

# THE GAVEL

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## CONVENTION APPROACHES

*by Judge Edward R. Jordan*

The Illinois Judges Association will hold its **32nd Annual Convention** at the Sheraton Chicago Hotel and Towers, 301 East North Water Street, in Chicago, on **Friday, November 7, 2003**. The convention will be different this year in that the only major event will be the luncheon on Friday.

There will be business meetings, but no reception or educational program. Our meeting will coincide with the meeting of the Illinois State Bar Association's Assembly, and we expect many Assembly members and bar officers to attend the IJA luncheon. As the ISBA is going to adjourn its meeting to Orlando, Florida, following our luncheon, there will be no joint activities as in years past. However, there will be a **judges only** meeting at the annual meeting 11:00 a.m. Friday. Attorneys Kevin Forde, William Harte and Richard Prendergast will be available to report on the status of the COLA lawsuit. They will also be available to answer questions any judge may have.

On **Friday, November 7<sup>th</sup>**, the annual Run For Justice with Justice Seymour Simon will begin at 6:45 A.M., at the Lakeshore Athletic Club Downtown, 441 North Wabash Avenue. A continental breakfast will be provided. Additional registration will be available on the Ballroom Level of the hotel beginning at 11:00 A.M. on Friday.

At noon on Friday, the annual luncheon will feature **Carol Marin** as our keynote speaker. Ms. Marin is a native of Chicago, and a graduate of the University of Illinois. She began her broadcasting career in 1972 in Knoxville, Tenn., hosting a

morning talk show at WBIR-TV. She was later a station reporter and assistant news director. She spent 1976-78 as a nightly news anchor and reporter at WSM-TV in Nashville.

Ms. Marin has been a prominent Chicago television reporter and news anchor for several years. She was a correspondent for CBS News from 1997 through 2002. She was a reporter and news anchor for WMAQ-TV from 1978 through 1997, and for WBBM-TV from 1997 through 2000. She was also a correspondent for CBS News' "60 Minutes", "60 Minutes II", "The Evening News with Dan Rather," "48 Hours", and "Public Eye with Bryant Gumbel".

Ms. Marin is currently an Op Ed columnist for the Chicago Tribune and the President & CEO of Marin Corp Productions, an independent documentary film company.

Her broadcasting work has gained her much recognition. She has received two George Foster Peabody Awards, twelve regional and two national Emmy Awards, as well as two Alfred I. duPont-Columbia University Awards. She also received a 2002 Gracie Award from American Women in Radio and Television, and she is a member of the Chicago Journalism Hall of Fame and was recognized by the Society of Professional Journalists.

Tickets for the luncheon on November 7<sup>th</sup> are \$60.00, with tables of ten available for \$600.00. The co-chairs of this year's convention planning committee are Judge Veronica Mathein and Judge Edward Jordan.

**For further information or to make luncheon reservations, call the IJA at (312) 431-1283 or log onto the web site at [www.ija.org](http://www.ija.org).**



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# PRESIDENT'S MESSAGE

*Judge Ann B. Jorgensen*

The lawsuit has been filed. As you know it raises constitutional issues with respect to both the 2002-03 COLA and the 2003-04 COLA. The full text of the complaint and all pleadings filed to date are available for your review on the IJA web site.

The Governor and Mr. Hynes have both filed motions to dismiss. These motions were briefed, and arguments were heard on September 4, 2003. The court did not make a ruling on those motions. Rather, the judge noted similarities between some of the issues raised in the motion to dismiss and the issues he foresees in the anticipated cross motions for summary judgment. He so advised the parties, and therefore deferred any ruling on the motions to dismiss until after the motions for summary judgment have been briefed and argued. The motions for summary judgment are scheduled for hearing on October 23, 2003. The parties look forward to a ruling on all pending motions sometime *after* the hearing on the motions for summary judgment.

October 23, 2003 is also the date set for certification of the class, for purposes of a class action. Every judge in the state will receive notice of the class and will be given the opportunity to opt out. Those notices will be sent first class mail to each judge individually. There is no way to know the full impact of opting out. However, it is likely that those who do opt out would not receive the benefit of a judgment rendered in favor of the plaintiff class.

The Illinois Judges Association will continue to keep you informed as to the progress of the litigation,

including the certification of the class and any rulings.

