

THE GAVEL

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The Gavel

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PRESIDENT'S MESSAGE

Judge John O. Steele

It is indeed an honor and a pleasure to serve as your President this coming year. I want to personally thank all of you for your past and continued support.

We all owe a very special thank you to Ann Jorgensen and Stuart Nudelman for their leadership on the Cola issue. After August 04, our paychecks will reflect a total yearly increase of approximately \$12,000.00 (plus) as a result of this effort. Though the Supreme Court has determined the Cola to be a part of our compensation package, the lawsuit is still pending to resolve the issue of attorney fees. Our attorneys did an excellent job. As soon as this issue is resolved, I will report the terms and conditions to the membership.

Our association is membership driven. All of our income is derived from the payment of dues. We have a December luncheon and seminar that has the potential to generate income, but we struggle to break even each year. Therefore, one of our immediate goals is to increase membership. In Cook County we want to increase membership among Associate and Circuit Court Judges from 62% to 82%. Outside of Cook County, we want to increase membership among Associate and Circuit Court Judges from 95% to 97.5%. We also want to increase the membership among Appellate Court Justices throughout the state from 56% to 80%.

The membership committee co-chairs are Helaine L. Berger, Robert L. Carter, James R. Epstein, Timothy C. Evans, Patricia B. Holmes, Mark Schuering and James Wexstten. I will ask the Membership Committee to contact every Judge that is not a member of our association and document

their reason for not paying dues. We will attempt to address each judge's concern. (We now have approximately 12,000 additional reasons why they should join).

Another goal is to increase our public relations efforts. We want to increase the public awareness of how the court system works. Continuing and expanding our cable shows across the State on topics of interest to the public can accomplish this. In addition, we can invite schools and community organizations to visit our courtroom and court facilities. We can also, when possible, visit our neighborhood schools and speak to community groups about courtroom procedure and the day-to-day activities of a judge.

Our association has a great relationship with the Illinois State Bar Association and The Chicago Bar Association. We want to maintain this relationship and reach out to other local bar associations. Additionally, our Association needs to build on our relationship with the Executive and Legislative branches of government. We need to have dialogue with both branches in "good times." We don't want to wait until there is another crisis to open the lines of communication.

This is going to be an exciting year. With your help, we will continue to grow and move in a very positive direction.



Save the date:

IJA Convention

December 9, 10 & 11

SPEAKING OUT ON JUDICIAL SPEECH

by Judge Sophia Hall

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So what do judges say now when asked their views on controversial social issues? We are being told that the implication of the United States Supreme Court's decision in Republican Party of Minnesota v. White means that we can no longer say that we are forbidden from answering. That decision struck down, on First Amendment grounds, a judicial ethics rule limiting campaign speech. According to the Court, the avowed need to protect the integrity and impartiality of the judiciary provided insufficient reason to limit free speech.

Does that decision mean that we must answer every question? We do not want to appear evasive by saying, "No comment." On the other hand, how much can we say and how should we say it? Some guidance can be found in the fact that we are still bound by Canon 2A of the Code of Judicial Conduct which provides that, "A judge should respect and comply with the law and should conduct himself or herself at all times in a manner that promotes confidence in the integrity and impartiality of the judiciary." The challenge in promoting that confidence, when giving our personal views, is that often the public thinks we cannot be impartial if we have an opinion on a controversial issue. For example, if a judicial candidate for election announces his or her opposition to the death penalty, many voters will assume that the judge intends to act on that belief and will not impose the death penalty, regardless of what the law allows. Even if judicial candidates do not volunteer their personal views, but rather answer pointed questions, as do nominees for appointment to the federal bench, the public's assumption may be the same.

The fact that candidates for judge have opinions should not alarm or reassure the public. The public should want judges who care about the issues of the day, who are informed, and have opinions about those issues. At the

same time the public should not assume that candidates' personal views foretell their behavior on the bench. Nominees to the U.S. Supreme Court, for example, have frequently surprised and disappointed those who supported them on the basis of their announced views.

