out will enjoy the brand new facilities (I use the term both literally and figuratively.)



DuPage Doings

You'll need a pencil and scorecard to keep the action straight in DuPage County. **Judge Robert Kilander** was voted the new Chief Judge in DuPage County, taking the reins from **Judge Thomas Callum** who was kicked to the Appellate Court by Justice Bob Thomas. **Chief Judge Kilander** has set the expansion of technology in the courtroom as one of his major goals. **Judge Kathryn Creswell** was appointed to Callum's seat. Justice Thomas also assigned a great guy (and former Chicagoan), **Robert Byrne**, to the Appellate Court. Byrne took the assignment of **Justice Fred Geiger** who takes the elective seat of **Justice Lawrence Inglis** who retired in December.

DuPage County also lost two of its most respected jurists at the end of last year. **Judge Michael Galasso** no longer holds a seat on the bench although it is hard to think of him as retired given how much time he puts in for this

organization. **Justice S. Louis Rathje** did not prevail in keeping his appointive Supreme Court seat and has retired.

Dorothy French, a partner at Hinshaw & Culbertson, has been selected as the newest Associate Judge in DuPage County; the Law Bulletin had reported that the DuPage Association of Women Lawyers lobbied heavily for a woman to be selected as an associate as none had been named for many years. She takes the spot of **John Elsner** who moved up to the circuit court.

Laudable in Lake

Sarah Lessman, President of the Lake County Bar Association, was chosen as a new Associate Judge in Lake County to take the place of **Judge James Booras** who was appointed to a circuit position. Also taking a circuit position was **Judge Mary Schostok** who took the seat of **Justice Fred Geiger** who changed seats as noted above. It makes sense that someone with a background in professional sports would be able to find positions for all of these players.

With their new Chief Judge, **Jane Waller**, new presiding judges were named: **Henry Tonigan** presiding in the Civil Division, **Christopher Starck** in Criminal, **Barbara Gilleran-Johnson** in Traffic and Misdemeanor, **David Hall** in Family and **Margaret Mullen** in Juvenile.

Around the State

The November election brought about many new judges. **Mary W. McDade** was elected to the 3rd District Appellate Court while former Cook County State's Attorney **Jack O'Malley** was elected in the 2nd District. Kane County **Judge R. Peter Grometer** was assigned to the Appellate Court.

Circuit Judges joining courts for the first time are **John Knight** in the 3rd Circuit, **Mark Boie** in the 1st, **Robert Freitag** in the 11th, **Leslie Graves** in the 7th, and **Mark VandeWiele** in the 14th.

Joining the 2nd Circuit as an associate Judge is **Robert Lewis**; he takes a place of **George Timberlake** who was elected to the circuit bench. **Judge Lewis**, of Benton, joined the bench after 26 years in general practice in southern Illinois. **Judge Timberlake** is the first Associate

Judge in the 2nd Circuit to be elected a Circuit Judge. A native of Wabash County, he has been on the bench since 1985; an overflow crowd witnessed the oath of office administered by **Justice Terrence Hopkins** and **Judge Robert Keenan**.

In breaking news, a third-generation Will County lawyer, **Richard C. Schoenstedt**, was selected an Associate Judge filling the vacancy created by the election of **Judge Daniel Rozak** to circuit judge. **Judge Rozak** won the seat in the November election with 52 percent of the votes cast.

William J. Becker, formerly of Heyl, Royster, Voelker & Allen, is the new Associate in the 4th Circuit, taking the place of **Judge Sheri Tungate**. **Lisa Holder White** comes from private practice in Decatur to an associate judgeship in the 6th Circuit, while **Charles Weech** of Morengo leaves private practice to take the seat of former **Associate Judge Maureen McIntyre** who won election in the 19th Circuit.

Judge Ashton Waller, Jr. began a term as Chief Judge in the 5th Circuit, while **Judge John Freese** became Chief in the 11th.