The other event of great interest is the opening of the veto session of the General Assembly. The session will convene November 4, 5 and 6 and November 18, 19 and 20, 2003. We will watch the daily activities of the Senate

and House with absolute attention as they address various pieces of legislation which fell under the veto pen of the Governor. Of particular interest will be the discussion and action on the appropriations bill and of course Senate Bill 100. A brief review of civics reminds us that an override of the veto of

the line item reductions in the appropriations bill only requires a *simple majority* in both houses. On the other hand, Senate Bill 100 would require a *two-thirds majority* in both houses for an override. Achieving a two-thirds majority would be a difficult task particularly in the Senate where Senate Bill 100 passed with a very slim margin.

This has been a most interesting year thus far. We became immersed in the legislative process and accomplished the impossible only to have our victory negated with the stroke of a veto pen. We have seen judges file a lawsuit against the Governor and Comptroller, and as judges may soon be involved ourselves in a class action raising the constitutional issues which are the very cornerstone of our independent judiciary. It is not your average year in Illinois. After all as I write this, it is *September* and both the Sox and Cubs are in first place and that hasn't happened since 1906. So who knows, this may just be the year that...



## IN MEMORIAM: RANDOLPH R. SPIRES

*by Circuit Judge Donald D. Bernardi*

The Eleventh Judicial Circuit lost a fine jurist, a dedicated public servant and a good friend when Associate Judge Randolph Spires passed away on February 27, 2003.

Judge Spires was born April 5<sup>th</sup>, 1951 in Streator, Illinois. He began his legal career as a summer 711 intern under Livingston County State's Attorney John Satter in 1976.

Randy returned to the office after graduating from John Marshall Law School in March of 1977 and remained there until he joined the Pontiac firm of Satter, Ewing and Beyer in 1979. Randy enjoyed a civil litigation practice including periods of time as both an assistant state's attorney and assistant public defender for Livingston County. This range of experience made him uniquely qualified for the position of Associate Judge when he was elected to that office in July of 1998.

Judge Spires' docket included DUI, traffic, misdemeanors and juvenile delinquency cases. He leaves behind what he called the "dearest part" of his life at his swearing in ceremony, his wife



Cheryl and daughters Clare 9, Grace 7 and son Brett 3.

Judge Spires had many friends and colleagues in the legal community. He

will always be remembered for his sense of humor, his ability to analyze and resolve legal issues and his dedication to justice.

The legal community, his friends and family feel cheated that Randy was taken so young, but manage to smile when we recall the times we did enjoy with him.

Randy's funeral service reflected his love of music as demonstrated by his passion for playing the guitar. The songs at the service included Simon and Garfunkel's "Sounds of Silence" a sad reminder to us all that his voice is now silent. To his parents Betty and Emerson and to his wife, Cheryl and children, I would like to express my deepest sympathy. I have no doubt each of us have special friends, those we call when important personal or world events occur. Randy was such a friend to me and many others. If you know someone like this, give him or her a call... I wish I could.

## JUDGE STRAYHORN RECEIVES JUSTICE STEVENS AWARD

*by Judge Daniel T. Gillespie*

Retired Cook County Judge Earl Strayhorn was feted at the 4<sup>th</sup> annual U. S. Supreme Court Justice John Paul Stevens Awards ceremony. Prominent Chicago defense attorney Thomas Breen introduced Judge Strayhorn. He recounted several fascinating anecdotes about working as an assistant state's attorney in Judge Strayhorn's courtroom. Breen noted that beyond the fame, honor and accolades Judge Strayhorn has earned over the years, what he honors most is Judge Strayhorn's fairness, honesty and integrity. Judge Strayhorn was eager to give a young defendant an opportunity to turn his life around by sentencing him to probation rather than the prison sentence he earned. However, if that same defendant appeared before him with a new offense, having failed to take advantage of the opportunity he had been given, Judge Strayhorn had no hesitation in giving

him the penitentiary sentence he deserved. To prevent this from occurring, Breen recalled, Judge Strayhorn would hold sessions with people on his probation and their probation officers on Saturdays, when the criminal courthouse was "hollow of any other people." Breen recalled the occasion when he appeared before Judge Strayhorn as a defense attorney representing a corporation. The other corporate attorneys, who needed a map to find 26<sup>th</sup> and California, sat spellbound as they watched Judge Strayhorn connect and interact with the indigent defendants who appeared before him. They related to him they had never seen anything like that in all their years of practice in the corridors of power in their corporate suites.