If the public should be allowed to learn the personal views of judicial candidates, how can questions be answered in a way which comports with the existing requirements of Canon 2A to promote confidence in the impartiality of the judiciary, when many citizens assume that the judge would decide cases in accordance with those announced views? The approach used by many candidates for judge and judges running for retention, is to dispel the assumption by stating that their announced personal view would not commit them to any particular ruling in a particular case. Perhaps that is enough. But I believe that we must also think about how we assure the public that judges can be human and hold personal opinions just like other citizens, while satisfying their obligation to be fair and impartial.

It is a judge's duty, as a professional, to transcend personal views in order to render a fair and impartial decision. As Justice Stevens explained about the work of judges in his dissenting opinion in Republican Party of Minnesota v. White:

...It is equally common for [judges] to enforce rules that they think unwise, or that are contrary to their personal predilections. For this reason, opinions that a lawyer may have expressed before becoming a judge, or a judicial candidate, do not disqualify anyone for judicial service because every good judge is fully aware of the distinction between the law and a personal point of view. It is equally clear, however, that such expressions after a lawyer has been nominated to judicial office shed little, if any, light on his capacity for judicial service....

What may shed light on a person's capacity for judicial service is the answer to the unasked question of how we can

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THREE JUDGES HONORED

by Judge Daniel Gillespie

Three retired judges were honored in Chicago recently. George Leighton was honored by the John Marshall Law



School for forty years of distinguished service as an adjunct professor. Blanche Manning received the Earl B. Dickerson Award, and Joy Cunningham was installed as president of the Chicago Bar Association.

On May 4th, faculty, alumni and friends gathered recently at the John Marshall Law School to recognize George Leighton's distinguished career. More than one hundred attorneys, judges and friends of Judge Leighton attended the event. Speaking at the ceremony, Dean Patricia Mell offered the opinion that some day an enterprising legal historian will write a biography of Judge Leighton, in part, because of the extraordinary circumstances of his early years. Judge Leighton ended public school by finishing only the sixth grade because he had to work early in life, Dean Mell told the assembled judges and attorneys. His first job was on an oil tanker sailing from Massachusetts to Aruba. Winning a small prize for an essay in 1935, Judge Leighton applied for admission to Howard University, which accepted him notwithstanding the fact that he had not attended junior or high school. He succeeded brilliantly, Dean Mell reported, receiving a Liberal Arts Degree Magna Cum Laude in 1940. Using his considerable powers of personal persuasion, he convinced then Dean James Landis of the Harvard Law School to admit him to that very select institution with a full scholarship.

From 1946 to 1964 he was active in a wide range of activities in Chicago,

including for example the NAACP, the ACLU and other civic organizations, with a principal emphasis on civil liberties. During his career as a private attorney he represented plaintiffs and defendants in civil cases of every kind, defended hundreds of criminal cases, and handled more than 175 appeals or reviews in state and federal courts.

Judge Leighton has had a distinguished judicial career as well. In 1964 he was elected to the Circuit Court of Cook County, serving in the Criminal, then Law Jury, then Chancery Divisions. In the mid sixties, Judge Leighton was invited to teach at the



Justice Ellis Reid, Judge George Leighton and John Marshall Law School Dean Patricia Mell

law school by Dean Noble Lee. He stayed for forty years. In 1970 he was elected to a ten year term as a Justice of the Illinois Appellate Court, which was cut short by his 1975 appointment by President Ford to serve as United States District Judge for the Northern District of Illinois. In 1987 he retired from the Federal Judiciary, assuming a position "of counsel" to the Chicago Law Firm of Earl L. Neal & Associates.

Professor Gil Johnston, former dean of the school, reminded those present that Aristotle describes a virtuous person as one who is characterized by a harmonious blend of wisdom, courage and temperance. "Judge Leighton," Professor Johnston declared, "embodies those characteristics." Justice Thomas R. Fitzgerald, a former student of Judge Leighton's at John Marshall, who attended the ceremony, commented on Judge Leighton's legacy, "Judge Leighton is and has been a man of great grace, dignity and intelligence. He has

been a superb lawyer, judge and teacher."

Judge Blanche Manning received the Dickerson Award at a luncheon in the



John Marshall Law School Dean Patricia Mell, Judges Blanche Manning and Jesse Reyes

Standard Club on June 11th, sponsored by the Chicago Bar Association. The award was established in honor of the late Earl B. Dickerson, an outstanding lawyer who was among the first African-American members of the Chicago Bar Association. During her career as a Cook County judge, she became a supervising judge in the First Municipal District, supervising approximately 75 judges. She was elected to the appellate court in 1988. Prior to becoming a judge, Blanche Manning was an assistant state's attorney, a supervisory trial attorney for the United States Equal Employment Opportunity Commission, a labor lawyer for United Airlines, and an assistant United States Attorney.