An assistant state's attorney for Champaign County, John Kennedy, was named an Associate Judge in the 6th Circuit. In the 8th Circuit, the judges selected Thomas Ortbal, as an Associate Judge while the 12th Circuit picked James Garrison. The 12th Circuit has reelected Will County Circuit Court Judge Rodney B. Lechwar as its Chief Judge.

Woodford County made news when **Chuck Feeney** was picked as the new Associate Judge for the 11th Circuit on November 6th. It seems that **Judge Feeney** had been the State's Attorney, had run unopposed his for re-election and that the assistant state's attorney also left the office, leaving Woodford County without a prosecutor for about a month.

James Donovan of Belleville accepted a second appointment to the 20th Circuit Court; he fills the vacancy caused by the retirement of **Judge Roger Scrivner**.

A former state legislator, **Judge John Countryman**, has retired after 22 years

of government service. He was serving as the Presiding Judge of DeKalb County at the time of his retirement. In addition, **Judges Haskell Pitluck, Donnie Bigler, William Reardon, Richard Scott, John DeLaurenti, Luther Dearborn, Jay Hanson, John O'Rourke, John Roe, Richard Brummer, Joseph H. Kelly, Dennis Schwartz, Fred Reither, John Ciricione, and Louis Perona** retired. Send me a letter telling me what fun you are having off the bench.

In Memoriam

We will miss these judges who died recently . . . **Judge Morton Elden**, 87, a retired Cook County judge, spent 10 years on the bench after joining it at age 69; he had a reputation as an expert in court reform. The Chicago Tribune reports that, in retirement, he often played 36 holes of golf a day. Now that's a reason to sock away that deferred compensation money. . . . We also lost **Raymond Trafelet**, a retired Cook County judge who lived to age 93. He may have had an inkling of his long lifespan when, after being elected at age 60, he filed a suit challenging the mandatory retirement of judges at age 70; although the suit failed, the retirement age was increased to age 75. We offer condolences to his son, retired **Judge Dean Trafelet**. . . . Another judge who lived well past retirement is **Fred Geiger, Sr.**, a retired Lake County judge. He died in January at age 91, leaving behind two sons, **Justice Fred Geiger** and **Judge Donald Geiger**. Judge Geiger, Sr. was very active in the community, serving on boards of the Red Cross, Community Chest among others.

One of our former colleagues did not have the benefit of years. The co-editors mourn the loss of a friend, **Robert W. Cushing**. Rob served a year as an appointed circuit judge and was hoping to rejoin the bench. A past leader in the Attorney General's Office, he was known for his sense of humor and affable nature. He died at age 45 of pancreatic cancer.

Last issue, our condolences went out to Cook County's Judge **Stephen Yates** on the loss of his father, Congressman Sidney Yates. This issue, we mourn the death of **Judge Stephen Yates**, 60, who lost a three year battle with A.L.S. Judge
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APPENDI *Cont'd from Page 5*

The Illinois

Post-Conviction Hearing Act

Under the Illinois Post-Conviction Hearing Act, 725 ILCS 5/122-1 et seq. (West 1998), a defendant may challenge his or her criminal conviction on the ground that the proceedings resulting in the conviction involved a substantial denial of his or her rights under the United States Constitution and/or the Illinois Constitution. The Act provides a collateral remedy and is not a direct appeal. Proceedings under the Act differ from direct appeals in that the defendant can raise claims outside the trial record. Generally, under the current statute, a post-conviction petition must be filed within 45 days of the filing of the appellant's brief on direct appeal or three years from the date of the conviction, whichever is sooner, unless the petitioner alleges facts showing that the delay was not due to his or her culpable negligence.

Illinois *Apprendi* Cases - Retroactivity

One Illinois case considering whether *Apprendi* is retroactive to post-conviction proceedings is *People v. Beachem*, No. 1-99-0852, 2000 Ill.App.LEXIS 868 (1st Dist. Nov. 8, 2000). In *Beachem*, the Third Division of the First District held that *Apprendi* reaches beyond a direct appeal to an appeal of the dismissal of a timely-filed post-conviction petition. The court specifically stated, however, that it was not commenting on untimely or successive post-conviction petitions. In its analysis, the court relied on *Teague v. Lane*, 489 U.S. 288, 109 S.Ct. 1060, 103 L.Ed.2d 334 (1989), which was adopted by the Illinois Supreme Court in *People v. Flowers*, 138 Ill.2d 218, 561 N.E.2d 674 (1990).