Judge Earl Strayhorn thanked his wife Lygia and his family for their love and support. He recalled his days as a soccer player at Tilden Tech on

Chicago's South Side. His team hosted a high school soccer team from Hyde Park, which included a young John Paul Stevens. Years later, reminiscing about that contest with Judge Strayhorn, Justice Stevens recalled that was the only time he played on a soccer field with cinders. "Those weren't cinders," Judge Strayhorn replied, "those were boulders."

Justice Stevens held the audience of lawyers and judges spellbound as he repeated the arguments he made in chambers conference with the other eight justices of the Supreme Court in the recent University of Michigan admissions office affirmative action case. As he set forth his arguments in a calm, orderly, soft-spoken manner the audience was swept along as he brought us to his inevitable conclusion that the affirmative action policy should be allowed to stand.

## **From Springfield to Almaty and back (finally) to the Daley Center**

When we left off last issue, I was dancing at the Inaugural Ball in Springfield. Well, who would have guessed that the IJA would call and I'd be summoned to Springfield for the serious business of our COLA. Who would have guessed that I'd go to Kazakhstan and back and find that the COLA still is not settled? Where is Kazakhstan and what does that have to do with anything? Kazakhstan is between Russia and China (was formerly part of the Soviet Union) and has nothing to do with the COLA, but everything to do with why this column will be shorter than usual, so read on. If I still have your attention, I'll tell you that Kazakhstan is an ally of the U.S.A., we get barrels of oil from there and a few of our Chicago lawfirms have offices there (McGuire Woods, Baker & McKenzie, to name a few). But, I'm ahead of myself . . .

### **Springfield**

Until I witnessed it, I had no idea just how hard the IJA Leadership is working on the COLA. For those of you who believe that the increases in your pay just appear magically, think again. It's the IJA who makes sure that we're paid anything close to what we're worth.

In May, the IJA leaders visited Springfield many times to speak about Senate Bill 100. This bill, spearheaded by **Senator John Cullerton**, reinstated the COLA for last year. When I traveled to file this report, the bill had passed the Senate and was in the House. The mission: get the bill through the House. The "lobbyists": **Judges Ann Jorgensen, John Steele, Jim Wexstten, Jesse Reyes, Bob Bertucci, Justice Mary Jane Theis, and me.**

First Goal: Infiltrate Senate/House Softball game. Assignments: **Bertucci** – eat hot dogs; **Wexstten** – drive; **Theis** – strategize; **Steele and Reyes** – identify subjects; **Berger** – determine

where subjects will be after game; **Jorgensen** – talk to subjects. **Mission Accomplished – on to the Hispanic Caucus Dinner.**



### **Cullerton goes to bat for IJA**

Second Goal: Tout Bill at Dinner (requires: diverting attention from lobbyists for ATT/Ameritech): Assignments: **Wexstten** – drive; **Berger, Theis, Jorgensen, Bertucci** – drink wine and eat excellent food brought in from restaurant in Pilson; **Reyes and Steele** – gain support for bill. The hardest part of this mission was keeping track of **Steele and Reyes** who knew everybody there. By the end of the night, **Steele** had vanished. Sources say legislators kidnapped him.



### **Berger and Bertucci hanging at the rail**

Third Goal: Meet Deep Throat: Assignment to all: Before bed, *Deep Throat* must be contacted to plan mission for next day. (The IJA is lucky to have an insider to help plot strategy. I'll call him *Deep Throat*. How original.) It must be reported that despite their rise to lofty positions and

all the confidence placed in them by our members, neither **Theis nor Jorgensen** figured out that they must put their cells on "vibrate" and so missed communications from *Deep Throat*. So, the women in the bunch were forced to comb all local watering holes in the hope of locating *Deep Throat*. As you might guess, he was nowhere to be found. Although I retired for the evening, I heard that **Theis and Jorgensen** were not deterred, locating *Deep Throat* in his pajamas resting in his hotel. The rest, as you might guess, is confidential.

Final Goal: Persuade House Members of Merits of SB 100: Assignment to All: Act like an associate judge candidate, run around house buildings in the hope of garnering legislators attention, hand out copy of bill and main issues, request consideration. Mission Accomplished: HOUSE PASSED SB 100!!!!!!!!!!!!