Television reporter Harry Porterfield, the luncheon speaker, recalled profiling



Harry Porterfield, Judge Blanche Manning and Chester Blair

Judge Manning on his television feature, *Someone You Should Know*. He recalled that Judge Manning was on track to become a musician, when her family talked her out of it. Nonetheless, Porterfield observed, Blanche Manning has become an accomplished musician,

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“His next *Cola’s* on me”, I told the waitress after spotting Senator John Cullerton in a local pub. It seems fitting that we should return to the beginning of our discussion., now that my COLA check is safely deposited in the bank. As you all must remember, after the legislature unconstitutionally diminished our compensation, it was Senator **John Cullerton** who went to bat for the IJA with Senate Bill 100; despite his valiant efforts and passage by the house, the Governor ultimately vetoed the bill. The night that the COLA opinion was published, I decided to research the net and see what the newspapers were saying about the Supreme Court’s opinion in order to gauge any backlash from the public. I ran across the *web* copy of the next morning’s *Chicago Sun Times*. After absorbing each detail in the paper, I flipped to my compadre, Sneed’s column, and lo and behold, Cullerton’s name was there. He was lobbying, along with the lovely Bo Derek, for a bill banning sale of slaughtered horse parts for human consumption overseas. What does this say about our champion, John Cullerton? That his causes are judges and horses? I don’t know how this will play to his constituents on the north side, but I sure found it interesting.

I’m glad the Supreme Court Opinion was decided before this issue of *The Gavel* because my sources had it wrong. The gossip had us winning in a split decision with an opinion written by Justice Thomas. And then there were the pundits who had us losing for political reasons. While the Cola was being decided, judges delayed their retirements, but since the decision we’re seeing judges leaving in droves. To tell you about a few: **Judge Joseph Casciato** has found at least two new jobs. The Law Bulletin has announced that he’ll be joining the law firm of Rusin, Maciorowski & Friedman as a partner and will be “available *exclusively* at ADR Systems” for arbitration and

mediation. Prior to his retirement, he was appointed to a full circuit position. My hero, **Judge John Madden**, who has to be the smartest jurist on the bench (after all, he was the trial judge in the COLA case) is leaving the bench. He hasn’t announced his plans yet, but will still be working. Those years in Chancery will help him land a plum spot, I’m sure. For those of you who don’t know, Judge Madden is a Republican — ironic isn’t it?

Judge John Morrissey told me he’s going to retire this month and plans to work. Doesn’t anyone play golf any more. Of course, Morrissey’s game doesn’t need help — he gave me lots of tips when playing a round with me. *Chicago Magazine* featured **Judge William Maddux’s** home in the “Dealestate” column. This prime place for entertaining is on the market. Is he leaving for Hawaii? Stay tuned. Rumor has it that **Judge Charles Travis** is retiring. Here’s hoping his health returns with relaxation.

Moving up to the Appellate Court was **Judge P. Scott Neville**. In an interesting move worthy of a Major League Baseball Manager, the Supreme Court changed the line-up; **Justice Neil Hartigan** (former Lt. Governor) resigned for family reasons; **Justice Ellis Reid** was appointed to his seat (which means Justice Reid will either run for election in 2 years or retire — I’m betting on the latter as Reid was privileged to preside over my first civil jury trial in the mid-80’s); **Justice Neville** was assigned to Reid’s seat (and doesn’t need to run for election). I’ve known Scott since he was President of the Cook County Bar Association concurrently with my term as WBAI President. He’s a Washington University in St. Louis law grad and an exceptionally hard worker.

Moving up to Chief Judge in Lake County is **Judge Christopher Starck**. Formerly the Presiding Judge of the Felony Division, he takes the reins from **Judge Margaret Mullen**. **Judge Dave Delgado** drew an interesting topic to

speaking on: “Social Worker’s Dilemma: Philosophical and ethical principles of the profession.”