In *Teague*, The United States Supreme Court established two exceptions to the general rule that decisions are not to be applied retroactively to cases pending on collateral review. Specifically, the court held that decisions establishing new constitutional rules of criminal procedure cannot be applied retroactively to cases pending on collateral review unless the new rule either: (1) places certain kinds of

primary, private individual conduct beyond the power of the criminal law-making authority to proscribe, or (2) requires the observance of those procedures that are implicit in the concept of ordered liberty. A rule under the second exception must be aimed at improving the accuracy of a trial and be of such importance that it alters bedrock procedural elements that are essential to a fair trial. In *People v. Flowers*, 138 Ill.2d 218, 561 N.E.2d 674 (1990), the Illinois Supreme Court adopted the *Teague* analysis for post-conviction relief proceedings. Although *Teague* involved a *habeas corpus* proceeding, the *Flowers* court found that an action pursuant to the Illinois Post-Conviction Hearing Act was analogous because both are collateral proceedings. The *Beachem* court concluded that under *Teague*, the new rule announced in *Apprendi* implicates procedures implicit in the concept of ordered liberty.

Interestingly, in contrast, the First Division of the First District subsequently held that the *Apprendi* rule should not be applied retroactively under the Post-Conviction Hearing Act in *People v. Kizer*, No. 1-99-0733, 2000 Ill.App.LEXIS 973 (1st Dist. Dec. 26, 2000). Like *Beachem*, the *Kizer* court based its analysis on *Teague v. Lane*, 489 U.S. 288, 109 S.Ct. 1060, 103 L.Ed.2d 334 (1989). The *Kizer* court stated that *Teague* sets out a three-step process for deciding the applicability of a new rule on collateral review. The court first must determine the date upon which the defendant's conviction became final; and then whether the constitutional rule sought by the defendant existed when the conviction became final. If the rule existed at the time that the defendant's conviction became final, then it is not a new rule and should be applied on collateral review. If the rule is new, it is not applied on collateral review, unless it falls within either of the two narrow exceptions to *Teague*. Thus, the final step is determining whether the rule falls within either of these exceptions. The *Kizer* court found that the *Apprendi* rule was new, but that it did not fall within either of the *Teague* exceptions. The court disagreed with the *Beachem*

court's conclusion that the *Apprendi* rule fell within the second *Teague* exception. Thus, the *Kizer* court held that *Apprendi* should not be retroactively applied under the Post-Conviction Hearing Act and that the defendant's sentence was not unconstitutional at the time that it was entered.

Another case in which the court did not apply *Apprendi* retroactively was decided by the Fifth Division of the First District. In *Roberts v. People*, No. 1-98-3642, 2000 Ill.App.LEXIS 1010 (1st Dist. Dec. 29, 2000), the appellate court affirmed the lower court's decision dismissing the defendant's post-conviction petition as frivolous and not violative of *Apprendi*. The trial court had determined that the defendant should be sentenced as a Class X offender due to the degree, timing and sequence of his prior convictions. The appellate court stated that whether *Apprendi* violations may be addressed in a collateral, post-conviction proceeding was something that it need not decide because it found that the defendant's post-conviction petition did not fall within the pale of *Apprendi* relief. In its reasoning, the court relied on *Almendarez-Torres v. United States*, 523

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DID YOU KNOWCont'd from Page 9...

Yates died two weeks after his retirement. Through the use of a special computer, Judge Yates continued to preside over mental health cases and teach law school even after becoming wheelchair-bound, losing both his ability to speak and the use of his hands. Among other notable decisions, **Judge Yates** was the first Illinois judge to rule that same-sex couples could adopt children.

