

Bench & Bar

The newsletter of the Illinois State Bar Association's Bench & Bar Section

From My Perspective: Why a Bar Exam?

BY JUSTICE LLOYD A. KARMEIER (RET.)

The legal profession has come a long way in Illinois since the days of Abraham Lincoln and “reading the law” in a law office as a means to obtain a license to practice law. The number of individuals entering the legal profession each year has grown exponentially since Lincoln practiced law across rural Illinois, due to the new roles and responsibilities attorneys fulfill in all facets of modern society. Today, in order to regulate the legal profession and to ensure that clients are adequately represented and protected,

the Illinois Supreme Court requires a new Illinois lawyer to have acquired a law degree from an ABA-accredited law school (with exceptions for graduates of foreign law schools, who must comply with other eligibility requirements), to pass a character and fitness screening, and to receive a qualifying score on the Uniform Bar Examination (UBE).

During the COVID-19 pandemic, as restrictions on mass gatherings and local health and safety guidelines jeopardized

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‘Are We Our Brother’s Keeper?’—Part 1: Incarceration, Supervision, and Crime in the United States

BY ELIZABETH BLEAKLEY

This article is part one of a three-part series.

“Are we our brother’s keeper?” This centuries old question typically is intended to challenge us to think about how we view ourselves and society at large. People will respond differently based on their individual values and experiences. Despite the wide range of personal views that make

up our country, in the United States the answer to this question is a resounding yes, but not in the sense typically understood.

This article looks at incarceration and other correctional supervision in the U.S.¹ The idea for this article originated when the author came across figure 1, stating: “1 out of 5 prisoners in the world is incarcerated in the U.S.” This assertion raised more

questions than answers and started a chain of inquiry.

As legal professionals, we are in the unique position of being immersed in the inner workings of the law. We routinely research, interpret, explain, argue, and defend the law. We may not always agree, but we still respect the rule of law.

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the ability to conduct an in-person exam, many jurisdictions adopted emergency measures to ensure that candidates would not be delayed in their path to admission. Some of these measures included emergency adoption or expansion of rules allowing recent graduates to practice under supervision until they were able to take the bar exam or, in a few cases, emergency diploma privilege allowing qualified candidates to be admitted without taking the bar exam.

During this time, some questioned the need to require any bar exam at all. In lieu of a bar exam, alternative suggestions have included (1) admission based solely on receipt of a degree from an accredited law school, (2) requiring a period of apprenticeship in a law office under the tutelage of a qualified practitioner who could certify the person's fitness and ability to practice law, or (3) employing a combination of the two. While historically these options have existed in some jurisdictions, the majority of jurisdictions have relinquished these options in favor of requiring passage of the bar exam.

Aside from the usual arguments that we require doctors, certified public accountants, veterinarians, and barbers—to name but a few—to be certified to ply their trade, which involves passing a standardized test, here are a few observations about the desirability of requiring aspiring lawyers to pass the bar exam, in particular because of the great public trust that is required of the legal profession.

The bar exam is the Illinois Supreme Court's measure of minimum competence to practice law in Illinois. The components of the Illinois bar exam have evolved over the years, and Illinois now administers the UBE—which has, at the time of this writing, been adopted by 40 jurisdictions. The Illinois bar exam has remained a consistent test of basic lawyering skills, reading comprehension, knowledge of basic legal principles, and writing ability.

Passing the bar exam serves an important gatekeeping function in ensuring public protection.

If Illinois abandoned the bar exam in favor of one of the suggestions mentioned above, the Illinois Supreme Court—the traditional gatekeeper for determining who should be accorded the privilege of practicing law in Illinois—would be ceding the gatekeeper role to either a law school or a licensed attorney. Needless to say, standards for admission would undoubtedly vary from school to school or from lawyer to lawyer.

The Illinois Supreme Court is already limited in the oversight of the education law students receive, because prospective Illinois attorneys are graduates from law schools located across the country and even outside the United States. Although the Illinois Supreme Court requires graduation from an ABA-approved law school (aside from the foreign law school graduate option mentioned above), it does not set standards for admission to law school or for a law school's curriculum. These matters are determined by each individual law school, which may have many rationales and goals when setting admission and graduation standards, although the rate of success on the bar exam is an important factor that the ABA uses to assess the success of a law school's legal education.

