

# THE GAVEL

*A publication of the Illinois Judges Association*

SUMMER, 2011

VOLUME 40, ISSUE 1

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## *The Gavel*

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## PRESIDENT'S MESSAGE

*Justice Carol Pope*

I am looking forward to an exciting year as your president. Our association is stronger than ever—we had 1,254 dues-paying members in 2010-2011. I am hoping we can exceed that number this year. It is essential we get each and every judge to join so we are able to stay on top of the many perplexing issues facing our judges. For example, there are 653 retired judges, 326 of whom are members. Dues of \$75 for retired judges—that's a bargain. Please check with your colleagues to see if they belong to IJA and let them know we need them to join us.

I want you to know that your officers, **Rita M. Novak, Mary Schostok, Michael B. Hyman, Robert J. Anderson, Israel Desierto and myself** are working together to ensure our judiciary remains secure and independent. An independent judiciary is able to act fearlessly, providing justice in every case, even the toughest ones. We truly want to make our members proud of their organization. Trust me, we are working hard so we do not

disappoint our colleagues. You may not agree with every decision we make, but I hope you know we are acting with only good intentions and for the benefit of our members and the People of the State of Illinois.



I am very excited about our new civics program—Courtroom in the Classroom. You will receive information this fall about this new program. We hope you will decide to contact your local school and arrange to give the program next spring.

In brief, the program is aimed at juniors or seniors in history, civics or current events classes. A United States Supreme Court case will be chosen (probably *New Jersey v. T.L.O.*) and provided to the students, who would be expected to read the case in advance. A volunteer judge would spend a class period with one class of 25-30 students. A general overview of the three branches of government would be provided to students, as well as an overview of the court system in Illinois. Following this general presentation, the judge would engage the students in a discussion of the case and the ramifications of the holding.

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Perhaps we can script a demonstration of the facts of the case to be performed impromptu by the students, prior to discussion of the case. A PowerPoint outline will be provided to the judge, with discussion questions designed to engage the students in critical thinking about the court decision. I am working closely with First Vice President **Rita Novak** and the Courtroom in the Classroom Committee, chaired by **Clare McWilliams** and **Eileen O'Neill Burke** to develop the program. We plan to provide a training for judges interested in delivering the program to schools in their counties at our mid-year meeting in December. This is truly an opportunity to deliver great value to our communities at very little cost. We may inspire some future lawyers and judges in our classrooms!

Other exciting news -- We will be partnering with ISBA and the Women's Bar for CLE on January 26, 2012. (See the separate article in this issue of the Gavel.) We also teamed up with these two organizations for Race Judicata in Grant Park.

Through my work for the last nine years on the Committee on Education of the Illinois Judicial Conference, as well as through my work with IJA, I have been blessed to be able to meet and get to know judges all over our great state. You are a truly amazing group of people, dedicated to providing fair and impartial access to justice, enthusiastically embracing continuing judicial education to stay on top of the changes in our law, and willingly going into our communities to help students learn about concrete ways to avoid trouble with substance abuse (7 Reasons to Leave the Party) and to open the eyes of students to the important role our courts play in our society today (Courtroom in the Classroom).

I am so proud to be a member of the Illinois Judiciary. I look forward to working with and for you throughout this year. We have a terrific team in place. I know you will be well-served.



# JRS CORNER

## ANSWERS TO FREQUENTLY ASKED QUESTIONS

### BY TIM BLAIR

The Judges' Retirement System (JRS) is administered by a Board of Trustees consisting of five members. The Chief Justice of the Supreme Court and State Treasurer serve as ex-officio members while three participating judges are appointed by the Supreme Court and serve three year terms. The Board's statutory duties include, among other things, the approval of all benefit applications, the annual certification of required State contributions, and the hiring of staff. The Chairman of the Board of Trustees of JRS also serves as a statutory member of the Illinois State Board of Investment (ISBI), which is charged with managing the assets of JRS, as well as those of the State Employees' Retirement System (SERS) and the General Assembly Retirement System (GARS).