The March primary produced many candidates that will be unopposed in November including **Robert Balanoff**, **Deirdre Ann McGuire**, **Judge Laurence J. Dunford**, **Patrick T. Murphy**, **Timothy Murphy**, **Jeanne Cleveland Bernstein**, **Kathleen Marie Burke**, and former **Circuit Court Clerk**, **Aurelia Pucinski** to name a few. **Judge Edward Washington III** and workaholic **Leroy Martin, Jr.** kept their seats. But the interesting race is the ballot recount being litigated between **Judge Paula DeLao** and Lawrence Andelino.

One of the few retirements prior to the COLA suit was **Associate Judge Francis Gembala**. Judge Gembala retired after at least 4 years running the Independent Order of Protection Call. Practicing law at Nadler Pritikin & Mirabelli must be a breeze in comparison.

In my quest to know what to do post-judging, I interviewed **Retired Judge Shelvin Singer**. Travel he says and he goes everywhere. He’s still having fun. Retiring in McHenry County is **Associate Judge Thomas Baker**. He’s moving to Arizona to be closer to his grandkids. Finally, talking about retirement, I can’t help but comment on the retirement of our leader, **Judge Ann Jorgensen**. Do you realize that she served 18 months instead of the usual one year term? Did you know she always was organized, smiling, composed and detail oriented? Did you know she still handled her call? Did you know that she never sought publicity for herself? Did you know she dedicated herself to the organization and fought relentlessly for the COLA (with her co-plaintiff **Judge Stuart Nudelman**). Thanks Ann. Take a bow. Hope you’re enjoying your retirement!

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Did You Know Continued from page 4

Welcome to our new leader **Judge John Steele**. I can think of no one better to effectively speak for our organization. If you know someone who cashed their COLA check and is not a member of the IJA, have that judge write a check for dues. Our "union" is doing one heck of a job for us.

INMEMORIAM

We lost some good friends recently. **Justice Scariano** passed away and **Judge Rita Novak** was kind enough to write about him: "Justice Scariano will be remembered by many for his wit and exuberance for life. His 12 years of service on the Appellate Court, First District, followed a tenure as Chairman of the Illinois Racing Board and 17 years in the Illinois House of Representatives. He served with a group of independent Democrats, including Paul Simon, Abner Mikva and Robert Mann, and dubbed the group the "Kosher Nostra." During World War II, he was an intelligence officer in the U.S. Army Office of Strategic Services (OSS), serving in Italy. He was 86."

I lost two old friends from the early '80's. **Judge Thomas Smoker** of Lake County passed away at age 54. **Chief Judge Margaret Mullen** was quoted talking about Smoker's "common sense combined with intelligence and

dignity". Others commented on his love of his "girls"; his wife and two young daughters. He worked through treatment for lung cancer for close to three years. I remember an excellent lawyer who loved to have a beer and a laugh at the B-Room. Too young to go, Tom. The entire Lake County bench will miss you.

Judge Prentice Marshall of the Federal Court passed away. He taught Evidence at IIT/Chicago Kent and his students idolized him. I am a better (or worse judge) based his explanation of the hearsay rule and still quote him in court. Judge Marshall had a quick wit and prided himself on being a Nixon appointee (some would call him a flaming liberal). He was friends with the leaders of our profession, yet always had time for the little guy. Steve Anderson of the ISBA News ran a letter he had written. Let others talk of his professional achievements. I want to steal from Steve and share his wit given it is Cubs season : "Dear Steve: Bases loaded, no outs, batter hits a line drive into the gap in right center. Center fielder catches the ball on the fly, throws to second to double that runner and back to first to triple that runner. The runner on third tagged up and scored before the third out at first. Therefore the run counts. However he left third too soon and an appeal is taken, third base is touched. He is declared out.

Ergo, four outs on a single play. Regards, Pren."

When retired **Judge Francis Mahon** died at age 87, the Law Bulletin headline read: "He presided over major trials; and he dreamed of baseball." **Mahon** was a minor league baseball player for the Cardinals prior to entering the law and presiding over notorious cases such as the FALN trial.

The bench lost another young judge when Cook County **Associate Judge William McGlynn** died at age 55 from cancer. A judge for 5 years, McGlynn served as a police officer for 10 years before entering law school.

