

**2005 Annual Illinois Judicial Conference**  
**Thursday, October 20, 2005**  
**9:30 a.m.**  
**Westin Chicago River North Hotel**  
**Chicago, IL**  
**Honorable Robert R. Thomas, Chief Justice**

Good morning. It is my pleasure to welcome all of you to the 2005 Annual Meeting of the Illinois Judicial Conference.

On behalf of my colleagues on the Illinois Supreme Court, let me begin by thanking all of you for your presence here today, and for all of your hard work during the previous year. A judge's day is often long and intense. Chambers are occupied at six and seven a.m., by judges preparing for the morning's status call, reviewing contested motions, or (I hope) reading the latest pronouncement from the Illinois Supreme Court. Those same chambers remain occupied until six or seven p.m., by judges awaiting a jury's return, reviewing the day's testimony, or mediating a settlement that finally appears within reach.

The fact that all of you have chosen to assume additional responsibilities in the form of Judicial Conference Committee assignments is a testament to your devotion to the law, and to the fair, orderly, and efficient administration of justice in this State. The work of the Committees is indispensable to both the maintenance and the progress of the judicial branch, and your commitment to something greater than yourselves is to be commended.

I am pleased today to be joined by all my colleagues from the Illinois Supreme Court, as well as by several former members of our Court.

Let me make some introductions.

Former justices of the Illinois Supreme Court include:

- Justices Seymour Simon and John Stamos of the First District
- Justices John Nickels and Louis Rathje of the Second District
- And Justice Ben Miller of the Fourth District

Welcome to all of you, and thank you for continued service to the Illinois bench.

The current court is here, as well.

- From the First District, Justices Charles Freeman and Thomas Fitzgerald
- From the Third District, Justice Tom Kilbride
- From the Fourth District, Justice Rita Garman
- And from the Fifth District, our newest member, Justice Lloyd Karmeier.

Now, you may have noticed I left somebody out. That was intentional. Indeed, I would be remiss if I did not specially recognize my friend, colleague, and predecessor, Mary Ann McMorro, who has presided over the previous three Judicial Conferences as Chief Justice of the State of Illinois. Over the course of her impressive career, Mary Ann has ably served the people of Illinois in a number of capacities.

- As an assistant State's Attorney.
- A Cook County Circuit Court Judge.
- A First District Appellate Court Justice.

- Chief Justice of the Illinois Supreme Court, and along the way, Mary Ann shattered gender barriers that for too long kept the law an insular profession.

None of this came easy for Mary Ann, and nothing was handed to her. She fought every step of the way, carving for herself a path that none before had taken but that many since have had the privilege to follow. Mary Ann is rightly recognized as a pioneering woman in the law. But she deserves to be recognized as a genuine role model for *all* lawyers, a shining example of what talent and perseverance can accomplish, even in the face of staggering odds. Mary Ann, it is an honor to serve on this court with you, and on behalf of your colleagues, and on behalf of all of the judges here today, let me thank you for your fine stewardship as Chief Justice.

And lastly, I would like to recognize Cynthia Cobbs, Director of the AOIC. The Administrative Office is instrumental in coordinating and facilitating the work of our various Conference committees. Today's event would not have been possible without the tireless efforts of Cynthia and her staff. We owe all of them our gratitude, and a round of applause.

We find ourselves at an unusual point in history. For the past several months, the *judiciary* of all things has dominated the news. This, of course, stems from the retirement of Justice Sandra Day O'Connor, and the subsequent passing of Chief Justice William Rehnquist. The remarkable occurrence of *two* simultaneous vacancies on the nation's high court, as well as the potential to reshape the Court's direction for years to come, have moved our humble branch to the forefront of public discourse, and I am convinced that serves the interests of both the public and the judiciary. The judiciary is the least visible, and therefore the least understood, branch of government. The executive, as embodied by the President, defines the news. The news channels are dominated by coverage of presidential elections, both general and primary, presidential press conferences, presidential policy initiatives, even presidential vacations.

Presidential portraits grace our currency. American history is taught largely in relation to the presidency, and this year the networks feature not one but two prime time dramas focusing on the executive.

The legislature is only slightly less visible. Every cable t.v. package includes at least two channels devoted exclusively to the business and proceedings of Congress. Congress raises—and sometimes lowers—our taxes. Congress is where the defining issues of our time—the war on terrorism, social security reform, environmental protection, steroids in baseball—are debated and discussed.

