

# THE GAVEL

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*The Gavel*

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## President's Message

*Judge Ann B. Jorgensen*

As this issue of *The Gavel* goes to print, we are embarking on the final leg of the COLA battles. Although it seems a lifetime ago, it was just about this time last year when Senate Bill 100 was introduced by Senator John Cullerton. Now, twelve months later, we find ourselves entrenched in litigation before the Illinois Supreme Court. As we prepared for the filing of our final briefs on February 20, 2004 in *Blagojevich vs. Jorgensen*, we have been privileged to have the Chicago Bar Association and Illinois State Bar Association agree to file a joint *Amicus* in support of our position. I would ask you all to thank CBA President Michael Demetrio and ISBA President Terry Lavin, together with their respective executive committees, for their willingness to publicly support the United States and Illinois Constitutions in this very public case.

The next step will be the setting of a date for oral argument before the Court. In accord with the agreed Order entered by the Court last month, we anticipate a date in the March term. Of course, as soon as the date is set, I will email everyone and publish the date on our web site.

The legislature has reconvened with a flurry of activity in the opening days of the session. A number of bills have been introduced which would have a significant effect on the judges of this state. First, two bills have been introduced which would amend The Compensation Review Act. The first was introduced by Representative

Winters from Rockford. His bill, House Bill 4196 would require that beginning with the judges next term, the Compensation Review Board would not be allowed to recommend more than two annual cost of living increases for the office of the judge, and the increase would *not* go into effect unless it was *not* disapproved or reduced by the General Assembly. The second bill was introduced by Representative Black. House Bill 4319 would require a separate report from the Compensation Review Board just for judges, and if the report recommends an increase, it would not take effect unless approved by the General Assembly. The General Assembly may approve or disapprove the report of the Board in whole or in part. Both of these bills remain in the Rules Committee.

Of particular interest to the judges of Cook County who were elected in a subcircuit, is House Bill 4191, introduced by Representative Jack Franks. It would require judges elected in the subcircuits of Cook County to continue to reside there throughout their term in office, "including all terms held as a result of a retention election". This has been a very difficult and emotional issue for judges in Cook County and I will attempt to keep everyone informed regarding the progress of this bill.

Judges in the 12<sup>th</sup>, 19<sup>th</sup>, and 22<sup>nd</sup> Circuits will be interested in Senate Bill 3117 and Senate Bill 2187 which would divide those circuits into subcircuits. House Bill 4191 above, addressing the subcircuit residency requirement in Cook County, contains the same language for the

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2003 - 2004 Officers

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# Hear Ye, Hear Ye Welcome to a Trip to London

*By Sheila Murphy,  
Chair of the IJA Travel and Benefits Committee*

The IJA is organizing a trip to London, England for its members from May 10-18, 2004. Lord Woolf, Chief Justice of England and Wales, has extended us an invitation to meet with him. The Lord Chief is famous for his reform report on the UK Justice System entitled, "Access to Justice". The philosophy behind the report was that the litigation system was too expensive, too slow, intimidating to litigants because of the unknown amount of time and money needed, and generally incomprehensible to litigants.

Additionally, members of Loyola University School of Law will be in London at the same time and Dean Faught has offered to conduct a walking

tour of the Inns of Court as well as a Whitehall walking tour from Trafalgar Square to Westminster Abbey.

Of course, the trip would not be complete without a pub tour. The travel agent has quoted a price of around \$1,350.00 for air and a seven-night stay at a 4 star hotel in the Hyde Park area. We will be able to lock in a price when we find out how many would be interested in this trip.

If you are interested in joining us on this trip, please contact Maureen McClelland at the IJA as soon as possible at: [info@ija.org](mailto:info@ija.org), 312/431-1283 or 888/431-1283. Don't hesitate to mention this trip to any other judge who may not be on our e-mail list. The more the merrier.