The bar exam holds all examinees who wish to practice law in Illinois to exactly the same standard year after year, no matter what law school they graduated from, in that they must achieve the same minimum passing score. The minimum passing score is set by the Illinois Supreme Court in consultation with the Illinois Board of Admissions to the Bar, and while passing the bar exam may not ensure that a person will be successful in practicing law, it does ensure to the Court that everyone who passes has at least a minimum level of competency.

Similarly, while the need to be approved

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as morally and ethically fit to act as the legal representative of others may not be guaranteed by the approval of a committee on character and fitness, this process certainly helps to prevent entry into the profession by those who should not be entrusted to handle the confidential legal affairs of others—whether because their morals or ethics are suspect, or because they have a record of violating standards of accepted conduct.

As noted above, the Uniform Bar Examination given in Illinois holds all who would be lawyers to pass the exact same exam given to all. The standards and the content of every exam are substantially the same me

The Uniform Bar Exam which Illinois now gives is not substantially different from the prior exams Illinois gave. The UBE has three exam components. First, the MultiState Bar Exam (MBE) consists of 200 practice-centered, multiple choice questions in seven core areas of law. The multiple-choice format permits objective grading and sampling of a broad array of content contributing to high

reliability of the score.

Second, the Multistate Essay Exam (MEE) is a six-question essay exam that also covers core law practice areas and provides an assessment of a candidate's ability to identify and analyze legal issues while also showing their ability to convey that analysis in writing. The Illinois Supreme Court has been made aware of the fact that many individuals sitting for the bar do not have any degree of writing proficiency, a major shortcoming for any prospective lawyer.

Finally, the Multistate Performance Test (MPT) consists of two 90-minute case simulations that require the examinee to create a written product for a supervising attorney using a case file and a closed universe of legal resources.

The essay and writing portions of the exam challenge the examinee to think critically and express their thoughts and analyses under the stress of time constraints. Although practicing attorneys may not always face the same type of time constraints when practicing law, similar time and stress constraints may well occur when appearing

in court before a judge and opposing counsel where the need to think and formulate an intelligent and effective argument or response is critical to a client's best interests.

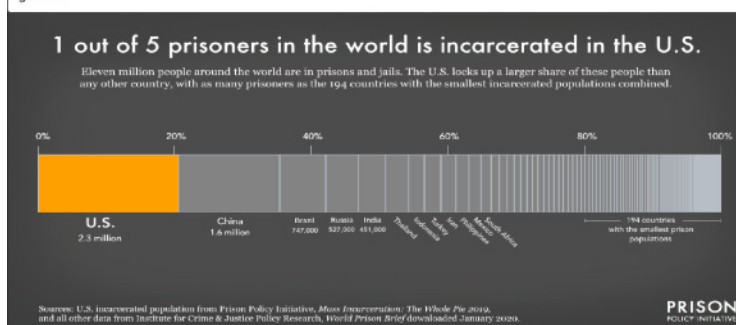
In sum, a bar exam provides a level playing field to test the skills and abilities of all would be lawyers. The UBE and review by a character and fitness committee provide assurance that a person is in fact at least minimally qualified to practice law in Illinois. The decision of who should be allowed to practice is not left to the uncertain and varying standards a law school uses in accepting and graduating students. Nor is it left to the whim of any individual attorney whose standards and methods can vary from attorney to attorney and as applied to each prospective lawyer. And the Illinois Supreme Court retains its role as gatekeeper for admission to the practice of law in Illinois. ■

Hon. Lloyd A. Karmeier served on the Illinois Supreme Court from 2004 until his retirement in 2020, serving as chief justice from 2016 to 2019.

'Are We Our Brother's Keeper?'—Part 1: Incarceration, Supervision, and Crime in the United States

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Figure 1.



But law is not static and neither is society. As conscientious citizens, as well as legal professionals, we need to step back from time to time to see the larger picture. Is the law and its enforcement serving us well? Is it written, interpreted, and enforced in a fair and balanced way taking into account all constituencies?

Crime and criminal justice are complex

issues. What we as a society treat as a crime, the criminal corrections systems we adopt, and how we respond to our fellow citizens and residents are choices we collectively make. These choices are not static and change over time. The author's hope is that this series of articles will help you participate in that decision-making process and add your voice to the mix, consistent with your values and experiences.