And the franking privilege ensures that, at least four times a year, we all receive in the mail a glossy newsletter featuring large, color photos of our local legislative representative.

Contrast that with the judiciary. For the most part, our proceedings are not televised. Our campaigns are almost never covered. Our faces, and often our names, are unknown to the public.

A few years ago, my wife Maggie and I were invited to Mike McCaskey's skybox to watch a Bears game. Trust me. The invitation had much more to do with the fact that I had recently been elected to the appellate court, than it did with my field goal percentage. A number of other guests were present in the skybox, including Mike Kryzweski, the legendary Duke basketball coach. During a brief conversation with Coach K, I informed him that I still had four years of basketball eligibility left, just in case he would ever need my talents as a point guard. Never changing expression, Coach K dead panned, "Bob, you are very very small." I quickly retorted, "Yes, but do you know that I am now a judge?" "Bob, I am aware of that, and if you were a judge from *North Carolina*, I would still say you are very very small. But I would try to get to know you better."

In *Federalist No. 78*, Alexander Hamilton described the judiciary as “the weakest of the three departments of power.” Is it any surprise, then, that West Wing has dominated the Emmy Awards for seven straight seasons, while “First Monday” was canceled after 12 weeks? So I welcome the valuable civics lesson that a Supreme Court vacancy brings.

Though the hearings can often be contentious, an important dialogue emerges to those who are paying attention. And that dialogue relates to the essential role that the judiciary plays in our constitutional system.

Preserving the balance of power between the executive and the legislature. Protecting our most fundamental rights as Americans from legislative or executive encroachment. Ensuring that the laws passed by the legislature are enforced fairly and fully.

It is our role as judges to ensure that the laws found in the Constitution and passed by the legislature actually mean something. That the private contracts we enter into are worth the consideration that was exchanged. That rights set forth on paper are not just empty promises, incapable of enforcement or vindication by a neutral tribunal. But instead real, tangible things that are never out of reach, and always ours to enjoy.

It is good to remind the public of this from time to time, and a supreme court vacancy serves this purpose well. At the same time, the hearings remind all of us that the judiciary’s independence is under assault like never before. Even before a nominee was announced, interest groups were preparing their war rooms, drafting their talking points, and sending forth their spokespersons.

Millions of dollars were budgeted for media campaigns, both in support of and opposition to whoever the nominee turned out to be. These assaults come from all points of the political spectrum, and the goal is not to ensure an *independent* judiciary, a judiciary free to decide its cases beyond the corrupting reach of politics. On the contrary, the goal is to ensure the judicial enactment of a particular political agenda, whether on the right or the left. This understanding of the judiciary—as a policy making body indistinguishable from the legislature, as a superlegislature susceptible to lobbying—does everyone in this room a disservice.

We understand that our role as judges is not to choose sides, or to pick favorites. Rather, it is to ensure that the law is faithfully and fairly applied without regard to our own personal prejudices, and without regard to the political consequences. On this point, let the hearings be a civics lesson to us, as well. Make no mistake. The work we will do here today is important. But it is only a reflection of the very important work that was done over the last twelve months, and only a hint of the great things that are to come. The next twelve months will indeed bring challenges, and I look forward to working with Director Cobbs and all of the Committees to ensure that the quality and efficiency of justice in this state is always improving.

Over the coming year, the judges gathered here today will address a wide range of issues and initiatives, including:

- the use of mediation and ADR in child custody cases
- the effectiveness of, and challenges presented by, video arraignment
- the creation of centralized document depositories in complex litigation cases
- the uses and abuses of Rule 216 requests to admit
- the creation of a core curriculum for continuing judicial education
- the scope and necessity of confidentiality in juvenile delinquency and neglect cases

These are not small matters. And they will demand an extraordinary amount of study,

debate and attention.

Your presence here today speaks to your commitment. In return, I promise that the Court will make available whatever resources are within its power to provide, to ensure your work can be performed as thoroughly and as efficiently as possible.

We have a very full day ahead of us, and I look forward to reviewing the Committee reports.

In this room, is the future of the Illinois judiciary. You are its leaders, and the work you do here today and in the months ahead will shape the justice system for years to come.

Once again, on behalf of the entire Supreme Court, thank you for your attendance today and for all of your efforts, both in years past and in years to come. Enjoy your day.