

2004 Annual Illinois Judicial Conference
Thursday, October 21, 2004
9:30 a.m.
Holiday Inn Chicago City Centre
Chicago, IL

Ladies and gentlemen good morning. My name is Mary Ann G. McMorrow and it is my great honor and distinct pleasure to welcome all of you to the 2004 Annual Meeting of the Illinois Judicial Conference. I am delighted to be here this morning, and both privileged and humbled as the Chief Justice of the Supreme Court of Illinois to, for the third time, offer the opening remarks for the annual Judicial Conference, the 51st Conference.

It is very gratifying to see among the Conference attendees familiar faces, judges with whom I have been privileged to dialogue about issues important to the judiciary. Welcome to the Annual Meeting. The gratification is mixed with a true sense of excitement as I see the faces of judges who are new to the Conference. I am grateful to you for your work on the Conference this past year and extend to you as well a welcome to the culminating event of Conference Year 2004. The Judicial Conference, with on-going work conducted throughout the year by the dedicated chairpersons and capable and competent committee members, provides the judicial branch with the best of models for planning and action. It captures the wisdom and experience of those more tenured members who serve, while inviting and embracing the creativity and energies of its newest members. Your very attendance here today demonstrates to me, and my colleagues on the Supreme Court, the level of your commitment to improving the administration of justice in Illinois. Thank you all for coming.

I am very proud and pleased to be joined here on the dais by all of the current members of the Supreme Court as well as some of my former colleagues on the court. Let me introduce them to you.

To my far right is Justice Seymour Simon. While I did not have the privilege of serving on the court at the same time as Justice Simon, I have had the honor of knowing him for a great many years. Justice Simon, who has a distinguished career in Illinois public service, has a continued interest in the work of the judiciary. His regular attendance and participation in the Conference is a benefit for all of us. Immediately next to Justice Simon is former Supreme Court Justice John L. Nickels, with whom I did have the privilege to serve – but regrettably, for only 7 short years before his retirement from the bench in 1998. Justice Nickels welcome and thank you for coming. Also seated to my right, next to Justice Nickels, is Justice Rita B. Garman from the Fourth Judicial District and immediately next to Justice Garman is Justice Robert R. Thomas of the Second Judicial District. Welcome to these wonderful, dedicated and skilled colleagues. To my immediate right is the most tenured member of our court and one who served so ably as the court's Chief Justice, the Honorable Charles E. Freeman of the First Judicial District. I am pleased that you are here with us today.

To my far left is the Honorable Benjamin K. Miller. Justice Miller is also a former Chief Justice and while on the court, served with distinction making many extraordinary contributions to the law as well as innovations in the administration of justice in Illinois. Justice Miller has continued his career in the law and has been with the law firm of Jenner and Block, where for over the past

year, he has provided his continued excellence in service as an attorney at law. Next to Justice Miller is Justice Rarick from the Fifth Judicial District. Justice Rarick, who will be retiring from the court later this year, provides all of us with a model of judicial professionalism and competency. Phil thank you for coming and please know that I believe that I can speak for a unanimous Supreme Court of Illinois - thank you for your dedication and we wish you all of the best in your life's next journeys. Also to my left, next to Justice Rarick, is Justice Thomas L. Kilbride from the court's Third Judicial District. The last introduction of those who join me here on the dais is that of my long time friend and colleague – seated immediately to my left – Justice Thomas Fitzgerald of the First District. I am so pleased and proud to be accompanied by all of my colleagues from the court! To all of you welcome and thank you for being here today.

Finally, I would be remiss if in my acknowledgments I failed to recognize the contributions of the Administrative Office of the Illinois Courts and Director Cynthia Cobbs. The Administrative Office facilitates the work of the committees and assists in the coordination of the Conference events. To all of the committee liaisons, Mike Tardy, Lisa Jacobs, Jan Zekich, Karen Reynertson who ably serves as the Conference Coordinator, and all of the members of the Administrative Office staff who participate in the planning of this annual event – thank you.

Those of you who have so ably and professionally served the Judicial Conference in prior years will note that we have modified the schedule for the Annual Meeting of the Judicial Conference. Some of you may attribute the consolidation of the annual meeting into one day as a component of the court's strong fiscal stewardship over our limited judicial branch resources. Others of you may perceive the schedule change as having been necessary to minimize crucial judicial time away from the bench. Your reasoning is, in fact, accurate. However, there is an additional reason for the re-structuring of the annual meeting, one that I assume many of you have noticed as the "*centerpiece*" of change. Researchers and experts in methods of adult learning suggest mornings are the time of day when we tend to be most alert, most open to interactions and learning. This theory, of course, is dependent upon the adequacy of your caffeine intake. In any case as Chief Justice, I now have you as my captive audience at the beginning of the day, rather than during our luncheon. The change in schedule will hopefully offer us no less opportunity to dialogue about the challenges and to explore means to improve the work of the courts and the administration of justice in Illinois. That said, it would seem that we are all challenged to perform our best.