A Word About Our Criminal Justice System, Statistics, and Trends

The U.S. does not have one criminal justice system. As the authors of *Mass Incarceration: The Whole Pie 2020* explain: "The American criminal justice system holds almost 2.3 million people in 1,833 state prisons, 110 federal prisons, 1,772 juvenile correctional facilities, 3,134 local jails, 218 immigration detention facilities, and 80 Indian Country jails[,] as well as in military prisons, civil commitment centers, state psychiatric hospitals, and prisons in the U.S. territories."² These disparate systems adopt and implement different policies and procedures, have differing accountability, and track information differently. Data is not always timely produced or analyzed and is not always comparable.

Further, how one chooses to slice the data has a significant effect on how the data is interpreted and utilized. The U.S.

Department of Justice (“DOJ”) cautions that: “Changes in [data] are always evaluated within the context of time, and changing that context—[by] selecting a different subset of years [or data sources]—influences whether [the trend] appears to be increasing or decreasing... Without a longer trajectory, year-to-year changes in data seem like emerging trends.”³

“Distinguishing stable trends from temporary fluctuations is essential to understanding how crime is affected by changes in criminal justice policy, as well as by varying social, economic, and demographic influences,”⁴ explains author John J. Donahue in his article, *Understanding the Time Path of Crime*, published in the *Journal of Criminology* (italics added).

U.S. Incarceration

U.S. Leads the World ... in [Known] Incarcerations

Based on 2019 data, the U.S. had just over 4 percent⁵ of the world’s population but accounted for approximately 22 percent of the world’s known prison population (see figure 1 above).⁶

This data raises many questions, including:

- Is this a new phenomenon for the U.S.? How does our current incarceration rate compare to U.S. historical incarceration rates?
- Is global comparison fair? *Should* we compare ourselves to the rest of the world?
- Do race, ethnicity, or poverty play a role in our comparatively high number of incarcerations? If so, is this unique to the U.S.?

Beyond just a global comparison, this article will also look at other factors that contribute to incarceration in the U.S.—some will surprise you. A review of our misdemeanor, probation, and parole systems leads to interesting insights into our use of corrections and incarceration in the U.S.

A. U.S. Historical Context

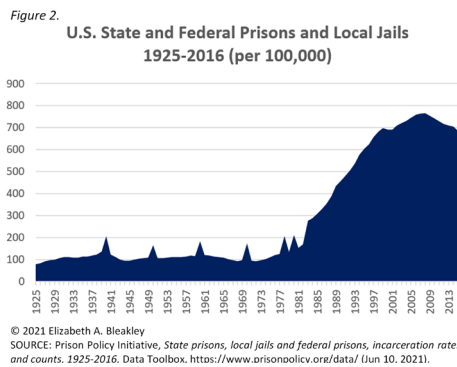
The U.S. National Research Council in 2014 concluded that:

“The growth in incarceration rates

in the United States over the past 40 years is historically unprecedented and internationally unique.”⁷

The U.S. incarceration rate was apparently relatively stable from at least the 1920’s through the early 1970’s. Then the incarceration rate rose rapidly for decades (see figure 2).⁸ The American Conservative Union Foundation, in its 2018 letter to Congress asserted that:⁹

“Between 1980 and 2013, our federal prison population jumped nearly 800 percent.... The average length of federal sentences has doubled during the same period. Not surprisingly, prison costs have also skyrocketed.... [T]he Department of Justice’s Inspector General has called these increasing expenditures for prisons “unsustainable.”¹⁰



This bleak picture is the result of multiple complex and interrelated factors that do not lend themselves to easy answers or simple solutions. Is the increase a result of escalating crime, the overuse of incarceration as a corrections method, or a combination of multiple other factors? Some reduction in these statistics has been seen in recent years, though not of the same magnitude as the decades-long escalation. Article three of this series will take a closer look at crime statistics and correlation.