## Judge Richard Scholz Honored

*By Judge Dennis Cashman*

Last year a group of friends and relatives of retired Judge Richard F. Scholz sought the opportunity to recognize Judge Scholz's years of service to his community, especially the youth of Adams County. Judge Scholz had been very active on the Illinois Youth Commission and was the driving force in building Adams County's first youth home.

To honor his contributions, his friends and relatives commissioned Rick Mammel, an art professor from Quincy University, to create a ceramic bust of Judge Scholz. Judge Scholz was presented with a plaque listing his contributions to the youth of the county as well as the entire state of Illinois. The event was marked by a ceremony at the courthouse attended by a standing-room only crowd. As Presiding Judge of Adams County and a long time friend and admirer of Judge Scholz, I had the distinct honor of serving as master of ceremonies. Several community leaders who were active with the less fortunate children in the community during the same time period gave testimonials in praise of Judge Scholz's work for and with children. The bust and plaque have been placed on permanent display in the juvenile court room. The ceremony was especially meaningful for me because Judge Scholz retired in 1982 and the Supreme Court appointed me to replace him after I had served three years as an associate judge. It is a testimony to the legacy of Judge Scholz that his passionate advocacy for juvenile justice continues to be recognized and honored more than twenty years after his retirement from the bench.

# Carol Marin Addresses Annual Convention Luncheon

By Judge Daniel T. Gillespie



Prominent television reporter and journalist Carol Marin delivered the keynote address at the annual convention at the Chicago Sheraton on November 7<sup>th</sup>. Carol Marin admitted that headlines sometimes eclipse the reality of cases as experienced in depth by the attorneys and judges that try them. A few selected cases are singled out for the headlines and evening news. Judges and lawyers negotiate and try countless cases, even more significant, day after day in relative obscurity. The media never shows these cases, preferring to linger on the high profile, big publicity cases. There's a reason for that, Marin reports. The public may claim they prefer the McNeil/Lehrer news hour on PBS, but they tune in in droves to watch sensational coverage of high profile, big publicity cases. "Our work involves thoughtful analysis," Marin stated. She acknowledged that some of the most important stories are those that are not covered. She reported that she was at that time doing investigative work on Chicago's west side, which she described as the killing zone for narcotics transactions. The truth of what lurks in the west side of Chicago can be found only twelve minutes from the Magnificent Mile, she observed. Carol Marin reported that when she wrote about heroin, she received more

e-mail than on any other subject. "The economic cost of the war on drugs we are losing is staggering," she declared. One father wrote her that the only cure for heroin addiction is death, because his heroin-addicted son is dead. "These people are repeat offenders," Marin observed. "We may disagree as to the solution, but at least we're engaged in a dialogue, and that's a good thing," Marin stated.

Carol Marin quoted *Sports Illustrated* reporter and attorney Lester Munson to the effect that the media should report stories. They should tell Steve Bartman's name when he catches the foul ball in the Cubs' playoff series. "Sometimes, we pile on," Marin admitted. The news, she explained, is a merry business and always an unfinished business. Carol Marin concluded by quoting from a plaque she saw mounted on the wall in Bill Harte's law office, "Truth never dies, but it leads a tortured life."

In other business at the luncheon, Judge Ann Jorgensen presented the Lifetime Service Award to retired Justice Michael R. Galasso, in acknowledgement of his many years of dedicated service and excellent leadership.

Senators John Cullerton and Peter Roskam received the Constitutional Scholar Awards for their bipartisan efforts to override the Governor's veto of the judicial cost of living adjustment appropriation. The senators argued in Springfield that a judge's salary may not be diminished. They asserted strenuously that is not for the judge's benefit, but rather for the public's benefit in enjoying an independent judiciary.

Robert Craghead, executive director of the ISBA and Terrence Murphy, executive director of the CBA, received Amicus Curiae Awards for their extensive and faithful service to bench and bar for so many years.

Attorneys Kevin Forde and William Harte received the President's Service Awards for their outstanding advocacy on behalf of the judges of the State of Illinois.

The Harold Sullivan Scholarship was presented to the Northern Illinois College of Law for a worthy student to be selected by the school.