It is important to emphasize that although we have a change in schedule that change does not modify either the importance or the substance of the annual meeting, which will culminate later today with the presentation of reports of the work of each Conference committee. It is, of course, the work of the committees, your work, that is the foundation, the centerpiece, and the core purpose of our meeting. That said, I know that all of us will leave the 2004 Annual Meeting more learned and enriched in our understanding of the challenges and opportunities that we collectively face in improving the work of the courts.

Earlier, I welcomed all of you to this, the 51st Annual Judicial Conference. For some of my more veteran colleagues on the bench I should perhaps clarify with a bit of history about the Conference. The Judicial Conference was first formally provided for in the 1957 adoption of then Supreme Court Rule 56-1, which resulted in the 1958 Illinois Judicial Conference. However, the first Judicial Conference actually occurred some years earlier in 1954. The 1954 meeting simply bore a different name. The Judicial Conference is the formal title given to the successor of annual

judicial meetings that had been initiated by the Supreme Court in 1954. So, while our annual meetings may be in their "early fifties" in terms of a chronological age, as the Illinois Judicial Conference, we are really only in our "late forties." It is true that all things are not as they appear. Contrary to how things may appear, I assure you that neither I, nor any of my colleagues on today's court are quite old enough to have been in attendance at that inaugural Judicial Conference meeting in 1958!

The themes of my comments at the previous two Judicial Conferences centered around our nation's challenges and adjustments to building a safer nation in the post September 11, 2001 era and the role of the justice system in that process. Today, I want to reflect upon some of the salient issues that we faced as a society and as a court system in 1958, and offer to you, my colleagues, a view that some of those challenges continue to be with us in today's world and await us in the future. Offered by the 1958 junior senator from Massachusetts, who later would become the thirty-fifth president of the United States, John F. Kennedy said "Change is the law of life. And those who only look at the past or present, are certain to miss the future."

While I would not suggest that the past is the singular basis on which to predict the future, I leave that lofty task to the visionaries and the dreamers, I do suggest that lessons learned from the past can assist us in managing the present and in shaping our future. I do know and not through any amazing gift of prescience that the future of Illinois' judicial branch is bright and strong, filled with dedicated, competent, and yes independent jurists. I know because the foundation has been laid and much of the evidence is here before me today.

In 1958, our nation's population was less than 175 million and Republican President Dwight D. Eisenhower occupied the White House. His record of extraordinary military leadership and his position as an honored war hero who guided the allied forces to victory in WWII propelled him into the highest elected office in the nation. Now, in 2004, with our nation's population rapidly approaching 300 million, it appears quite differently from 1958. The military records of the two presidential candidates serve not so much as badges of honor, but rather as points of contention and political disagreement.

In 1958, U.S. Marines were deployed in the middle-east, Lebanon to be exact, to help "support" a friendly regime. Today we have over 120,000 troops deployed in harms way in Iran and Afghanistan to, as a component of national security and foreign policy, build and support nations which we believe someday can share in our values and institutions of democracy. The 2004 presidential election is only a short 12 days away and it will give our nation which serves as a global beacon of hope, opportunity, and justice our 14th presidential administration since 1958. Notwithstanding the change of personalities in the White House, it is constancy in purpose and value-based stewardship of our Constitution that provide the crucial bridge that moves us from the past to the present towards the future.

In 1958, the Judicial Conference focused considerable energy on proposals which in their final state would amend the judicial article of the Illinois Constitution in 1960. While engaged in debate at a high level, and taking pains to note that concerns expressed were not part of a political agenda, the 1958 members of the Illinois Judicial Conference heard the following analysis by Illinois' former Supreme Court Justice Floyd E. Thompson:

"Fundamental in the American system of government is the distribution of the natural functions of government among independent departments. Executive departments and legislative departments with recognized functions had existed under different forms of government in many parts of the world when our nation was established, but it remained for our people in this free country to establish by written Constitution an independent judicial department and to vest all judicial powers in our courts. This is probably our greatest single contribution to the science of government. Without it there can be no freedom and with it there can be no dictatorship. We must guard against any invasion of this fundamental principle of government in the laudable effort to improve the administration of justice."

In 2004, our courts, both Federal and State, continue the struggle of maintaining judicial independence. The struggle is not confined to the great state of Illinois. Just last month in Florida, Chief Justice Barbara Pariente writing for a unanimous Supreme Court on legislation deemed offensive to the doctrine of separation of powers stated that *"[i]f the legislature, with the assent of the Governor, can do what was attempted here, the judicial branch would be subordinated to the final directive of the other branches."* Making such difficult and momentous decisions in our society is the job of the courts.