Global Comparison

According to several sources, possible reasons for America’s (comparatively) high levels of incarceration include:

1. Our country has significantly

more lethal crime (homicides) than our developed peers;¹¹

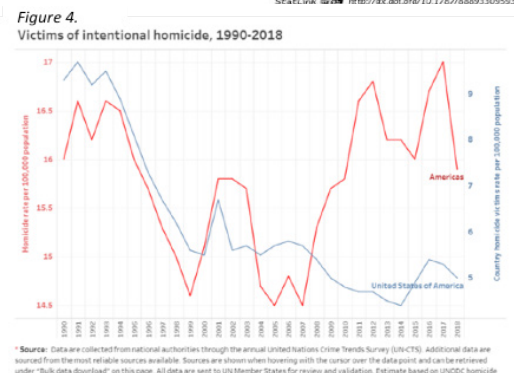
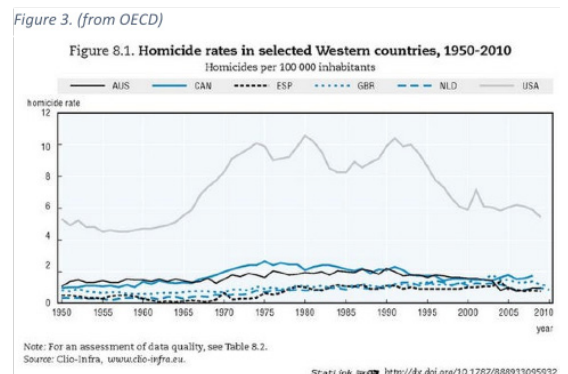
2. Compared to regimes like China, the U.S. makes less use of punishments like the death penalty and secret detentions;¹²
3. U.S. prison sentences are much longer than in other countries;¹³ and
4. Institutionalized inequity exists in the U.S. generally and in our criminal justice system specifically.¹⁴

Lethal Crime – Intentional Homicide Rates

The U.S. homicide rate is a significant outlier when compared to certain Western countries like Australia, Spain, and the United Kingdom. Figure 3 shows the comparative trends from 1950 through 2010. The U.S. is the top trendline, and consistently has the highest homicide rates over time.

But compare the homicide rate in the U.S. to other regions of the world, and the picture looks very different. Figure 4 shows the homicide rates from 1990 through 2018 for the Americas (red) and for the U.S. (blue). In the Americas, the rate was 16.0 in 1990 and 15.9 in 2018, while in the U.S. the rate was 9.3 in 1990 and dropped to 5.0 by 2018.

As of 2018, the U.S. homicide rate was overshadowed by countries like Venezuela,



the Bahamas, and Honduras.

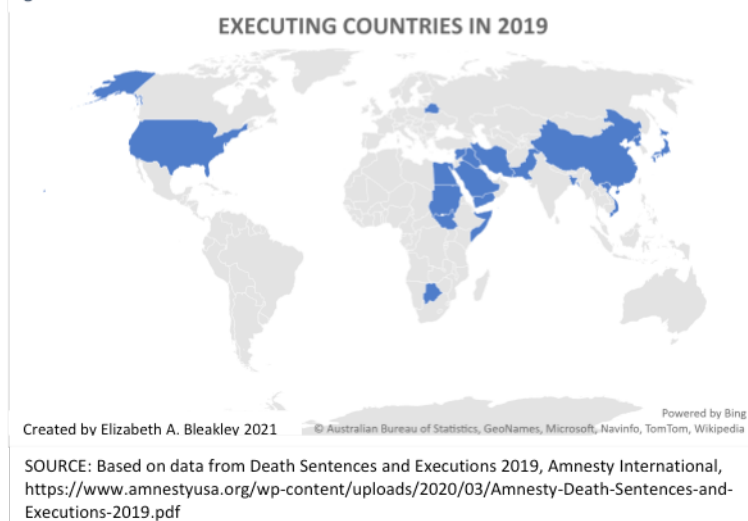
Viewed in this way, lethal crime *does not* appear likely to be a significant factor in the U.S.'s high incarceration rate relative to the rest of the world.

Punishment Type

Death Penalty (Executions)

Amnesty International reports 657 executions by judicial use of the death penalty were carried out globally in 2019 (see figure 5):¹⁵

Figure 5.



Most executions took place in China, Iran (251+), Saudi Arabia (184), Iraq (100+), and Egypt (32+). Excluding China, the other four countries were responsible for 86 percent of such executions.

“As in previous years, the global recorded totals do not include the thousands of executions that Amnesty International believe[s] were carried out in China, where data on the death penalty is classified as a state secret.”

