

No. 118585  
in the Supreme Court of the State of Illinois

In re Pension Reform Litigation

(a/ k/ a Heaton v. Quinn)

appeal from the  
Circuit Court of  
Sangamon County  
consolidated as  
No. 2014 MR 1  
Hon. John W. Belz

NOTICE OF FILING

To: attorneys on the list below

Please take notice that I intend to file electronically in the Illinois Supreme Court (via i2file) later today a Motion for Leave to File Amicus Brief and the proposed Order. Copies are attached if this is by email or enclosed if by mail. The proposed brief will of course also be filed, but in a separate e-filing transaction, noticed in the other (attached or enclosed) Notice of Filing.

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*pro se*

February 20, 2015

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\*\*\*\*\* Electronically Filed \*\*\*\*\*

No.118585

02/20/2015

Supreme Court Clerk

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notice of filing—motion

Coyne

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/ s/ Robert Coyne

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MOTION FOR LEAVE TO FILE *AMICUS* BRIEF

Robert P. Coyne moves for leave to serve as an *amicus curiae* and in that capacity to file a brief. The proposed brief accompanies this motion. In support, Movant states:

I have no special personal stake in this case; my practical interest is merely that of a citizen. But I am trying to design a major constitutional reform of the political system, so I find the background and issues of the case “interesting” in the psychological and usual sense, and somewhat relevant to my design ideas. Also, in my youth I was a law clerk for this court, and worked on several politically hot cases, so I feel for the court's difficulties and anxieties, and would be glad to help again.

There is little reason to suppose that the parties will adequately represent the real and legitimate interests at stake. This case and the troubles behind it exist only because public officials regularly betrayed the public interest and the interests of ordinary people in order to advance their own narrow political prospects and powers and comfort and friendships. The challenged law is more of the same, yet the Attorney General is bound to defend it. Even if she weren't, one cannot rely on any Attorney General (much less one whose father is Speaker and who has good gubernatorial prospects of her own) to put aside the interests and prejudices of lawmakers, the needs and notions of that whole political set and mindset, and speak primarily for the unconnected, or for legal principle.

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On the other side, the lifting is by organized labor. It is hard for a union to represent both its retired members and its active ones; their interests conflict badly here. It's hard for the union, much concerned with dues, even to be impartial between them. Plus, there is the usual divergence between the interests of the members and the leaders or the union itself. It's the union bosses who have clout, to the extent the law makes clout important. As my brief explains, the pension cuts serve (badly) as an alternative to reducing the role of unions; I wouldn't expect unions to say that.

Not only does no party fully represent the people it should, the two sides aren't even fully independent. Officials and unions may be opposed in this case, but as the brief explains, more typically they have common (illegitimate) interests; in Illinois they seem almost joined at the hip. There is thus some potential for a sort of tacit partial collusion to leave some things unsaid, some worms in their cans. The unions may pull their punches when criticizing an officialdom they hobnob with and influence, while the government fails to notice the budget-busting effect of unionization.

An independent voice will help fill these gaps. And this is not private litigation; everything about it is intertwined with the public interest. As a member of the public, I am trying to speak for that.

My experience has been that I often think of things that other lawyers, even numerous excellent ones on all sides of a big case, have missed or misunderstood; so I hope my idiosyncratic viewpoint will include insights you won't hear elsewhere. I have no idea what the Plaintiffs plan to say in their Appellees' Brief, so I can't be sure what is new and different in mine, but I will be surprised if there isn't plenty. I wouldn't expect either side to duplicate (or endorse) my economic take on reform. And the bankruptcy solution I propound offers a "third way" between government's temptation to hope that it can pick winners and losers and do practically anything it wants, and labor's temptation to hope that pensions (with a Pensions Clause) are sacrosanct and can never be defeated nohow.

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amicus motion

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/s/ Robert Coyne

February 20, 2015

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ORDER

The matter of Robert P. Coyne's Motion for Leave to File Amicus  
Brief coming on,

IT IS ORDERED, that the motion is   ALLOWED   DENIED   .

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PROOF OF SERVICE

Robert P. Coyne, being first duly sworn, on oath states:

On February 20, 2015 at 2:40 p.m., I served by email copies of my Motion for Leave to File Amicus Brief, the proposed Order, and a Notice of Filing of these on the people and at the email addresses listed below, from my Yahoo! Mail email account, duckingsnofair@yahoo.com .

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[Aaron B. Maduff]

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Robert Coyne

subscribed and sworn to before me this 20th day of February, 2015

my commission expires 4-1-16

Matthew Taylor

OFFICIAL SEAL  
Matthew W Taylor  
Notary Public, State of Illinois  
My Commission Expires 4/1/16