*Caveat: This portion of the column is a spoof and not to be taken as a serious view of the process. It is meant purely as entertainment.*



*Did You Know* Continued from page 4

**Almaty, Kazakhstan**

I would have liked to continue following the IJA Executive Board to and from Springfield, but my water broke, so to speak, and I traveled to Almaty to adopt my beautiful daughter, Victoria “Vika” Frances, age 3. As long as I was there for 5 weeks, I thought I’d gather up some legal tidbits.

Kazakstan became an independent country in 1992 after the break-up of the USSR. The law is evolving and lawyers from the ABA/ CEELI are there training lawyers about international human rights law. . . . Oil is the country’s mainstay employing many lawyers from the U.S.

When in court for the adoption, the judge questioned me extensively on my salary – which puts all of the above in perspective.

Over the summer, I brought my daughter to the Women’s Bar Past President’s Luncheon and Chief Justice **McMorrow** graciously offered to have Vika pose for a photo on her lap. As, I haven’t yet been able to teach Vika about the court system, she refused. Kids!



**Back in Chicago**

I was assigned to cover the U.S. Supreme Court Justice **John Paul Stevens** Award Luncheon where Chief Judge **Joel Flaum** of the 7<sup>th</sup> Circuit, Retired Presiding Judge **Earl Strayhorn**, and former Governor **Jim Thompson** received awards. A photo journal of the event appears elsewhere in *The Gavel*.

**Change is Here**

The format of this column has changed. Despite my best efforts to include tidbits on everyone, the pressures of my assignment require that I report some of the changes in the judiciary in summary fashion. Time constraints precluded me from mentioning many new judges and some who passed on. I have tried to make it up to you with great photos from the Stevens Luncheon. But, if you want press, you’ll have a shot of making it in the column if you e-mail me at [lainiejet@aol.com](mailto:lainiejet@aol.com) or to write 1502 Richard J. Daley Center, Chicago, IL 60602 or to call 312-603-6140.

**Supreme Stats**

Downstate, the news is that Justice **Philip Rarick** will not run for a full term due for health reasons. I don’t know Justice Rarick, but hate to see anyone out of the race for health concerns. So far, Fifth District Appellate Justice **Gordon Maag** and Washington County Judge **Lloyd Karmeier** have lined up to run for the seat. It looks like it will be an interesting race.

Wishes for a speedy recovery to Justice **Thomas Kilbride** – and here’s hoping he’ll stick to the stationary bike from now on.

**Cook County’s Corner**

Presiding Judge **Nancy Sidote Salyers** is leaving the bench. I’ll miss her (see feature story below). Taking the “Presiding Post” in the 2<sup>nd</sup> District is **Shelley Sutker-Dermer**. I’m going to check the Niles North High School yearbook to see if they expected such grand things! Way to go, Shelley. And kudos to Judge **Gerald Bender** on his installation as President of the Jewish Judges Association.

Congrats to a fine lawyer from the Legal Assistance Foundation, **David Haracz**, on his appointment to the bench.

As everyone knows, Associate Judge **Jesse Reyes** is everywhere including speaking at the Tribute to Hispanic Immigrants at Maryville Academy.

Finding no rest in retirement is Judge **Frank Gembala** who joined Nadler, Pritikin & Mirabelli and Judge **Marjan Staniec** who was on the 2003 Chicago Senior Citizen’s Hall of Fame Committee. Did I mention that the well-liked Associate Judge **Charles Porcellino** was given a huge party when he retired in the spring?

**DuPage Doings**

Many notables surrounded former prosecutor, **Ronald Sutter**, when he took the oath as the new Associate Judge in DuPage.

.....  
**GODSPEED TO OUR COLLEAGUE  
 NANCY SIDOTE SALYERS**

*by Judge Grace G. Dickler*

I have had the pleasure of knowing Judge Salyers since she commenced her assignment in the Domestic Relations Division of the Circuit Court of Cook County in 1992. Although Judge Salyers did not have a background in Domestic Relations law, her talents were immediately recognized and she quickly became known as one of the best judges in the Division. In 1994, Judge Salyers accepted a position in Juvenile Court, hearing cases of abused and neglected children. In 1995, the Juvenile Court was restructured and Judge Salyers was named the first Presiding Judge of the newly created Child Protection Division. Judge Salyers’ leadership was exemplary and she became the recipient of a multitude of honors

*Salyers Continued on page 6*

# JRS CORNER

## MOST FREQUENTLY ASKED QUESTIONS

by Rudy Kink

### HIPAA

The Health Insurance Probability and Accountability Act (HIPAA) was created to guarantee the privacy and security of health information for all citizens. Because of this privacy issue, JRS is unable to assist you with claim problems, since we can no longer deal directly with the health carriers unless an Authorization for Release & Request Medical Records/Information form is completed by you for each inquiry.