#### **Member Files and Imaging**

The Board approves the annual administrative budget of JRS, which in FY 12 includes funds for the conversion of member files from paper to electronic images utilizing imaging technology. Currently, all member files are stored as paper hard copies, approximately 250,000 sheets of paper, in a mechanical file cabinet. The conversion process includes scanning all member files to allow electronic images of the files to be stored in a secure computer system. The imaging system will allow JRS staff to provide faster service to our members. It will also provide for more secure storage of member information and provide for a more complete recovery of member information in the case of a disaster. The project will be completed by current JRS staff for an estimated \$15,000 in software and hardware.

#### **Fiscal Year 2011 Retirements**

The legislation that created the Judges' Retirement System became law on July 29, 1941. The new law superseded the Judges Pension Act and judges first became eligible to receive a JRS annuity on November 1, 1941. On December 20, 1941, at the second meeting of the JRS Board of Trustees, five annuities were approved for payment beginning November 1, 1941 in the total amount of \$1,958.32 per month. At June 30, 2011, JRS is paying 720 retirement annuities in the amount of slightly more than \$7,000,000 per month, for an average monthly annuity of \$9,796.53.

FY 2011 saw an unusually large number of retirements, with 81 judges leaving the bench for retirement between July 1, 2010 and June 30, 2011. This is the largest number of annual retirements in the history of JRS. The five years with the most JRS retirements are as follows:

Year	Retirements	Total Retirees	Benefit Payments*	Average Pension	Active Judges	Average Salary
FY 2011	83	720	\$100,204,717	\$9,650	968	\$176,102
FY 2007	67	620	75,615,866	8,443	957	149,321
FY 2001	62	506	48,330,822	6,431	910	120,769
FY 2009	60	647	85,819,000	9,098	968	160,790
FY 1996	55	444	33,096,800	5,004	866	87,755

\*All benefits, including retirement, survivor and disability benefits.

#### **June 30, 2011 Active Member Benefit Statements**

Active member benefit statements will be mailed in late August. Please be sure to review your listed beneficiaries and return the beneficiary form to JRS staff if you would like to change your designated beneficiaries. If you have any other questions regarding your statement please contact JRS staff at (217)782-8500.

**On the Move**

Justice **Sue E. Myerscough** of the Illinois Appellate Court, Fourth District, was appointed to the United States District Court for the Central District of Illinois by President Barack Obama. She was confirmed by the U.S. Senate on March 7, 2011. Congratulations to Judge **Grace Dickler**, new presiding judge of the Cook County Circuit Court's Domestic Relations Division. Congrats to **Sebastian T. Patti**, new presiding judge of the Cook County Circuit Court's Domestic Violence Division.

**Community-minded**

Judge **Raul Vega**, a seasoned post-decree judge in the Domestic Relations Division of the Circuit Court of Cook County, worked tirelessly to organize a festival fundraiser to benefit St. Genevieve Church and School in Chicago's Old Cragin neighborhood. The event was a huge success. Judge Vega has volunteered his time to the St. Genevieve Festival for many years. Judge **Sheryl Pethers** of Cook County volunteers as a "Loon Ranger" with the Loon Watch division of the Sigurd Olson Environmental Institute. She tracks the migration and nesting activities of two loons. "The lake that I am watching has eagles and loons, which is not a good combination. We had an eagle eat a loon baby chick in 2009, but last year we had our first chick survive." According to the Institute, air pollution, loss of habitat and increasing recreational activities on lakes pose threats to loons across North America, and in some cases are responsible for loons and loon music disappearing from traditional nesting lakes.

**Well-Rounded**

Associate Judge **Daniel Gillespie**, Supervising Judge of the First Municipal District Branch Court and Bond Court, is an excellent photographer. He recently shot some stills of United States Army insignia to be included in a music video in honor of Vietnam veterans. The title of the song is "My Original Combat Infantry Badge," written by a certain Cook County judge and dedicated to attorney Robert K. Gorman who is a decorated Vietnam Veteran.

Before assuming the bench, Associate Judge **Martin Moltz** dedicated three decades of his legal career to writing briefs and arguing appeals for the States Attorneys Appellate Prosecutor. He is a major contributor to many precedents used by judges in Illinois. But he is also an avid rollercoaster aficionado and recently enjoyed a brief weekend respite riding the "Cornball Express" at Indiana Beach Amusement Park.