Judge Jorgensen presented a special ward to Maureen McClelland for her many years of outstanding service to the IJA. Judge Jorgensen revealed what many past presidents have come to learn: that Maureen McClelland provides prompt, courteous and invaluable service and assistance to the members and leaders of the Illinois Judges Association.

Many judges and attorneys were heard to comment on the excellent meal, choice of speaker and program. This is due to the extraordinary efforts of the meeting co-chairs, Judges Veronica Mathein and Edward Jordan. They



spent an untold number of hours arranging and negotiating the meal, the menu, and schedules for proposed speakers and awardees. The reason these meetings come off so flawlessly is because of the efforts expended by the co-chairs. Judges Mathein and Jordan embody truly the spirit of the leaders of the Illinois Judges Association as a group highly dedicated judges working on behalf of other judges.

# DiD You Know . . . by I Ainie berGer AnD A Host of stAtewiDe CorresponDents

Judge Lainie Berger is on vacation. We hope the pictures from the Convention will help to make up for the absence of her column. The column will return in our next issue.

## Convention 2003



Complete Minutes of the November 7, 2003 Board of Directors Meeting  
are posted on our website: [ija.org](http://ija.org)

# Vanguard Awards

Justice William Cousins, Jr., Justice David Cerda and Judge Sandra Otaka were honored at the fourth annual Vanguard Awards luncheon at the Standard Club in Chicago on January 29<sup>th</sup>. The Vanguard Awards were established to honor and promote outstanding judges, lawyers and institutions who have made the legal profession more accessible to and reflective of the community at large. Justice Ilana Rovner of the 7<sup>th</sup> Circuit of the United States Court of Appeals was also honored.

Retired Justice Cousins graduated from Harvard Law School more than fifty years ago. He recalled that he became an attorney in order to engage in his personal quest for justice. He continued on that quest throughout his career as a judge. Now, as a retired judge, his quest for justice motivates him to continue to be involved. He has been appointed by Chicago Mayor Richard M. Daley to co-chair the Independent Epitome II (E2) Panel to review Chicago building code enforcement powers and policies and make recommendations to protect public safety. He has also been appointed by the Illinois Supreme Court chair a panel that screens capital litigation bar applicants.



Justice David Cerda has certainly been a vanguard in making the bench more reflective of the community at large. He is the first Hispanic lawyer to have been elected a Cook County Circuit Judge and also the first Hispanic Justice of the Illinois Appellate Court. He is the recipient of numerous awards, including the DePaul Law School Alumni Service Award in 1997. Justice

Cerda was the founding president of the Mexican American Lawyers Association and a charter member of its scholarship fund.



Judge Sandra Otaka was the first Asian-American appointed to the bench by the Illinois Supreme Court. She is a Phi Beta Kappa graduate of the University of California at Berkeley and a graduate of the UCLA School of Law. As a past vice-chair of the Cook County Commission on Human Rights, Judge Otaka helped draft the Cook County human rights ordinance. She received the 1999 Chicago Human Relations Award and the 1995 Martin Luther King, Jr., Community Leadership Award.



Reverend Mary Milano opened the Fourth Annual Vanguard Award Luncheon on January 29<sup>th</sup> at the Standard Club with an inspiring invocation:

Let us recall together that when we *are* together, we are in the presence of God –  
 Who is in us creating  
 Who is for us, liberating  
 Who is with us, transforming  
 O God – you have a thousand names  
 Known and reflected by and in the marvelous richness and diversity

of your creation and the peoples you have placed in it and loved into being.

We who sit at table together today are bound by our knowledge and commitment to you through that name is which is “justice” – that name which when we call upon it, shapes our minds with vision fills our hearts with courage strengthens our bodies with hope Which moves us and summons us dares us and impels us to speak, to act, to risk, to change, to stake our lives again upon our common oath: advocates and prophets, renewers of society, repairers of the breaches between, empowerers of those on the margins.

