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SUPREME COURT MOVES FORWARD ON NEW DEATH PENALTY RULES

SPRINGFIELD – The Illinois Supreme Court announced Monday the appointment of 123 experienced criminal attorneys to screen candidates to become certified members of the new Capital Litigation Trial Bar.

The appointments are among several steps taken by the Court in recent months as it moves from the development to the full implementation stage of innovative new rules designed to improve the quality of justice in the trial of capital cases in Illinois.

Among the four new rules and four amended rules announced by the Supreme Court March 1 is the requirement that every assistant state's attorney, public defender and private attorney representing a defendant in a capital case meet rigorous standards and become a certified member of the Capital Litigation Trial Bar. It is believed that no other state has such a broad and far-reaching requirement.

The screening committees, established in each of the five Judicial Districts in the state, will make a thorough review of the credentials of the applicants and forward them for approval to the Supreme Court. A roster of certified attorneys will be maintained by the Administrative Office of Illinois Courts.

Other action the Court has taken is approval of a series of educational seminars for attorneys in death penalty cases and, through the Illinois Judicial Conference, establishment of a series of educational courses to be presented at two-day seminars for judges who may be called on to hear death penalty cases in their current assignments.

The new rules mandate that judges who hear death penalty cases attend such a Capital Litigation Seminar at least once every two years and that attorneys in death penalty cases complete at least 12 hours of training in the preparation and trial of capital cases within two years of making application for admission to the Capital Litigation Trial Bar.

Coupled with the other rules that went into effect March 1, the requirements of the Capital Litigation Trial Bar and mandatory education for trial judges hearing death penalty cases put Illinois in the forefront of states leading reforms to improve the administration of justice in capital cases.

The rules were based on the work of a 17-member Special Supreme Court Committee appointed by the Court in April 1999 and chaired by Thomas R. Fitzgerald, then presiding judge of the Criminal Division of the Circuit Court of Cook County who has since been elevated to the Supreme Court.

“In Illinois we really recognized we had a problem and, due to the Governor’s moratorium, we had time to study the problem and take action,” said Chief Justice Moses W. Harrison II about the latest steps in the Court’s attempts to improve the quality of justice in capital cases. “Although no one can say for certain at this time that we solved all the problems of capital punishment in Illinois—time will only tell if that has happened--we feel certainly that our system of justice will be greatly improved.

“I think it was a courageous step by our Court to take this action in improving the competency of counsel and helping to insure proper representation and a fair trial. “I am very excited about this program and I’m very proud of the Court, and particularly Justice Fitzgerald, the original chairman of the Special Committee.”

Justice Fitzgerald lauded the continuing work of the Special Committee under the new chairmanship of Cook County Criminal Court Judge Michael P. Toomin, and the attorneys who volunteered their time to screen the credentials and experience of other lawyers.

“We have appointed more than 120 expert criminal lawyers from around the state and they have all agreed to contribute their time and effort to secure a competent capital trial litigation bar,” said Justice Fitzgerald. “Without their time and effort this would not be possible.

“We have approved several new training courses for lawyers and established seminars for judges. The hopes that we had during development of the rules are now meeting realization. Judge Michael Toomin and the committee are to be congratulated at all they have done to bring us to his point. It’s my belief that this will make a significant impact on the quality of justice in capital litigation.”

About 500 attorneys are expected to apply for certification initially and some 250 judges are expected to enroll at the first two-day seminar on the conduct of death penalty cases to be held in September.

The judicial faculty consists of nine judges, including Judge Toomin, who are members of the Special Committee; and two law professors, James P. Carey of Loyola University Law School and Thomas F. Geraghty of Northwestern School of Law.

The seminars approved by the Court for attorneys include those sponsored by the Office of the State Appellate Defender, the Association of Government Attorneys in Capital Litigation, the Chicago Bar Associations Task Force on Capital Case Training, the State’s Attorneys Appellate Prosecutor, the Cook County State’s Attorney and the Cook County Public Defender.

Under the rules, to become a certified member of the Capital Litigation Trial Bar as a lead counsel, an attorney must have at least five years of criminal trial experience; have prior experience as lead or co-counsel in at least eight felony jury trials which were tried to completion, at least two of which were murder prosecutions; and complete the 12 hours of training or have

substantial familiarity and extensive experience in the use of expert witnesses and forensic and medical evidence including DNA profiling evidence.

Attorneys seeking an application for admission to the Capital Litigation Trial Bar may obtain one from the Administrative Office of the Illinois Courts, 840 S. Spring St., Springfield, IL 62704. In Cook County, applications also may be obtained from Judge Toomin's secretary, Miriam Gutierrez, in Courtroom 400 of the Criminal Courts Building at 2600 S. California.