**Improving the Legal System**

Associate Judge **Cheryl Cesario** of Cook County is a regular guest lecturer for Professor Barry Kozak's Elder Law class at The John Marshall Law School. Elder Law deals with the aging population and issues regarding adult guardianships and care-giving.

**Appointed or Assigned to the Appellate Court**

1st District: **David P. Sterba**, and **Marcus R. Salone**.

**Appointed by the Supreme Court**

13th Circuit: **Richard J. Lannon**; Cook: **Lionel Jean-Baptiste**

**New Associate Judges**

4th Circuit: **Jeffrey Marc Kelly**; 13th Circuit: **Sheldon R. Sobol**; 22nd Circuit: **Mark R. Gerhardt**.

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**Recalled**

Appellate Court 4th District: **Robert W. Cook**; Cook: **James E. Sullivan**.

**Retiring**

Appellate Court 1st District: **Michael J. Gallagher**; 3rd Circuit: **Ellar Duff**; 13th Circuit: **James L. Brusatte** and **William Balestri**; 18th Circuit: **George Sotos**; Cook: **Ronald Davis**.

**Remembered Fondly**

Appellate Court 5th District Justice **Dorothy Spomer** (ret.); Appellate Court 5th District Justice **Charles William Chapman** (ret.); 6th Circuit Judge **James N. Sherrick** (ret.); 16th Circuit Judge **Donald T. Anderson** (ret.); Judge **Thaddeus Kowalski** (ret.) Cook; 7th Circuit Judge **Lois A. Bell**; 16th Circuit Judge **T. Jordan Gallagher**; 6th Circuit Judge **Stephen H. Peters** (ret.); and Judge **Christy Berkos** (ret.) Cook.



**ABA GROUP MEMBERSHIP**

There is a unique opportunity extended by the American Bar Association to members of the Illinois Judges Association. By joining the ABA as a group, IJA members can become an ABA member (\$70) and a member of the Judicial Division State Trial Judges (\$35) for a total of \$105. The regular individual dues, without the benefit of group membership would be \$434.

If you are interested in joining the ABA, please make your check payable to the IJA in the amount of \$105.00, mark the memo section "ABA dues" and mail it to Maureen McClelland at the Illinois Judges Association, 321 South Plymouth Court, Chicago, IL 60604 by August 15th. Maureen will then cut one check to the ABA. If you wish to join other sections, please let her know which ones and the ABA will bill you directly for those additional sections.

We will also need the following information:

- Name
- Mailing Address
- Phone
- Email
- If already an ABA member, your ABA ID#
- Original Bar Admission Date
- Bar State



**IJA HOSTS CHIEF JUDGES**

by Carol Pope

IJA hosted its annual dinner with the Chief Judges from around the state on June 16, at Maggiano's in Chicago. This dinner affords an opportunity for the Chiefs and the officers and Executive Committee of IJA to break bread and share concerns with each other. Over the years, the Chiefs and IJA have developed a close working relationship. That relationship is treasured on both sides.



Pictured in the photo are Chief of the Chiefs Gene Schwarm and

IJA President Carol Pope

# IJA PRESIDENT CAROL POPE

by Grace Dickler

Remember the old commercial “I wanna be like Mike” well, I really want to be like Carol Pope. The word that comes to mind when one thinks of Justice Pope is “extraordinary.” After graduating Phi Beta Kappa from the University of Illinois, Justice Pope graduated in the top 5 per cent of her class from DePaul University Law School. Judge Rita Novak, a member of the DePaul Law Review with Justice Pope stated that as far back as law school Carol Pope was able to juggle difficult projects and do exceptionally well at all of them. Carol had a nine month old son when she started law school and nonetheless she was on the Law Review and graduated with honors. She then applied for a job as Law Clerk to the Honorable Waldo Ackerman, Chief United States District Judge for the Central District of Illinois. According to Judge Ron Spears, Carol’s predecessor in that position and present at Carol’s hiring interview, Judge Ackerman was apprehensive about hiring Carol because he had never hired a woman law clerk---he was concerned and indeed queried as to how a “person” with children would be able to manage a clerkship. Carol’s quick wit was immediately apparent as she turned to Ron Spears and said to him “Ron, you have a child, how do you do it?” I can only imagine that Judge Ackerman surmised that Carol was someone to be reckoned with and offered her the position in what became the

first of many “firsts” for Justice Pope. Interestingly, despite his initial misgivings, Judge Ackerman was so impressed with Pope’s abilities that he kept her as his law clerk for many years beyond what was customary.