In the U.S., 22 prisoners were executed in seven states in 2019.¹⁶ This placed the U.S. in sixth place for known executions under sentence of death worldwide and the only such executioner in the Americas region for the 11th consecutive year, according to Amnesty International. But many of the countries lower on the list lack sufficient information to provide credible numbers, including North Korea, Syria, and Viet Nam.

The high number of executions in certain other countries *does* appear to contribute

significantly to their lower incarceration rates, relative to the U.S.¹⁷

Enforced Disappearances

In 2017, the International Center for Transitional Justice (“ICTJ”), observed an “alarming rise in the incidence of enforced disappearances around the world, particularly in a number of the “Arab Spring” states, such as Syria, Egypt and Yemen.”¹⁸ According to the ICTJ, Syria experienced the enforced disappearance of

over 65,000 people, including entire families and thousands of children.¹⁹

China reportedly detains individuals and holds them at undisclosed locations for extended periods, including mass detention of Uighurs, ethnic Kazakhs, and other Muslims in Xinjiang.²⁰

“There are few crimes as chilling as enforced disappearances. There is no closure for the families or loved ones, as hope mixes with fear. Families suffer and often find themselves without a breadwinner and difficulty obtaining any support or benefits (as they cannot prove the death of the one disappeared).”²¹

Secret prisons where officials forcibly “disappear people” are known as “no-return prisons.”²² Such disappearances and no-return prisons *do* reduce the number of reported incarcerations of certain other countries when compared to the U.S.

Sentence Length and Life Without Parole

In 2017, The Sentencing Project found that nearly one of every nine people in prison in the U.S. was serving a life sentence, and a significant number of others were serving “virtual life” sentences of 50 years or more.²³ This represented 13.9 percent

of the prison population at the time, or one of every seven people behind bars.²⁴ According to the Brennan Center for Justice, 83 percent of the world’s population of life-without-parole prisoners is incarcerated in the U.S.²⁵

In his work, *Incarceration Rates in an International Perspective*, Marc Mauer found a “striking” variation in the length of prison sentences across countries and its effect on overall rates of incarceration.²⁶ Mauer cites a prior study that found **“the United States generally imposes longer sentences on persons sentenced to incarceration than other industrialized nations.”**²⁷ The Institute for Crime & Justice Policy Research published an interesting report in 2021 on sentencing practices for ten countries with disparate circumstances and policy approaches across five continents.²⁸

Sentence length in the U.S. *does* appear to have a significant impact on our relatively high incarceration rates.

Institutionalized Inequity

Race and Ethnicity

In 2015, “Black people [were] nearly six times as likely to be incarcerated as [W]hite people, and nearly three times as likely to be incarcerated as their Latino counterparts[,]” according to the author of *Mass Incarceration in America*.²⁹ In his 2020 study, author Steven Elías Alvarado found that “discrimination... is a part of blacks’ daily lives, *regardless of socioeconomic background*,” and “residential mobility for blacks does not protect against incarceration as much as it does for whites and Latinos.”³⁰

Some scholars maintain that mass incarceration in the U.S. can only be understood in conjunction with the history of African Americans over several centuries.³¹ According to author Ta-Nehisi Coates,³² “peril is generational for black people in America—and incarceration is our current mechanism for ensuring that the peril continues.” He contends that incarceration “was the method by which we chose to address the problems... resulting from ‘three centuries of sometimes unimaginable mistreatment’ [of black people].”³³

Internationally, poor and marginalized

communities are overrepresented in prisons “across the board[,]” according to the authors of *Prison, Evidence of its use and overuse from around the world*.³⁴ With respect to race and ethnicity, the authors point out that:

- In Hungary, Roma people are about 40 percent of the prison population, but only 6 percent of total population;
- In Australia, indigenous people are 27 percent of adult prisoners but only 2 percent of all adult Australians;
- In the Netherlands, as of 2015, 62 percent of prisoners were born outside the country;
- In England, Wales, the U.S., and Brazil, the proportion of black and mixed race people in prison significantly exceeds that in the general population;³⁵ and
- In African jurisdictions and India, poor and marginalized communities are overrepresented.³⁶

Race and ethnicity do significantly impact the number of people incarcerated in the U.S.; however, this phenomenon is seen in many other countries, as well. The *relative impact* compared to other countries is *unclear*.