Therefore, your claim inquiries must be either faxed or mailed directly to:

Central Management Services  
Group Insurance Division  
600 Stratton Building  
Springfield, IL 62706  
Fax: 217/557-3973

Retired members enrolled in Medicare can also direct their claim inquiries to the Illinois Department of Insurance, Senior Health Insurance Program (SHIP) at 800/548-9034. This program is designed to assist people enrolled in Medicare with claim problems.

JRS enrollment issues should still be directed to us. If you have any questions regarding these changes, contact our office at 217/782-8500.

### Limiting Contributions

The Judges Retirement System is initiating a program to notify all judges when they become eligible to limit their contributions. In order to qualify, you must be age 60 and have at least 20 years of judicial service. You can also qualify at age 60 with enough reciprocal service to receive the 85% retirement maximum

JRS will notify all of our members the month before they become age 60 of this election option, and also furnish them with the election form. If you feel you qualify to limit your retirement contributions, but have not been notified, contact JRS at 217/782-8500.



*Salyers Continued from page 5*

and awards, too numerous to mention. In 2000, Judge Salyers was named Presiding Judge of the Second Municipal District where she again served with great distinction. In addition to her many administrative duties, Judge Salyers presided over the Domestic Violence call, coming full circle back to the place where she founded and co-chaired the County's first Domestic Violence Task Force

while a State's Attorney at the Second Municipal District.

While Judge Salyers' retirement will be a great loss for the Circuit Court, her new position as a Professor in the School of Social Work at the University of Illinois will be a tremendous gain for children throughout the United States. As Co-Executive Director of the newly established program, *Fostering Results*, Judge Salyers will be in charge of a public

education and outreach campaign to improve the outcome for children and families served by the nation's child welfare systems. Judge Salyers explains that her new classroom "is the country" and that "everything I've done in my life has been in preparation for this position and this work".

Again, we wish Judge Salyers success in her new endeavor and we know that the transition will be smooth from the courtroom to the classroom.

**CBA Stevens' Award Luncheon**



**Attorney General  
Lisa Hartigan with  
Gavel Correspondent  
Judge Lainie Berger**



**Judge Rita Novak,  
Justice Thomas  
Fitzgerald and  
Judge Elizabeth  
Budzinski**

**Cook County State's Attorney Richard Devine  
with IJA First Vice President Judge John O. Steele**



**Former Judge Earl Strayhorn,  
Attorney Jeffrey Colman and Chief  
Judge Charles Kocoras of the U.S.  
District Court for the Northern  
District of Illinois**



**Gavel Editor Judge  
Daniel Gillespie,  
Chief Judge of the  
Circuit Court of Cook  
County Timothy C.  
Evans, IJA First Vice  
President, Judge John  
Steele with former  
Supreme Court  
Justice Seymour  
Simon**



**Appellate Court Justice Anne Burke  
with  
Chief Justice Mary Ann McMorrow**

**U. S. Federal Bankruptcy Judge Jacqueline Cox, Judge Rita  
Novak, Chief Justice of the 7th Circuit Court of Appeals  
Joel Flaum and Supreme Court Justice Thomas Fitzgerald**

## JUSTICE AT WORK



Timothy Evans, Chief Judge of the Circuit Court of Cook County (second from right), welcomes Shelby Allen, a student at Morgan Park Academy in Chicago, to the Richard J. Daley Center during “Justice At Work Day” which coincided with Law Day on Thursday, May 1. Judge Jesse Reyes (left), third vice president of the Illinois Judges Association, organized the event along with the Chief Judge, Illinois Judicial Council, Cook County Bar Association and Illinois State Bar Association. Among the 27 judges who participated in the event by having students “job shadow” them for the day were Judge John Steele (second from left), IJA first vice president, and Judge Stuart Nudelman (at right), IJA immediate past president.

Students from Mather High School are greeted by Criminal Court Judges (standing from left to right) Joseph Kazmierski, Michael Toomin and Clayton Jay Crane.



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