Thereafter, Justice Pope accepted a position at Mayer, Brown and Platt where as an associate with a very demanding schedule, while raising two small children, she decided to run for the position of Menard County State’s Attorney. She won and become the first and only woman in that position to date. Carol was subsequently appointed and then elected to a Circuit Judge position wherein she became the first woman judge in Menard County. Justice Pope believes that the seventeen years she served as Circuit Judge prepared her well for her current position serving as Justice on the Fourth District Appellate Court. Justice Pope was the only Circuit Judge in her entire county requiring her to be a “jack of all trades.” She heard everything from family cases to criminal, from contract disputes to felonies. This broad experience has proven invaluable in her current position. Supreme Court Justice Rita Garman is very aware of Carol’s intellect and her great love for research and writing. Thus, when the opportunity arose, she appointed Carol to the Appellate Court. Justice Garman considered Carol’s past history as Chair of the

Education Committee, Chair of the New Judge’s Seminar, her excellent reputation among the bench and bar, her extensive experience, her indefatigable energy and determined that Justice Pope “would be a natural for the Appellate Court.”

But Carol’s talents do not stop there. Judge Stuart Palmer, a former fellow member of the Education Committee noted how demanding serving on the Committee can be. Yet Carol made working on the Committee “easy and fun.” Stuart stated that “she has a great sense of humor and is a gracious hostess.” Because she lived near Springfield, Carol hosted backyard BBQs for the Committee members making what could have been drudgery something that fellow committee members looked forward to and anticipated.

One would think that after all her major accomplishments; Justice Pope would now be coasting in the glory of all she has already done. However, such is not the case. Justice Pope is now running for a vacancy on the Fourth district Appellate Court. As she noted, “it is a daunting geographic area to campaign in encompassing 30 counties and 17000 square miles from the Indiana to the Missouri borders across the central part of the State.” And, while involved in a demanding campaign, Carol Pope immediately agreed to step in for Justice Mary Schostok as President of the Illinois Judges

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Association due to Mary’s inability to serve at this time. Judge Novak is not surprised that Justice Pope agreed to take on what in and of itself could be considered a full-time job by some while running in an election. Judge Novak stated that juggling these balls in the air is emblematic of what Justice Pope is capable of doing. Her career has certainly been an amazing ride and as Novak said, Carol is “so bright, so energetic, so in possession of all undefined skills of leadership, so good at motivating others and bringing forth innovative ideas, in essence, just outstanding.”

In closing, the judiciary of the State of Illinois is certainly a better place due to Carol Pope. And although Carol is now or will be soon eligible for retirement, we thank her for as she stated, she is “staying to help JRS stay solvent.”



## NEW ETHICAL OPINION PUBLISHED

The Illinois Judicial Ethics Committee, a joint committee of the Illinois Judges Association, Illinois State Bar Association and the Chicago Bar Association has published the following ethical opinion:

Opinions 11-01: Article VI, Section 13(b) of the Constitution of Illinois and Supreme Court Rule 65G prohibit a judge from accepting an appointment to the Board of Trustees of the University of Illinois.

The full text of all ethical opinions can be viewed on our web site: [ija.org](http://ija.org)



## 7 REASONS TO LEAVE THE PARTY TRAINING

by Eileen O’Neill Burke

To date, the 7 reasons to Leave the Party Presentation has been given at 323 schools to over 70,000 students. There are 150 judges throughout the state trained to give the presentation. When we judges take the time out of our busy schedules to give this presentation, it is always with the hope that we are having a positive impact. But we rarely receive any quantifiable evidence that what we said has made a difference. One school, however, did share with us the difference we did make. After a 7 Reasons presentation, a student approached a teacher and told her that her friend, another 15year old student, was having a sexual relationship with a 54 year old man. The teacher contacted the authorities and the man was arrested and charged with aggravated criminal sexual abuse.