Poverty

In its 2018 report to the United Nations, The Sentencing Project asserted that disparities in the U.S. criminal justice system are “deeper and more systematic than

explicit racial discrimination”:

The United States in effect operates two distinct criminal justice systems: one for wealthy people and another for poor people and people of color. The wealthy can access a vigorous adversary system replete with constitutional protections for defendants. Yet the experiences of poor and minority defendants within the criminal justice system often differ substantially from the model.³⁷

People in prison and jail are disproportionately poor compared to the overall U.S. population³⁸ (see figure 6). “Poverty is not only a predictor of incarceration^[39]; it is also frequently the outcome, as a criminal record and time spent in prison **destroys wealth**^[40], creates debt, and **decimates job opportunities**^[41].”⁴² **Mass incarceration and hyper-criminalization serve as major drivers of poverty.**⁴³

In 2016, the U.S. DOJ Office for Access to Justice published a brief to “advance[] the department’s robust efforts to prevent unlawful practices that punish poverty at every stage of the justice system and that trap vulnerable residents in cycles of debt from court fines and fees.”⁴⁴

“The criminal justice system punishes poverty, beginning with the high price of money bail: The median felony bail bond amount (\$10,000) is the **equivalent of 8 months’ income** for the typical detained defendant.”⁴⁵

Internationally, “those entering pretrial detention come from the poorest and most marginalized echelons of society, who are least equipped to deal with the criminal

justice process and the experiences of detention.”⁴⁶ According to Salla and Rodriguez Ballesteros, “[i]ndependent research and government data consistently show that in both high income and low income economies, those who are held in pretrial detention are...more likely to lack the means

to secure non-custodial options, including bail.”⁴⁷ “In the African states[,] as in India, the prosecution of petty offences results in excessive use of imprisonment (including through unnecessary and lengthy pre-trial detention). Excessive imprisonment “takes a disproportionate toll on poor communities and acts as a brake on development.”⁴⁸

Poverty *does* contribute significantly to the number of people incarcerated in the U.S.; however, this phenomenon is also seen in many other countries. As with race and ethnicity, the *relative impact* of poverty compared to other countries is *unclear*.

A Word About Global Differences

Countries have their own unique histories, cultures, and values. These differences inform the criminal justice systems adopted by each country, including the United States. Comparisons of such systems do not lend themselves to easy answers but do provide insights and alternatives, as well as challenge some of our assumptions.

The Role of Misdemeanors

Felony Versus Misdemeanor

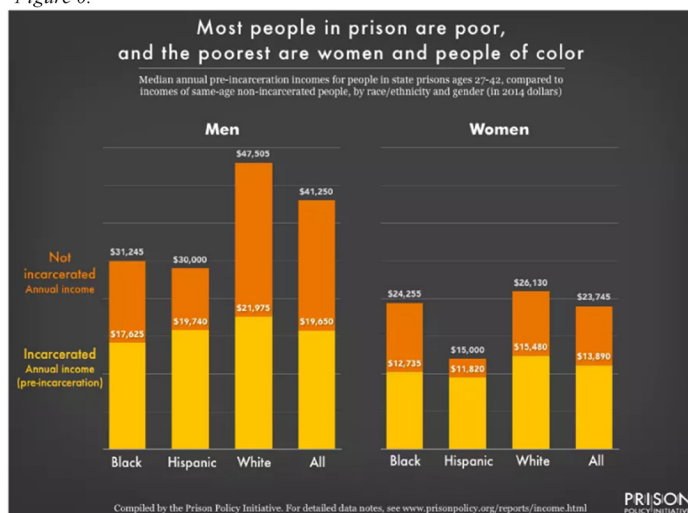
Criminal convictions include *both* felonies and misdemeanors. A felony is a serious crime punishable by more than a year in *prison* or by death. A misdemeanor is a “*lesser crime*,” punishable by a fine or *jail* time of up to one year. To be clear, *a misdemeanor is still a crime*.⁴⁹

Magnitude

Misdemeanors far outnumber felonies. Approximately 13 million misdemeanor charges were filed in 2015 alone, according to legal scholar and author Alexandria Natapoff, who found that “**the [misdemeanor] system is 25 percent bigger than we thought it was, and four times the size of the felony system.**”⁵⁰