DuPage County lost an icon when **Judge Bruce Fawell** died at age 76. He had been a judge for 20 years and served as the Chief. He resigned from the bench in 1984. **Justice Thomas Callum** was quoted as saying: "He had a no-nonsense approach that made him great as a trial judge, coupled with a real respect for the system." According to the *Chicago Tribune*, he was a White Sox fan. Also passing were retired 18th Circuit **Judge Edwin Douglas** at age 89, retired Appellate Court Justice Leonard Hoffman of Grundy County at age 85, and retired 16th Circuit Judge Rex Meilinger at age 82.

If you think this column is sparse, you're right. I've had childcare problems and did not have time for my usual thorough research. So the answer is: write me at lainiejet@aol.com.

Speaking Out continued from page 2

sort out our personal points of view from our consideration of the evidence, determination of the law, and application of the law to the evidence. A judge really must do that everyday.

Though many of us may never preside over controversial cases involving, for example, the death penalty or abortion, there are other situations occurring more frequently which may force us to confront our personal views. The race, ethnicity, gender, sexual orientation and socio-economic status of litigants, lawyers and witnesses may challenge, explicitly or implicitly, our ability to be impartial. How we meet that challenge is similar to how we manage

our personal views on controversial legal and social issues coming before the court.

That effort first involves recognizing that we have a personal view and what that view is. Our life experiences and education impart perspectives and views which we take for granted and see as fact. But the process of formulating these personal judgments is quite different from reaching a legal judgment. We must, before making a legal judgment, wait until we have heard everything, and part of that listening is searching for our own pre-judgments and setting them aside.

This process is not unfamiliar to the public. We demand it of jurors sitting

on death penalty cases. Jurors are asked their personal views on the death penalty. If they answer that they are generally against the death penalty, then they are asked whether they would automatically refuse to impose the penalty. Jurors who answer that they can put their personal feeling aside are found qualified to sit on the jury.

In the 1968 case of People of the State of Illinois v. Whitherspoon, the United States Supreme Court expressed its confidence that the jurors could be fair. It stated that, "A man who opposes the death penalty, no less than one who favors it, can make the discretionary judgment entrusted to him by the State

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A REVIEW OF THE SERVICEMEMBERS CIVIL RELIEF ACT

by Judge Alexander White

On December 19, 2003 the Servicemembers Civil Relief Act (SCRA), Public Law 108-189, 117 Stat. 2835, the date the SCRA was signed into law by President George W. Bush. The SCRA represents a complete restatement, in modern legislative language, of the Soldiers' and Sailors' Civil Relief Act of 1940 (SSCRA), which had been amended numerous times since its adoption before the beginning of World War II and was badly in need of a complete update. Many of the areas of the former SSCRA, that had precipitated either litigation or disagreements among experts on the law, have been eliminated by clarifying language in the new SCRA. "Articles" in the SSCRA are not referred to as "Titles" in the SCRA, in keeping with modern legislative drafting style. The basic organization and outline of the act is maintained from the SSCRA to the SCRA. However, the following summarizes some significant additional areas of protection added by the SCRA:

- a. Extends SCRA coverage to all administrative agency proceedings of the United States and all states (and political subdivisions thereof), in addition to all civil judicial proceedings (Section 101(5));
- b. Defines "dependents" under the SCRA to include anyone for whom the service members had provided more than 50% of their support during the 180 days prior to an application for relief under the SCRA (intended to include dependent parents and disabled adult children within the protections of the SCRA whenever dependents are protected) (Section 101(4));
- c. Provides that credit reporting agencies may not note in their records that a person who claims the benefits of the SCRA is a member of the National Guard or a reserve component (Section 108(5));
- d. Clarifies how to proceed in a civil action in which a default judgment is sought if the Court cannot determine if the Defendant is in military service (Section 201);
- e. Establishes an automatic 90-day stay in civil proceedings upon application by the servicemember if certain conditions are met. The stay could be extended upon further application by the servicemember. An application for a stay would not constitute a general appearance in the suit. Requires appointment of counsel for the servicemember if the request for a stay is denied. (Section 202);
- f. Clarifies that interest in excess of 6% on pre-service obligations by the servicemember (or jointly with the member's spouse) is forgiven and requires recalculation of payments at the 6% rate of interest. Also requires written notice by servicemember to the creditor with a copy of the member's orders (Section 207);
- g. Increases the maximum monthly rental of leased premises that may be protected from eviction, except on court order, from \$1,200 to \$2,400 (increased to \$2,465 in 2004) (Section 301);
- h. Clarifies that pre-service installment purchase contracts or leases (including vehicle leases) are protected from cancellation and/or seizure of the property by creditors except upon court order (Section 302);
- i. Completely revises the protections for service members who need to cancel premises leases – and adds important provisions for cancellation of motor vehicle leases – due to deployments or PCS orders (Section 305). There are different criteria for cancellation of premises leases and motor vehicle leases. The ability to cancel premises leases upon receipt of PCS orders or deployment orders of more than 90 days and the ability to cancel vehicle leases upon notification of a mobilization for 180 days or more, a PCS move overseas or deployment of 180 days or more is a huge additional benefit to servicemembers;
- j. Increases the amount of life insurance that qualifies for protection against cancellation for non-payment of premiums under the Act from \$10,000 to \$250,000 (or the maximum of SGLI coverage, whichever is higher) (Section 402);