The Principal closed the letter to the presenting judge by stating, “It is our belief that it was because of the Seven Reasons to Leave a Party presentation that the student came forward with this information. You may never really know how many lives you impact with your presentation, but I know that you have made an impact at [our school]. Thank you for your service to our school, our students and our community.”

The privilege of being a member of the judiciary brings an obligation as well. As members of the judiciary, there is an expectation to teach, to speak on appropriate topics and to perform community outreach. This program does all three. If you would like to be a part of this amazing presentation, there is a training session scheduled with the Honorable Mark Drummond, on Saturday, December 11 following the IJA Convention in Chicago. Please contact Judge Eileen O’Neill Burke (312)603-4984 or Maureen McClelland at (312)431-1283.

# SUPREME COURT ADDRESSES “RIGHT TO COUNSEL” QUESTION IN CIVIL CONTEMPT PROCEEDINGS

TURNER V. ROGERS, 2011 WL 2437010 (U.S.S.C. 2011)

by R. C. Bollinger

Michael Turner was ordered by a South Carolina family court to pay a modest child support order of \$51.73 per week. After being held in civil contempt for non-payment of support on five separate occasions, Turner’s sixth contempt finding resulted in a 12-month jail sentence. Turner was unrepresented by counsel at the time the sentence was imposed. He could obtain his release by paying his child support arrearage of \$5,728.76 in full. He did not pay. While in jail, Turner appealed his sentence with the assistance of pro bono counsel. Turner argued that he was denied his constitutional right to counsel. The South Carolina Supreme Court disagreed. In light of a division among federal and state courts that have addressed the issue, the Supreme Court granted the writ of certiorari. According to the Court, Turner’s due process rights were violated and the judgment of the South Carolina Supreme Court was vacated and the cause remanded for further proceedings.

The Court discussed the differences between criminal and civil contempt proceedings. Unlike criminal contempt, civil contempt seeks to

coerce the respondent’s compliance with a court order. As often stated, the respondent must hold the “keys to his/her jail cell.” As such, the critical inquiry for the court is the respondent’s “ability to pay.” The respondent must have the present ability to purge the contempt and obtain his/her release. The Supreme Court cited statistical evidence that 70% of child support arrears nationwide are owed by parents with either no reported income or income of \$10,000 per year or less. The Court determined that certain procedural safeguards must be followed to ensure “fundamental fairness” in civil contempt proceeding where the respondent does not have the benefit of counsel. Those procedural safeguards should include: 1) notice to the respondent that his/her “ability to pay” is a critical issue before the court; 2) the use of a form (or equivalent) to elicit relevant financial information from the respondent; (3) an opportunity at the hearing for the respondent to respond to statements and questions about his/her financial status (e.g. those triggered by his/her response to the form); and 4) an express finding by the trial court that

the respondent has the ability to pay.

The Court held that the Due Process Clause does not automatically require the provision of counsel where the opposing parent or other custodian (to whom support funds are owed) is not represented by counsel and the State provides alternative procedural safeguards equivalent to those mentioned above. The majority declined to “address civil contempt proceedings where the underlying child support payment is owed to the State, for example, for reimbursement of welfare funds paid to the parent with custody.” In those cases, the government is likely to have counsel or other competent representation. The Court likewise declined to “address what due process requires in an unusually complex case where a defendant ‘can fairly be represented only by a trained advocate.’”

The Court concluded that Turner did not receive the benefit of counsel or the benefit of alternative procedural safeguards. Turner did not receive clear notice that his ability to pay was the critical inquiry. He was not provided with a form (or the equivalent) to elicit his financial information. The trial court did not find that Turner had the abil-

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## IJA OFFICERS MEET WITH ISBA OFFICERS

On Friday, June 17, the officers of IJA and ISBA met at the ISBA Annual meeting at the Abbey. Projects for the upcoming year were discussed. The IJA, ISBA and WBAI teamed up for Race Judicata on Thursday, July 21 in Grant Park.