My esteemed colleague, Justice Philip J. Rarick, in authoring this court's decision in *Jorgensen v. Blagojevich*, wrote:

"While the three branches of government enjoy equal status under the Constitution, their ability to withstand incursions from their coordinate branches differs significantly. The judicial branch is the most vulnerable. It has no treasury. It possesses no power to impose or collect taxes. It commands no militia. To sustain itself financially and to implement its decisions, it is dependent on the legislative and executive branches. Retribution against the courts for unpopular decisions is an ongoing threat. What is at stake here is the very independence of the judiciary and the preservation of separation of powers."

It would seem in looking back to 1958 to the first "official" Annual Meeting of the Illinois Judicial Conference that while some things of course have changed, some things have also remained constant. In order to insure the effective administration of justice just as it did in 1958 it remains today our responsibility and requires today our diligence in the preservation of judicial independence. If we, the members of the Judicial Conference of 2004, view ourselves as part of the leadership of the "third branch", then learning is an indispensable component of that leadership mantle and there is much to be learned from those who preceded us so that we might in turn help direct the path for the future and those who follow.

This year, of course, has not singularly been about the responsibility of maintaining the independence of the judiciary. Neither has it been solely about how to pay for the Court's core operations. This year has been marked by progress and achievements which collectively contribute to improvements in the administration of justice. These accomplishments, and the substantive policy and practice areas that they represent, bring the value of judicial independence to life and build the required foundation for independence in increased public trust.

In addition to the work of the committees of the Conference, reports from which we will hear later today, I want to provide you with a brief overview of some of the projects and accomplishments which have occurred in Illinois as significant to the proper administration of justice:

- As I have stated, continued learning and professional growth is a mantle of leadership, and the judges of Illinois have met this challenge well! As, no doubt, you each will recall, there were two sessions of the 2004 Education Conference, held in Chicago. The Conferences were attended by over 900 judges, including 66 who served as faculty. Conference evaluations indicated high levels of satisfaction from the judges who attended. This event is of course, in addition to the numerous regional training events and seminars sponsored by the Committee on Education.
- The administration of justice in Illinois continues to be improved in its efficiencies and effectiveness through the implementation of specialty courts, whether they be for drug abuse, mental health or the integration of family and child protection procedures. These initiatives hold great promise to demonstrate the justice system's accountable and innovative efforts to assist in managing myriad societal issues that the public rightly expects that the judicial branch will serve as a key problem-solving partner.
- The Supreme Court's administration of the court improvement grant, through the Administrative Office and the Judicial Advisory Committee, resulted in a record expenditure of over \$350,000 in federal funds to assist local and state efforts in improving the judicial system's work with a most vulnerable group of our state's citizens, children who are victims of abuse, neglect and/or abandoned by their caretakers as dependent children. The judicial branch continues to be available to the state's child welfare agency to assist in implementing the program improvement plan that is the result of the 2003 federal review of Illinois' system of caring for children removed from their homes because of abuse and neglect.
- Automation and technology continued at the forefront of court priorities and projects. In addition to approving the start-up of an electronic filing pilot program in the 18th Judicial Circuit, several other sites are on the cusp of initiating electronic filing as well. The court approved the expansion of the 20th Circuit's St. Clair County pilot imaging program to assist in expanding technological advances in the trial courts. The St. Clair pilot has recently been expanded by the Supreme Court and will well serve as a model for implementing technological advances that contribute to the improved administration of justice.
- Illinois' probation system, a judicial branch function, has directed its many and valued human resources to implementing the key components of evidence based practices that increase community safety through reduction in offender risk. Illinois' probation system has recently been selected as one of two national sites by the U.S. Department of Justice, National Institute of Corrections, to receive intense national technical assistance to implement these practices. Further, through our Administrative Office, reform efforts are widespread to ensure the appropriate and cost-efficient use of bed space in Illinois' court managed juvenile detention centers. Similar to the probation risk reduction initiative, the juvenile detention alternatives initiative focuses on the integration of best practices with fiscal stewardship of this costly and often overused resource in the juvenile justice arena.

In reflecting on the past work of the Conference I wondered if in 2055, 51 years from now,

what comments will the Chief Justice of the Supreme Court of Illinois make about our work in 2004? My hope about those comments can best be summarized by a quote of comments offered by the late President John F. Kennedy:

"When at some future date the high court of history sits in judgement on each one of us recording whether in our brief span of service we fulfilled our responsibilities to the state our success or failure, in whatever office we hold, will be measured by the answer to four questions: were we truly people of courage...were we truly people of judgement ... were we truly people of integrity... were we truly people of dedication?"

I am confident that the collective response to each of these inquiries will be a resounding yes!

Thank you for your time this morning. I look forward with you to a fruitful annual meeting.