Retired Kane County **Judge Barry Pulkin** died October 19, 2000 at age 64 from a heart attack. He had retired in July. Judge Pulkin had heard many difficult cases including the "Home Alone case" involving the two parents who left their kids' home alone when they traveled to Mexico. We also note the passing of **Judge Robert H. Adcock** of the 13th Circuit who passed away at age 62 on February 2nd. A judge since 1990, he presided over a murder case in Grundy County, which was the first, such case in 10 years. The wake was held at the Grundy County courthouse.

APPENDI *Cont'd from Page 10*
 U.S. 224, 118 S.Ct. 1219, 140 L.Ed.2d 350 (1998), wherein the Supreme Court addressed a federal statute that provided a longer maximum penalty for illegal reentry by a deported alien when the defendant was deported subsequent to a conviction for an aggravated felony. The *Almendarez-Torres* court held that neither the statute nor the constitution required that the indictment charge the fact of the prior conviction because Congress intended the prior conviction to be a sentencing factor, not an element of a separate crime. Noting that *Apprendi* suggested that *Almendarez-Torres* arguably was not correctly decided but did not overrule it, the Roberts court rejected the defendant's contention that *Apprendi* rendered recidivist provisions unconstitutional.

Notably in *Talbott v. Indiana*, 226 F.3d 866 (7th Cir. 2000) and *Hernandez v. United States*, 226 F.3d 839 (7th Cir. 2000), the United States Court of Appeals for the Seventh Circuit examined the retroactivity issue. In *Talbott*, the court noted that *Apprendi* did not state that it applied retroactively to cases on collateral review and that no other decision of the United States Supreme Court had applied *Apprendi* retroactively. Justice Easterbrook, writing for the court, stated that if the Supreme Court ultimately declares that *Apprendi* applies retroactively on collateral attack, the Seventh Circuit will then authorize successive collateral review of cases affected thereby; but "until then prisoners should hold their horses and stop wasting everyone's time with futile applications." *Talbott* at 869. Likewise, in *Hernandez*, the Seventh Circuit found that a potentially meritorious claim raised by a successive motion to vacate a sentence that relies on a new rule of constitutional law is not ripe for presentation until the Supreme Court decides whether the new rule is retroactive.

Illinois *Apprendi* Cases - Consecutive Sentencing

Illinois cases are also split on whether *Apprendi* renders consecutive sentencing unconstitutional. One of the first appellate cases to examine this

issue was *People v. Clifton*, Nos. 1-98-2126, 1-98-2384 Cons., 2000 Ill.App.LEXIS 804 (1st Dist. 2000) decided by the First District, Second Division. In *Clifton*, the defendant raised an *Apprendi* challenge in a supplemental brief because the case was pending on appeal when the United States Supreme Court issued the *Apprendi* decision. The *Clifton* court held unconstitutional the requirement of 730 ILCS 5/5-8-4(a) [hereinafter section 5-8-4(a)] that a defendant be sentenced to consecutive sentences for crimes arising out of the same course of conduct when the court makes a finding that the defendant inflicted severe bodily injury. The court determined that if consecutive sentences are to be imposed pursuant to a factual finding that severe bodily injury occurred, then under *Apprendi*, this factual issue must be submitted to a jury and proven beyond a reasonable doubt.

Relying on *Clifton*, the First District, Fifth Division held unconstitutional the imposition of consecutive sentences for convictions for first degree murder and armed robbery in *People v. Carney*, No. 1-98-4677, 2000 Ill. App. LEXIS 877 (1st Dist. Nov. 13, 2000), because the consecutive sentences were based on a determination by the judge, rather than the jury, that severe bodily injury to the decedent occurred during the commission of the armed robbery. Noting that the Illinois sentencing statute mandates when a defendant being sentenced for multiple convictions resulting from the same course of conduct will serve sentences concurrently or consecutively, the court found that the statute extended the range of the sentence to which a defendant may be exposed for a given course of conduct. The court reasoned that the maximum penalty under the statute was the longest sentence for the most serious offense. The court opined that the relevant inquiry under *Apprendi* was not one of form, but effect; the court must examine whether the required finding exposes the defendant to a greater punishment than that authorized by the jury's guilty verdict. Because section 5-8-4(a) authorized the judge to make the factual determination that

resulted in the consecutive sentences, the *Carney* court found the section unconstitutional.