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- k. Specifically includes property jointly owned by the servicemember and a dependent as being protected against seizure and sale (without a court order) for payment of delinquent taxes (including licenses and fees) and assessments (Sections 501);
- l. Adds clear guidance, concerning residence for tax purposes, that a nonresident servicemember's military compensation cannot be used to increase the tax liability (by putting them in a higher tax bracket) for other income of the servicemember or spouse (Section 511);
- m. Adds legal services to the express coverage for protections concerning professional liability insurance policies (Section 703);
- n. Requires that applications for reinstatement of health insurance policies be made within 120 days of the servicemember's release from military service (Section 704); and
- o. Adds a new provision protecting the non-business assets of a servicemember-businessman (regardless of the form of the business) from seizure if the servicemember is personally liable for the debts of the business (Section 706).



JRS CORNER MOST FREQUENTLY ASKED QUESTIONS

by Rudy Kink

2004 Death Notices

We have always made every effort to keep our membership aware of the current affairs related to JRS. We are going to start printing the names of judges who have passed away during the year. This is in response to the many requests we have for this information. The following is a list of Illinois judges who have died during 2004.

Walter Clark 1-02-04
 Arthur Strong 1-17-04
 Edwin Douglas 1-19-04
 Leonard Hoffman 1-24-04
 John J. Lyons 2-07-04
 William S. White 2-16-04

Rex Meilinger 2-23-04
 Francis Mahon 3-18-04
 Claude Davis 3-24-04
 William South 3-29-04
 Bruce Fawell 4-21-04
 James Traina 4-21-04
 Wendell Durr 4-23-04

Robert Hunt 5-01-04
 Wayne Dyer 5-05-04
 Robert G. Mackey 5-07-04
 Lester McCurrie 5-10-04
 John Daily 5-15-04
 C. Glenn Stevens 5-18-04
 Peyton Kunce 6-08-04

Judges Retirement System Retirees & 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.



who plays saxophone in the CBA orchestra, along with Harry Porterfield, who is also an attorney.

In receiving the award Judge Manning observed that it is humbling to receive an award that acknowledges the courage and dedication that Mr. Dickerson exhibited during his well-marked legal path. Judge Manning stated that she was honored to be included among the distinguished recipients of this award, which list includes Justice Thurgood Marshall, Judges William Cousins, Timothy Evans, Ann Williams, George Leighton, Charles Freeman and Earl Strayhorn, as well as attorneys Jim Montgomery, John Stroger, Jewel Lafontant-Mankarious and Earl Neal. Judge Manning stated that she has been inspired by their accomplishments and moved by the very recognition that this award bestows. Judge Manning observed, "Whatever courage and conviction and dedication that I have brought to the law and whatever efforts I have made to encourage 'justice for all in our society' could not have occurred without these, and so many other talented and no less courageous or dedicated people in and out of our collective company today."

Judge Manning quoted Tennyson's *Ulysses*, "I am a part of all that I have met." She told the audience of more than two hundred attorneys and judges, "It is in this spirit that I accept this award on behalf of all those who have come before me and upon whose shoulders I stand, who have dedicated their lives to helping others gain equality and justice."

