



Supreme Court of Illinois

May 17, 2018

JUSTICE CHARLES E. FREEMAN ANNOUNCES RETIREMENT AFTER LONG AND DISTINGUISHED CAREER

Justice Charles E. Freeman, the first African-American to serve on the Illinois Supreme Court and as Chief Justice, has announced he will be retiring effective June 14 after a long and distinguished career as a lawyer and judge. Justice Freeman, 84, is the fifth-longest serving justice in Illinois Supreme Court history at 27 years, six months.

"I have been honored to serve with Justice Freeman for nearly 13½ years. As one of the most senior and experienced members of the Illinois judiciary, Justice Freeman brought to the court not only a wealth of legal knowledge, but also unparalleled insight into the court as an institution," Chief Justice Lloyd A. Karmeier said. "As the first African-American to sit on the high court, he inspired generations of attorneys of color to pursue careers in public service and positions of leadership. As a colleague, he was the embodiment of collegiality.

"It is impossible to overstate Justice Freeman's impact on Illinois law. In the course of his long tenure, he has participated in resolution of some of the most difficult and important controversies to come before the courts of Illinois. Research nearly any point of Illinois law and you will find controlling precedent that he authored. While Justice Freeman may be retiring from office, the extraordinary body of legal decisions he helped craft will serve as an enduring legacy of his commitment to justice and to the people of Illinois."

The Supreme Court has constitutional authority to fill interim judicial vacancies and has appointed Appellate Justice P. Scott Neville, Jr. to fill Justice Freeman's seat, effective June 15 through Dec. 7, 2020. Justice Neville has been a member of the First District Appellate Court since 2004, and a judge since 2000. Cook County Circuit Court Judge Carl Anthony Walker has been assigned to the First District Appellate Court until further order of the Court. Appellate Court Justice Michael B. Hyman was also reassigned to an Appellate Court seat effective until Dec. 7, 2020.

Born in Richmond, Virginia, Justice Freeman descended from slaves freed by Quakers before the American Civil War. He earned his Bachelor of Arts from Virginia Union University in 1954 and earned his *Juris Doctor* from the John Marshall Law School in 1962.

In private practice from 1962-1976, Justice Freeman also served as an Illinois assistant attorney general, Cook County assistant state's attorney, and assistant attorney for the County Board of Election Commissioners. He was appointed by Illinois Gov. Otto Kerner as an arbitrator with the

Illinois Industrial Commission, where for nine years he heard thousands of work-related injury cases. Then from 1973-1976, under Gov. Dan Walker, he served on the Illinois Commerce Commission.

Justice Freeman won election to the Cook County Circuit Court in 1976 and served for 10 years. During that tenure he was the first African-American to swear in a Chicago Mayor, when he administered the oath of office in 1983 to his longtime friend, Harold Washington. For several years, the two attorneys had shared an office in Chicago.

"I can't think of a single area of the law that hasn't been significantly shaped by Charles' jurisprudence over the last three decades. His influence will continue long after his retirement," Justice Robert R. Thomas said. "Charles is the court's historian and elder statesman and honestly it is hard to imagine the Court without him. But much more than that he is a dear personal friend. I will miss him."

Elected to the First District Appellate Court in 1986, Justice Freeman served that same year as Presiding Judge of the Third Division and as a member of the First District Executive Committee. In 1990, in a First Judicial District election to fill the Illinois Supreme Court vacancy of Seymour Simon, Freeman defeated Republican Robert Chapman Buckley 62 percent to 38 percent.

"The people of Illinois owe a profound debt of gratitude for the outstanding contributions Justice Freeman has made to our justice system," prominent Chicago Attorney James D. Montgomery Sr. said. "His insightful opinions leave a legacy that will endure for years to come."

One of Freeman's most publicized cases was the 1994 decision involving DuPage County defendant Rolando Cruz, convicted of kidnapping, raping, and murdering 10-year-old Jeanine Nicarico, despite no physical evidence linking him to the crime. The Illinois Supreme Court in 1990 and 1992 upheld Cruz's conviction and death sentence, but heard the case again in 1994, after a sheriff's lieutenant admitted he had lied under oath about Cruz's statements regarding the murder. In delivering the *People v. Cruz* opinion reversing his conviction, Justice Freeman considered the "impact our decision will have upon Jeanine Nicarico's surviving family and friends." Yet, he reasoned, "we are duty bound to play a larger role in preserving that very basic guarantee of our democratic society, that every person, however culpable, is entitled to a fair and impartial trial. We cannot deviate from the obligation of that role." Another man eventually admitted to the murder, and in 2002 Cruz received a pardon from Gov. George Ryan.

In 1997, the Supreme Court justices chose Freeman to serve as Chief Justice, succeeding Justice James Heiple to become the first African-American to lead a branch of Illinois government. Asked about the significance of being the first African-American Chief Justice, Freeman responded, "I'm an African American who now has become chief judge; I'm not an African-American chief justice. I have no different perception on what course I would take because of my heritage." Freeman won retention to the Court in 2000 and 2010, both with nearly 80 percent of the vote.

Justice Freeman has been praised for upholding defendants' rights and advocating prosecutorial reforms. In *People v. McCauley*, the police refused an attorney's request to see his client when being interrogated. Freeman wrote in his majority opinion that the "day is long past in Illinois, however, where attorneys must shout legal advice to their clients, held in custody, through the jailhouse door. In this case, we determine that our State constitutional guarantees afforded defendant a greater degree of protection."

In the 2011 case *In re Jonathan C.B.*, Justice Freeman dissented in a case that juveniles charged with sex offenses were not entitled to a jury trial. Freeman's dissent focused on the shackling of juveniles, which not only creates prejudice against the accused, but is an affront against the judicial process. He concluded that "a juvenile respondent has the right to appear in a courtroom free of unnecessary physical restraints unless justification is established." In 2016, the Supreme Court added Rule 943, which forbids the use of restraints on a minor during court proceedings except for specific reasons.

During his tenure as Chief Justice, Freeman oversaw improved efficiency of the Family Violence Prevention program; the establishment of a judicial web page; and the reorganization of the rotation of assignments of appellate judges in the First Judicial District, ending the practice that allowed appellate judges in Cook County to sit on the same panel for their lifetimes.

Justice Freeman has received numerous honors, including the Freedom Award from the John Marshall Law School, Seymour Simon Justice Award from the Jewish Judges Association, the Earl Burrus Dickerson Award from the Chicago Bar Association, and the Ira B. Platt Award and the Presidential Award from the Cook County Bar Association.

Justice Freeman's bar association memberships include the Cook County Bar Association, the Illinois State Bar Association, and the DuPage County Bar Association. He is a member of the the Illinois Judges Association and American Judges Association, as well as the American Judicature Society.

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