**We ask your blessing**  
 – **you who are grace and truth –**  
**on all who are here present and**  
 on all those whose lives we bear in our hands,  
 all those to whose dreams we give voice  
 all those who continually summon us to stand with faithfulness and steadfastness  
 against power, against inequity  
 against exclusion, against all that binds or weighs on the integrity of the human spirit  
 and who remind us of the vocation with which we have been so gifted and called.

As we break bread together, may we learn the from each other and those whom we serve the names by which you are called in *their* hearts and deepest aspirations, And knowing them more clearly, serve you *in* them more fully  
 Until the day that all are one as you are one, and  
 justice and mercy kiss  
 — each morning,  
 — each night,  
 — each yearning heart.  
 And to this we all say “amen.”

# JRS CORNER

## MOST FREQUENTLY ASKED QUESTIONS

*by Rudy Kink*

### **System Receives Bond Proceeds**

On April 7, 2003, Governor Blagojevich signed House Bill 2660 into law as Public Act 93-0002. This legislation authorized the State to issue \$10 billion in general obligation bonds for the purpose of making required contributions to the five state-funded retirement systems, including the Judges' Retirement System.

On July 1, 2003, the net bond proceeds were allocated and distributed to each of the five state-funded retirement systems based on each system's relative percentage of the total unfunded liability at June 30, 2002.

The Judges' Retirement System received an allocation of approximately \$142 million, and deposited all of the proceeds into the Illinois State Board of Investment Commingled Fund on July 2, 2003.

This was the first attempt by the State to address the staggering unfunded liabilities of the state-funded retirement systems since the current funding plan became law in 1995.

### **Honoring Those Who Have Fallen**

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 died during 2003.

|                  |         |                  |          |
|------------------|---------|------------------|----------|
| Rene Goier       | 1/2/03  | Everett Laughlin | 6/28/03  |
| Thomas Yockey    | 2/11/03 | Edwin Malone     | 7/11/03  |
| Randolph Spires  | 2/27/03 | L. Sheldon Brown | 7/12/03  |
| Leo Altmix       | 2/18/03 | Patrick Duke     | 8/10/03  |
| Henry Dietch     | 3/21/03 | Robert Egan      | 9/15/03  |
| Lester Foreman   | 3/28/03 | Laurence Arnold  | 9/17/03  |
| Thomas Roady     | 3/30/03 | Eugene Ward      | 9/18/03  |
| Arthur Rosenblum | 4/12/03 | Edward Plusdrak  | 10/1/03  |
| Carl Swanson     | 4/26/03 | Robert French    | 10/6/03  |
| Clarence Partee  | 5/6/03  | John Navin       | 11/3/03  |
| Louis Fontenot   | 5/6/03  | Danny Dunagan    | 12/9/03  |
| Albert Pucci     | 5/18/03 | George Cole      | 12/13/03 |



*President Continued from page 1*

subcircuits proposed to be created in the 12<sup>th</sup>, 19<sup>th</sup> and 22<sup>nd</sup> Circuits.

There are two interesting bills which address judicial campaigns. Senate Bill 3044 would seek to require judges running for election to disclose, through their committee, which contributor, if any, or contributor's employer appears in any action before the judge as a party, or as the attorney of a party. This bill proposes the legislation to be effective for reports filed on or after July 1, 2004. House Bill 6850 would create the Supreme Court Campaign Reform Act. This bill would create public financing for candidates, paid for by filing fees, and limit the amount of private campaign contributions the judge's campaign committee may accept.

Finally, House Bill 4216 introduced by Representative Osmond would delete judges from the Comptroller's list of state employees whose names and home addresses can be purchased from the Comptroller.

The Compensation Review Board will meet on Tuesday, March 9, 2004 in Chicago. As in the past, members of the judiciary appear before the Board to address issues concerning our work and compensation. It is of particular importance this year that we have a professional and informed presence before the Board. If anyone is interested in participating, contact me or Maureen McClelland.