Manning observed that because the problems we face today are large and complex, many tend to think these are problems which are too difficult for any one of us to solve. Worse yet, Manning observed, many people regard these as somebody else's problems. Manning declared, "We need only look at the life of Earl B. Dickerson to see the grave error in this thinking. Individual effort is significant. One person can make a difference."

Manning referred to a speech Robert F. Kennedy gave in 1966 in South Africa as symbolizing the impact that each of us as individuals, can have, especially considering the changes that have taken place in South Africa since 1966, "Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance."

Judge Manning concluded, "That I am honored here for my life's work in this, our fantastic, complicated, inspiring, courageous, ambitious and persevering profession means more to me than you can ever know. Though we have far to go before the social scale tips nearer the purer balance, we are better suited now to carry on together, hand in hand, than we have ever been before.... If we can take anything from the legacy left by Earl B. Dickerson, it is that when we put our hearts, our minds to the task, when we act, we can improve the lives of those less fortunate, and in the process, take real steps toward achieving true equality and justice."

Joy Cunningham was honored at a reception sponsored by Northwestern Memorial Hospital on June 24th for being sworn in as president of the Chicago Bar Association. Several hundred attorneys, judges and friends of Joy Cunningham assembled at the Fineberg Pavilion for the occasion. Joy Cunningham thanked Gary Mecklenburg, president and chief executive officer of Northwestern Memorial HealthCare, for his support as she undertakes the presidency of the bar association. Cunningham serves as senior vice-president and general counsel for Northwestern Memorial Healthcare. Earlier that day she was sworn in as the 131st President of the Chicago Bar Association, the first African-American woman to hold that position. Speaking at her installation ceremony, Cunningham related a story about former CBA president Laurel

Bellows. Several years ago, Bellows was awarded the Margaret Brent Women Lawyers of Achievement Award, one of the most prestigious honors given by the American Bar Association. Laurel was appropriately proud, and at a celebration after the award ceremony.

Laurel gave each attendee a blue button with a turtle on it. Cunningham related that she and the other attendees were puzzled by this. Bellows cleared up the mystery a few minutes later when she said, "I'll bet you're wondering why you all received a turtle button. Well, it's to remind us that if you see a turtle on top of a light pole, you can be absolutely sure that it didn't get there by itself."



Judges John Steele and Joy Cunningham

"Well today, I know exactly what Laurel meant," Joy Cunningham declared. "I am so very fortunate to be that turtle, but it doesn't feel like I'm on a light pole... it feels like I'm on top of the world. From this heady vantage point, I see many people who have, over the years, graciously helped boost this turtle to the top of the pole. I am humbled by their generosity and support."

Joy Cunningham told the story of a suffragist named Myra Bradwell, who, in December 1873, wrote a column in her weekly newsletter which was called the *Chicago Legal News*. In her editorial, Mrs. Bradwell applauded the initiative recently taken by certain members of Chicago's legal community to form a professional association, which of course, we now know as the Chicago Bar Association. It was a "mighty magnanimous" gesture on her part, Cunningham observed,

INSURANCE UPDATE – BENEFIT CHOICE PERIOD

by Rick Kavitt, Co-Chair, Benefits and Pension Committee

With the recent U.S. Supreme Court decision regarding HMOs, I cannot think of any reason why a judge should have health insurance using an HMO. With the Quality Care plan you have the availability of a large network of hospitals throughout the entire state and if you are in Southern or Western parts of the state, you have accessibility to Barnes Hospital in St. Louis or University of Iowa Hospital in Iowa City. All the major teaching hospitals in Chicago, such as University of Chicago, Northwestern, Rush or Loyola are also on the plan. There are some world-renowned specialists at these hospitals in cardiac, GI and cancer treatment. If you are in an HMO, you are limiting yourself if you become seriously ill to your local HMO Network. Also with Quality Care, you can go to Mayo Clinic, Cleveland Clinic or other facilities out of state; you would be out of network, but would still have coverage, but at a higher cost.

There will be a second benefit choice period from July 26 to August 20, 2004. There will be a mailing from CMS around July 26th listing some changes in coverage. You will see that prescription drug coverage will be going to mail order for maintenance medication. The costs for mail order will be \$16.00 generic, \$32.00 formulary and \$64.00 non-formulary for a three-month supply for Quality Care. For non-maintenance medication, the charges for a 30-day supply will be \$8.00 generic, \$16.00 formulary and \$32.00 non-formulary. Prescriptions will be limited to two refills of a maintenance medication at your local drug store. The managed care programs also have some changes as well as prescription drug changes. Please look at the mailing carefully for changes to your coverage.