Similarly, in another First District, Second Division case, the court affirmed the defendant's conviction, but based on *Apprendi* vacated the order requiring his sentence to run consecutively, and ordered that the sentences were to run concurrently. See *People v. Mason*, No. 1-99-2805, 2000 Ill.App.LEXIS 976 (1st Dist. 2000).

Consistent with *Clifton* and *Carney*, the Second District in *People v. Waldrup*, No. 2-99-0242, 2000 Ill.App.LEXIS 942 (2nd Dist. 2000), found, based on *Apprendi*, that the imposition of a consecutive sentence is the same as a sentence enhancement and any fact, except a prior conviction, utilized to increase the amount of time a defendant must serve must be submitted to the trier of fact and proven beyond a reasonable doubt. The court held section 5-8-4(a) unconstitutional and found that the defendant could not be subjected to the imposition of a consecutive sentence.

By contrast, in a subsequent decision, *People v. Maiden*, 2001 Ill.App.LEXIS 35 at *15 (2nd Dist. 2001), the Second District held that absent a finding that multiple sexual assaults are part of a single course of conduct, a defendant may still receive consecutive sentences pursuant to the sentencing court's discretion. The *Maiden* court acknowledged the contrary holding in *Waldrup*, which also involved multiple sexual assaults. But the *Maiden* court reasoned that the *Waldrup* court failed to recognize that separate sentences for multiple aggravated criminal sexual assaults that were not part of a single course of conduct did not increase a sentence beyond that to which a defendant could otherwise be sentenced. The court found no violation of *Apprendi*.

Other cases that have found *Apprendi* inapplicable to consecutive sentences are *People v. Sutherland*, No. 1-98-3802, 2000 Ill.App.LEXIS 927 (1st Dist. 2000) and *People v. Primm*, No. 1-97-3685, 2000 Ill.App.LEXIS 1014 (1st Dist. 2000), both decided by the First District, Sixth Division. The

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CRITICISM RESPONSE TEAM TAKES ISSUE WITH NEWSPAPER EDITORIALS

Editors' Note: At the I.J.A. Board Meeting in December, many members expressed dismay with the attacks on the Florida Supreme Court by the Chicago Tribune. It was agreed that the Tribune's criticism of the Florida court was a criticism of us all. Thus, the Board voted to send a "Letter to the Editor." This following article was prepared by Judges Barbara McDonald and President Mathers and sent to the Tribune which declined to publish it.

Dear Editor:

Now that the presidential election cases have been resolved, we feel compelled to respond on behalf of the Illinois Judges Association to the Tribune's repeated unfair attacks on the integrity and competence of the Florida Supreme Court. In its editorials regarding the Florida Supreme Court's first decision, the Tribune accused the court of having an agenda, ruling based on partisanship, and demonstrating a disdain for the rule of law. These are serious accusations. Judges take an oath to uphold the law; to suggest the justices disregarded their oaths is an affront to their integrity. It is very disappointing that a newspaper editorial board would make such charges without clear evidence to support it.

The Tribune editors failed to identify any flaw in the Florida Supreme Court's legal analysis or logic, much less a flaw of the magnitude that would warrant the charge of bias. Instead the Tribune appeared to rely solely on the fact that the justices were Democratic appointees. Yet the Tribune indicated that it would accept any decision by the United States Supreme Court, despite seven of the nine justices hav-

ing been appointed by Republican presidents, two by George W. Bush's father. Both courts are entitled to the same presumption of fairness whether or not one agrees with their decisions.