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## National Judicial College 2004 Seminar Series

*By Judge Grace G. Dickler*

There is something enriching and challenging on The National Judicial College horizon. Beginning in 2004, the College is offering its first ever Seminar Series, to be held at 10 resort locations close to America's historical and cultural treasures including Key West, Fla., Napa, Calif., Boston, Mass., San Diego, Calif., Newport, R.I., Rapid City, S.D., Bar Harbor, Maine, Philadelphia, Pa., Burlington, Vt., and Scottsdale, Ariz.

The series kicked off February 21 through 26 in fabulous Key West, Florida. While this opportunity has already passed, judges should consider some of the other locations. Each seminar is designed to allow participants some personal time to explore the different areas or take part in recreational activities.

"The 2004 NJC Seminar Series is an excellent opportunity for members of the judiciary to examine and prepare for the dynamic challenges facing our nation's courts today while enjoying the beauty and atmosphere of different places," said Hon. William F. Dressel, NJC president. "The seminars are taught by experts in various fields of study whose presentations will be thought-provoking and packed with interesting information to enhance the professional and personal growth of the participants."

The series features a total of 10 seminars. The second one will be held April 17 through 22 in Napa, Calif., and will explore The U.S. Constitution and the Development of Legal Philosophy. The Honorable Henry Blizzard and the Honorable Grant Dorfman will share their knowledge on this fascinating subject. In Boston, Mass., on May 15 through 20, Law and Literature will be the hot topic, taught by the Honorable Barry Schaller and the Honorable Judith Lanzinger. On June 12 through 17 in San Diego, the Honorable Barnett Hoffman will focus on Handling Sex-Related Cases in Court. Additional faculty for that seminar will be announced at a later date.

"Combined with the fun of traveling to these exciting resort areas, the variety of topics covered in the Seminar Series is sure to appeal to many different types of judges," said President Dressel. "While there is no substitute for a full course of study at The National Judicial College, these seminars present an excellent opportunity to explore unique issues in a motivating, collegial format."

On June 26 through July 1 in Newport/Middletown, R.I., Current Issues in the Law is sure to hold the participants' interests. The Honorable Connie Clark and the Honorable Geroge

C. Hanks, Jr., will be presenting in-depth information on timely and relevant topics useful to judges in all areas of the judiciary.

Following this seminar, another exciting one is planned July 10 through 15 in Rapid City, S.D. on Judicial Philosophy and American Law, which will be presented by the Honorable Henry Blizzard and the Honorable Grant Dorfman.

The final four seminars of the year will be: Enhancing Judicial Bench Skills, August 21 through 26 in Bar Harbor, Maine, taught by the Honorable Leslie Johnson and the Honorable John Lineberger; Handling the Criminal Case, September 18 through 23 in Philadelphia, Pa., taught by the Honorable Steve Bevil and the Honorable Keith Starrett; Judicial Decision-Making, October 2 through 7 in Burlington, Vt., taught by Kay Palmer, Dr. Robert Showalter and the Honorable Dwight Fay; and Law and Popular Culture, November 6 through 11 in Scottsdale, Ariz., taught by the Honorable Howard Sundermann and Katherine Lasher, Esq.

Please call soon to register since space is limited. For more information on the 2004 NJC Seminar Series, call 1-800-25-JUDGE or (775)784-6747.

## ***Brown v. Board of Education Anniversary***

Several events are planned throughout the state to commemorate the 50<sup>th</sup> anniversary of the *Brown v. Board of Education* decision. The IJA, the Illinois Judicial Council and several other organizations of the bench and bar are planning commemorative events.

The IJA is planning a cable show on the subject. The Illinois Judicial Council is sponsoring an essay contest focusing on an anatomy of *Brown* and its impact on African-Americans, then and now.

Judge Cheyrl Ingram, Chair of the Illinois Judicial Council is involved with the planning of an awards ceremony commemorating the decision.

Judge Bernetta Bush and several other judges are involved in the planning for Law Day activities, May 1<sup>st</sup>. As part of those activities, several judges are expected to welcome students from the Chicago public schools to their chambers. It is anticipated that those judges may discuss with the students the significance of the 50th anniversary of *Brown v. Board of Education*.

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