ISBA, WBAI and IJA are also teaming up for CLE. This half day event is scheduled for January 26, 2012 at the Union League Club. Details are still being ironed out. It is anticipated that 3 separate CLE sessions will be offered, to be followed by a reception hosted by the Bar Associations. Watch for details!

The first photo shows the ISBA/IJA officers following their business meeting. From left to right: Mark Hassakis, immediate past-president of ISBA; Richard D. Felice, 3d VP, ISBA; Hon. Robert J. Anderson, Secretary, IJA; Paula H. Holderman, 2d VP, ISBA; John Locallo, President, ISBA; Hon. Carol Pope, President, IJA; John Thies, 1st VP, ISBA; and Hon. Rita M. Novak, 1st VP, IJA. Present for the meeting, but not the photo: Hon. Michael B. Hyman, 3d VP, IJA.

The second photo shows some of the IJA officers at the installation dinner, together with Supreme Court Justice Mary Jane Theis. From left to right: Hon. Rita M. Novak, Justice Mary Jane Theis, Hon. Carol Pope, Hon. Robert J. Anderson.



## VAL GUNNARSSON: SOMEONE YOU SHOULD KNOW

by Martin Moltz

Val Gunnarsson serves as Chief Circuit Judge of the Fifteenth Judicial Circuit in Mount Carroll. He resides in Savanna, a town of 3,000 persons by the Mississippi River in a county of barely 16,000 people. Val and I share a friendship that goes back several decades. When Val was the State's Attorney of Carroll County, I was the Deputy Director of the State Appellate Prosecutor's Office and supervised all of his Supreme Court and Appellate Court cases. Judge Gunnarsson is a first generation American. His parents emigrated from Iceland in 1949. Val's mother came from a middle class home in Iceland while his father came from the complete poverty of an Icelandic fisherman's family. His father was one of eight children born in a cottage 100 yards from the sea; indeed, both his father and his grandfather were fishermen and subsistence farmers, as were their fathers several generations back.

Here, in Val's own words, is a colorful description of both his father's life and career and his own boyhood days:

*Dad started working on the boats when he was ten. His mother helped dress him in oilskins and rubbed whale blubber on them as waterproofing when he was too little to do that properly himself, but he also attended school when it was in session. As a boy, he did not get a full share of the catch but only a partial share as was earned by the old men who could only hold the tiller. Dad would have grown up to be a fisherman too but for the Lutheran out-reach person who visited the home the summer Dad turned 15 and told my grandparents that Borgthor (that was my dad) must not quit school because not only was he smarter than the other children, but he was way smarter. Still, he had to run away from home, climbing that night through a window, and walk to Reykjavik and somehow eventually on a bus to Akureiri to find a place to stay and a way to gain admission into the gymnasium (sort of a cross between high school and junior college). School in Iceland was free so long as one succeeded in exams.*

*My mom and dad are both gone now, but in 1949 they came to the United States on visas for what they believed was to be the few years that my dad would take for his surgical residency at Boston City Hospital. Dad had finished medical school in Iceland, which by the way still followed the traditional European method of huge volumes of rote memorization. Of course, Iceland is so small, advanced texts were obtained from other countries, so the medical books Dad used and which I still have; were in German, French, English and one is in Norwegian. His final in a year-long class of Anatomy was an oral exam in which he sat before the faculty and at that time learned which part of human anatomy he was to describe in detail. He was directed to describe each bone of the human foot. He learned to test for one form of diabetes by dipping his finger into a bit of the patient's urine and tasting it for sweetness.*

*At any rate, there were my parents at some immigration desk in New York having with them the absolute minimums that were required by the Americans for entry at the time: proof of a job (my dad's surgical residency), proof of a place to stay (in what was then a tenement on Hemenway Street, in Boston), proof of an American sponsor (one of the teaching staff at Boston City Hospital) and \$200 in cash (they had just exactly that). They also had my big brother, born in Reykjavik six months before. The Icelanders, by the way, still use the patronymic system, meaning they take as a surname the father's first name with a suffix showing status as the son or daughter. A woman can't ever be anyone's son, so a married woman never changes her surname. Thus, for my dad*