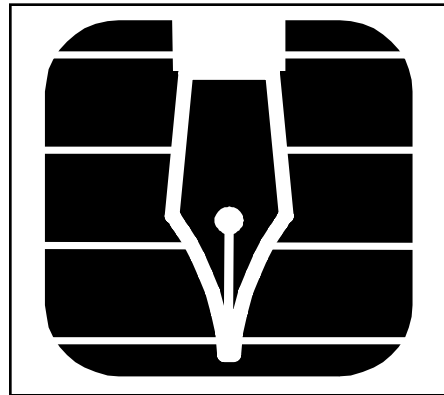
The election cases raised complex legal issues about which there is room for legitimate disagreement, even among legal and constitutional scholars, as evidenced by the United States Supreme Court's ultimate split decision. In its first decision in these cases, the Florida Supreme Court used traditional rules of statutory construction to interpret conflicting provisions in the Florida election code. While one may disagree with the decision, nothing about the court's approach to analyzing the issues before it indicated that the justices did anything other than what they believed the law required them to do. The United States Supreme Court's request for clarification on the impact of a federal statute and Article II of the federal constitution certainly was not evidence that the Florida Supreme Court was biased or needed a remedial lesson in how to write a legal decision, as charged by the Tribune. The Florida court addressed the issues presented to it by the parties; the Bush brief in the Florida court did not raise the federal issues except for a passing mention of the statute in a footnote.

The Tribune also claimed that the Florida court got it backwards when it strongly hinted that dimpled chads should count, but quoted an

Illinois Supreme Court case out of context in which dimpled chads were not counted. In fact, the Florida Supreme Court did not even mention dimpled chads; it simply quoted the Illinois case as support for its position that an accurate vote count is essential in a democracy. The Illinois case supports that position because the Illinois Supreme Court concluded that visual inspection of ballots on which the machine failed to register votes was required to ensure an accurate vote count.

We hope that the Tribune editors will refrain in the future from accusing a court of bias or incompetence without doing their homework and making sure that the accusation is justified. Unfounded accusations of this nature undermine the judiciary and society as a whole. The Tribune owes an apology to judges nationwide, and the justices of the Florida Supreme Court in particular.

Judge Stephen C. Mathers, President, Illinois Judges Association
Judge Barbara A. McDonald, Government Affairs Committee, Illinois Judges Association



APPRENDI *Cont'd from Page 11*
Sutherland court expressly declined to follow *Clifton* and *Carney*. The defendant, in *Sutherland*, was sentenced to 30 years for attempted first degree murder of one victim, consistent with the statutory range of 6 to 30 years for Class X felonies. The defendant was also sentenced to 30 years for attempted first degree murder of another victim. For this crime, the defendant could have received up to 60 years imprisonment under the extended term sentencing provisions of section 5-8-2(a)(2). Finally, the defendant was sentenced to 30 years for another Class X felony, home invasion, in conformance with the statutory range. In considering whether the trial court's imposition of consecutive sentences violated *Apprendi*, the *Sutherland* court found clear differences between the content of the hate crime statute in *Apprendi* and the content of section 5-8-4(a). The *Sutherland* court concluded that the use of the criteria in section 5-8-4(a) to increase the defendant's penalty for attempted first degree murder and home invasion did not increase his sentence beyond the statutory maximum prohibited by *Apprendi*, because the defendant's sentence for each crime fell within the statutory range for the offense. The appellate court, therefore, affirmed the trial court's imposition of consecutive sentences.

In holding that *Apprendi* did not apply to consecutive sentences in *People v. Primm*, the First District, Sixth Division reasoned that consecutive sentences determine only the manner in which the sentences for each individual offense are to be served and have nothing to do with the length of each discrete sentence. The court relied on *Thomas v. Greer*, 143 Ill.2d 271, 573 N.E.2d 814 (1991) in its analysis. In *Greer*, the Illinois Supreme Court stated that a new single sentence is not formed when sentences are made consecutive to one another. The *Primm* court also relied on its former decision in *Sutherland*, emphasizing that clear differences exist between the content of the hate crime statute in *Apprendi* and that of section 5-8-4(a). The court

acknowledged that in *Clifton*, the First District, Second Division reached the opposite conclusion. But the *Primm* court explained that *stare decisis* did not require it to follow precedent established by another division of the same district. The *Primm* court concluded that the *Apprendi* decision does not apply to consecutive sentencing because two consecutively served sentences do not constitute a single sentence that extends beyond the statutorily-imposed maximum. *Sutherland* and *Primm* were followed by *People v. Hayes*, 2001 Ill.App.Lexis 45 (1st Dist. 2001).