Please remember if you are planning to retire and you are **over** 65 years of age, Medicare will be your primary

coverage, with Quality Care being your supplemental coverage. If **under** 65 years of age, Quality Care will be your primary insurance and Medicare begins at 65. If you relocate out of state and you are no longer an Illinois resident and under 65, you will have coverage from Quality Care, and the program will pay 80% of hospital and doctor bills after the appropriate deductible. You must notify Rudy Kink or one of his associates that you have moved out of state so your insurance can reflect the change, otherwise you could be considered out of network with higher out of pocket charges. If 65 or older, Medicare is primary and your supplement will cover the balance regardless of where you live. As you can see, using the Quality Care program is to your benefit when you work or retire. HMO offers you nothing, especially if you relocate, and travel, and are under 65.

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and can thus obey the oath he takes as a juror.” If jurors can be trusted to be fair, then surely judges can be trusted to make discretionary judgments in the countless different situations requiring them to put their personal feelings aside.

While a judge may find it difficult to be impartial in a particular case, merely acknowledging the difficulty is the beginning of addressing the problem. As Ben Franklin said, “There are three things extremely hard, Steel, a Diamond and to know one’s self.” Judges must engage in this formidable task everyday. In openly discussing our awareness of this task, we gain the public’s trust in our efforts to be fair and impartial. This trust is the public’s leap of faith in our system of justice, and underlies the public’s confidence in the integrity and impartiality of the judiciary.

**Complete Minutes of the June 25, 2004 Board of Directors Meeting
are posted on our website: ija.org**

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considering Mrs. Bradwell herself wasn’t allowed to practice law, despite having successfully completed law school. Earlier that year, the United States Supreme Court upheld an Illinois Supreme Court ruling in denying Mrs. Bradwell admission to the Illinois bar. Of the suitability of women to practice law, Cunningham noted, the high court had this to say:

The peculiar qualities of womanhood, its gentle graces, its

tender susceptibility, its purity, its delicacy, its emotional impulses, its subordination of hard reason to sympathetic feeling are surely not qualifications for forensic strife. Nature has tempered woman as little for juridical conflicts of the courtroom as for the physical conflicts of the battlefield.

“In their wildest dreams,” Cunningham declared, “those men could not have imagined that 131 years

in the future, women would be serving on the US Supreme Court, as Chief Justice of the Illinois Supreme Court, and commanding American troops on battlefields thousands of miles from home. Ladies and gentlemen,” Cunningham stated, “as I stand before you today as the first African-American woman to lead this great Association, I have this to say: My, we have come a long way, haven’t we?”

ILLINOIS JUDGES MEET BRITISH BARRISTERS

by Sheila Murphy, Chair, Travel and Benefits Committee

The Illinois Judges Associations' first trip was a resounding success. In addition to meeting with the Chief Justice of England and Wales, Lord Woolf, judges also visited the Royal Courts, Old Bailey, Magistrate courts and two prisons. Loyola Law School's Associate Dean, James Faught, gave the judges a splendid tour of the Inns of Court, and on a separate occasion, a pub tour.

The Master of the Temple Church gave a private tour of his historical church followed by a reception. A retired barrister and her lawyer husband also hosted a cocktail reception in their exquisite Kensington home. Judges met with law faculty, prison monitors and the executive director of the Howard League, and toured the Globe Theater.

Our judges were deemed "official visitors of the Crown" by Vice-Counsel Carolyn Cracraft of the British Consul. This opened opportunities for all. The President of the Illinois John Howard Association, Chip Coldren, led members of John Howard on the trip and made joint arrangements with Maureen McClelland. As Chair of the Travel and Benefits Committee I wish to thank our President, Ann Jorgenson for encouraging the visit to London and to Maureen McClelland for tending to all details to make the experience memorable. We look forward to more judges joining us on our next trip.



Walking tour conducted by
Dean James Faught



Judge Paul Biebel

Judge Al White



Judges get ready for a busy day

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