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*(first name Borgthor), as his father was Gunnar Jonsson, my dad's last name had to be Gunnarsson – Thus Borgthor Gunnarsson. Mom's father was Thordur (Icelandic "Thor") and her given name was Asta, so she of course was Asta Thordardottir ("Thor's daughter"). Their infant son, my big brother, whom they named after his maternal grandfather – Thordur – was therefore named Thordur Borgthorsson. I've spared you the middle names. Apparently the harried fellow at the immigration desk decided it would be best to stop the confusion and to call them all "Gunnarsson." Hence my name.*

*After a few years of further medical training and perigrenation, Mom and Dad found themselves finally stopping in Savanna, Illinois, where I now live 55 years later. Dad formed a partnership there with another immigrant doctor – the partner was recently arrived from Germany – and together they built a big practice and a fine clinic; they delivered many babies, removed a generation or two of tonsils and gall bladders, stitched cuts, fixed an endless number of bones and otherwise helped make the life better for the people of the area. Dad made a very happy, safe and comfortable life for my mom, my two brothers, and me. People liked my parents and my parents liked them.*

*Our Savanna home featured books and discussions of everything of value. We were taught to love and respect both Icelandic and American culture. There were always new books in the house to be read, National Parks to visit, admiring stories of Icelandic poets or American heroes to be told. My brothers and I played in and Mom and Dad attended, a generation of little league baseball and high school football games, we learned to water ski on the Mississippi and camp on its islands. Our boyhoods were a little like Mickey Rooney and Tom Sawyer.*

Judge Gunnarsson graduated law school in 1980 from the University of Illinois and began his career as an assistant state's attorney in Winnebago County. In 1988, Val was elected States Attorney of Carroll County and served three terms in that position. In 2002, he was elected to the bench and was retained in 2008. The citizens of the Fifteenth Judicial District are indeed fortunate to have such a distinguished and interesting Chief Judge.



ity to pay his arrearages. Accordingly, the Court found a violation of Turner's due process rights.

By its language, the reach of the Court's holding is fairly limited. It extends only to those civil contempt proceedings involving non-payment of child support where both parties are unrepresented by counsel. In those cases, the Court has determined that there is no automatic constitutional right to counsel, so long as alternative procedural safeguards are employed to guarantee fundamental fairness. In an effort to comply with the holding in Turner, the following should be considered by the trial court: 1) ensure that the respondent understands at the outset of the proceeding that the critical inquiry involves his/her ability to pay; 2) utilize a form financial affidavit to be completed by the respondent prior to the start of the proceeding; 3) make inquiry into the respondent's present ability to pay based on what has been disclosed in the affidavit; and 4) prior to ordering incarceration, make express findings as to the respondent's ability to comply with the terms of the purge order.

Certain unanswered questions remain after Turner. For example, in IV-D cases where the Illinois Department of Healthcare and Family Services initiates the petition, does the respondent have a right to counsel? Indirect civil contempt petitions are filed in a variety of non-support related cases. They are routinely filed by attorneys for creditors in small claims proceedings where defendants are often unrepresented by counsel. Is the use of alternative procedural safeguards minimally sufficient to comply with due process or must counsel be appointed? Do the answers to these questions vary depending on the complexity of the issues involved? Given the number of indirect civil contempt petitions filed on a regular basis, there remain issues to be sorted out in the wake of Turner.

## ADVANCED JUDICIAL ACADEMY HELD

By Andy Berman

Eighty members of the Illinois judiciary gathered at the University Of Illinois College Of Law for the Advanced Judicial Academy (AJA) in June. The theme of the three and a half day Academy was To Have and Have Not: The Impact of Wealth and Poverty on Justice. Distinguished speakers from all over the country came to Champaign, inspiring and challenging participants to think about how issues of wealth and poverty intersect with their work on the bench.