The 91st Illinois General Assembly has responded to *Apprendi* with House Bill 1511. At the time of this writing, the bill was waiting for the governor's signature. The bill states in part:

Notwithstanding any other provision of law, in all cases in which the imposition of the death penalty is not a possibility, if an alleged fact (other than the fact of a prior conviction) is not an element of an offense but is sought to be used to increase the range of penalties for the offense beyond the statutory maximum that could otherwise be imposed for the offense, the alleged fact must be included in the charging instrument otherwise provided to the defendant through a written notification before trial, submitted to a trier of fact as an aggravating factor, and proved beyond a reasonable doubt. Failure to prove the fact beyond a reasonable doubt is not a bar to a conviction for commission of the offense, but is a bar to increasing, based on that fact, the range of penalties for the offense beyond the statutory maximum that could otherwise be imposed for that offense.

In light of the differing judicial opinions, it will be interesting to see how the Illinois Supreme Court rules on the retroactivity of the *Apprendi* decision on collateral review and whether and how *Apprendi* applies to consecutive sentencing. Stay tuned for further developments.

Editor's Note: Ms. Kristopek advised us that House Bill 1511 was passed as P.A. 91-0953 effective February 23, 2001. The impact of this legislation will be discussed in a future issue.

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Highlights from the December, 2000 IJA Convention

Convention co-chairs, Judges Mary Ellen Coghlan (far left) and Michele F. Lowrance (right) appear with panelists from the Einstein Institute for Science, Health and the Courts at the December 8 program "Genetics in the courtroom," during the IJA Annual Meeting in Chicago. From left are Michael B. Getty, Linda K. Ashworth, Franklin M. Zweig, Shana L. Malinowski and Robert F. Murray.

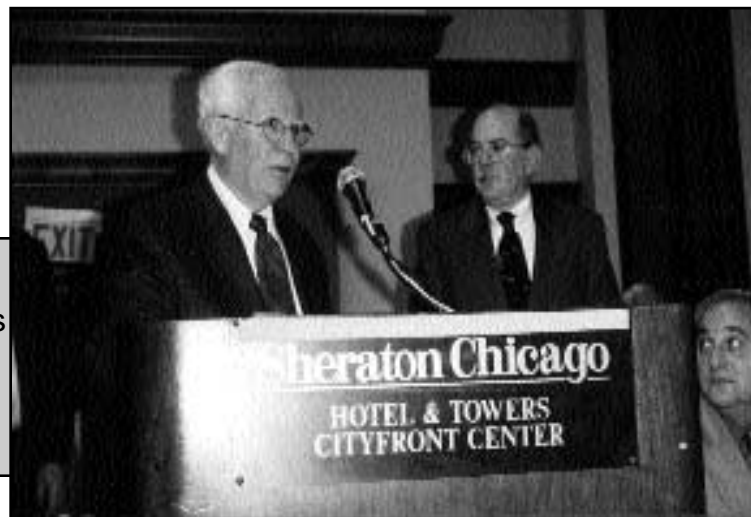


Retired Supreme Court Justice R. Louis Rathje accepts the Lifetime Achievement Award from Retired Appellate Court Justice Michael R. Galasso.

Photo courtesy of Stephen Anderson, ISBA

Retired Judge Harold Sullivan thanks the Association for the Scholarship Fund in his name.

Photo courtesy of Stephen Anderson, ISBA



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

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photo courtesy of Stephen Anderson, ISBA

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

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