Each day of the Academy had a different focus. After some wonderful opening remarks from our friend and retired colleague Warren Wolfson (now Acting Dean of the DePaul University Law School), the first day (Law and Social Change) started with a presentation by Michelle Alexander, a law professor at Ohio State University, followed by Amy Bach, a journalist from Rochester, New York and the author of Ordinary Injustice - How America Holds Court. After watching a portion of the movie Gideon's Trumpet, participants broke into six discussion groups led by members of the AJA workgroup.

Access to Justice was the second day's topic, which began with a presentation by Justice Laurie Zelon of the California Court of Appeals. Justice Zelon spoke of the history and trends in access to justice issues, and then sat on a panel which also included Illinois judges Sanjay Tailor (Cook), Ellen Dauber (20th Circuit), and Jim Borbely (5th Circuit, retired). Breakout discussions with the six small groups followed the panel. In the afternoon Prof. Robert Burns of Northwestern University School of Law gave a presentation called Alternative Dispute Resolution: A Solution or More of the Same? which was followed by a discussion of the Franz Kafka book Der Prozess (The Trial). That evening, Pizza and a movie "Winter's Bone" were enjoyed by about 50 of the participants.

The topic of Day 3 was Law & Economics. In

the morning, Professor Tom Ulen of the University Of Illinois College Of Law gave two fascinating talks on basic law and economics and after a lunch break his colleague at the College of Law, Prof. David Hyman, spoke on the law and economics of medical malpractice and health reform. The second afternoon presenter was Professor Patricia McCoy from the University of Connecticut School of Law who focused particularly on the mortgage foreclosure crisis. The last part of the day was once again spent in small group discussions. That evening about 35 participants met for dinner and a beer tasting at the Champaign restaurant Seven Saints where retired Judge Jim Borbely's son Andy introduced us to some unusual, and in some cases, quite good beers and ales.

The final morning's program entitled Looking to the Future featured author Pete Earley (Circumstantial Evidence: Death, Life and Justice in a Small Southern Town) who began the morning with a fascinating talk about the case detailed in his book. This true story about an innocent Alabama man who was sentenced to death by a judge who overruled a jury's no death verdict was compelling. The man was later exonerated through the efforts of Georgia attorney Bryan Stevenson. Then Bryan Stevenson himself took the stage and gave one of the most inspiring and moving presentations that many had ever heard. Mr. Stevenson is a riveting speaker who moved the audience to a standing ovation. Following a panel discussion with the two authors, the Advanced Judicial Academy of 2011 came to an end.

While all this was going on, Judge Charley Reynard (11th Circuit) was leading a writer's workshop with help from Professor James Elkins of the West Virginia University College of Law. Eleven judges participated in three

early morning workshops (held before the start of each day’s program) where they polished and critiqued pieces of fiction and poetry they had submitted prior to the workshop. The workshop started at 7:15 a.m. each day clearly these early birds enjoyed the writing experience.

The Advanced Judicial Academy is part of the Illinois Supreme Court’s judicial education program which is designed and implemented by the Committee on Education, a group of trial and appellate court judges nominated by the Supreme Court. Since its inception in 2001, this was the sixth AJA put on by the Committee on Education. The AJA has a well-deserved reputation for outstanding nationally-known speakers on important issues facing the judiciary. Cook County Circuit Judge Andrew Berman chaired the AJA Planning Committee.



Pictured in the photograph are members of the AJA planning committee.

Back row left to right: Andy Berman, Greg McClintock, Sue Hutchinson, Ron Spears  
Middle row left to right: Charley Reynard, Tom Donnelly, Craig DeArmond

Front row left to right: Tracy Resch, Nancy Katz, Mary Mikva, Carol Pope

## HAVE YOU NOTICED?

by Warren Wolfson

There are no elephants  
In the Lincoln Park Zoo.  
There were—three of them,  
Each with a lady’s name.

When you crowd elephants  
They die, one by one.  
It’s a matter of acres,  
Not enough of them.

We must find sanctuaries,  
Or better yet, return them  
To their born-on lands.  
Then, perhaps, we stay away.

PHOTOS FROM THE OFFICERS' INSTALLATION



Justice Rita Garman



Justice Mary Jane Theis



IJA President Carol Pope addressing the newly installed officers