Sometimes misdemeanors don’t even look much like *crimes*. In twenty-five states, speeding is a misdemeanor. Loitering, spitting, disorderly conduct, and jaywalking belong to a large group of *crimes* called “order-maintenance” or “quality-of-life” offenses, and **they make it a crime to do unremarkable things that lots of people do all the time**. By contrast, some

Figure 6.



misdemeanors are quite serious—drunk driving and domestic assault for example.⁵¹

Criminal Justice System and Misdemeanors

In state courts, just over half (54 percent) of people charged with misdemeanors went to jail and 22 percent were sentenced to probation, according to BJS state statistics released in 2010.⁵² In federal courts, approximately 62 percent of misdemeanor defendants were convicted, of which approximately 36 percent were incarcerated, 34 percent were given probation, and 21 percent were given fines only.⁵³

In *Punishment without Crime*, author Natapoff explains that “[i]n federal courts[,] which have smaller caseloads and more resources, indigent defendants charged with shoplifting or DUI get skilled counsel, and courts routinely hold hearings and proper trials.”⁵⁴

Unfortunately, Natapoff found that in many state courts misdemeanor cases are resolved by guilty pleas with as little as one to three minutes spent in court, in large part without the benefit of legal counsel:

This dynamic not only contradicts numerous fundamental legal rules, it also invites wrongful conviction: innocent people arrested for low-level offenses routinely plead guilty to crimes they did not commit.... **Innocent people might [plead guilty] because they are too poor to pay bail... meaning that they will remain in jail for weeks or even months until their cases are over.**⁵⁵

Two U.S. Supreme Court cases help to bring concerns related to misdemeanors into focus:

In Justice Souter’s concurring opinion in *Nichols v. United States*,⁵⁶ he raised studies previously considered by the Supreme Court⁵⁷ that show “the volume of misdemeanor cases . . . may create an obsession for speedy dispositions, regardless of the fairness of the result.”

In *Atwater v. Lago Vista*,⁵⁸ the U.S. Supreme Court held that the Fourth Amendment *does not forbid a warrantless arrest for a minor criminal offense*, such as a misdemeanor seatbelt violation *punishable only by a fine*. **Ms. Atwater was arrested**

in front of her small children, booked, and placed in a jail cell, then taken before a magistrate and released on bond, all over a seatbelt misdemeanor for which she ultimately paid a \$50 fine.

The Role of Probation and Parole

Lofty Purpose

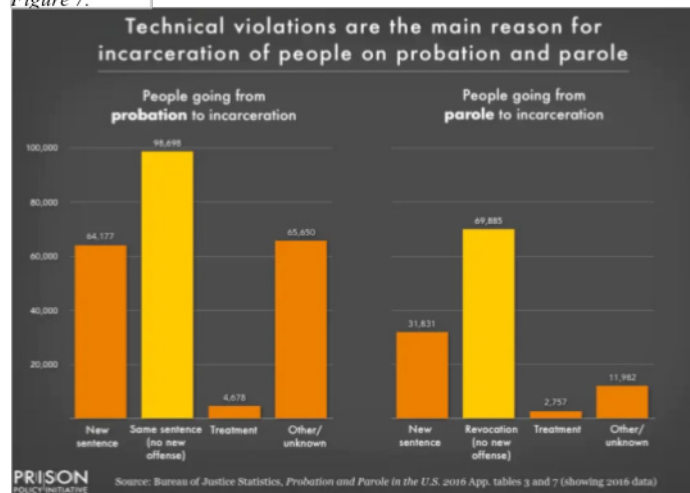
Community supervision is often seen as a “lenient” punishment or an “ideal “alternative” to incarceration.⁵⁹ In *Bearden v. Georgia*, the U.S. Supreme Court stated that the decision to place a defendant on probation reflects a determination by the sentencing court that imprisonment is not required.⁶⁰

The Reality

Frequent Technical Violations

In reality, probation and parole frequently lead to incarceration (see figure 7). According to a 2020 publication by the Prison Policy Initiative, **the conditions of community supervision are commonly so restrictive that they “result in frequent ‘failures,’ often for minor infractions like breaking curfew or failing to pay unaffordable supervision fees.”**⁶¹

Figure 7.



Vincent Schiraldi, a former NYC Probation Commissioner and Senior Advisor to the NYC Mayor’s Office of Criminal Justice, explains that while probation was “[e]stablished originally as an alternative to incarceration, probation has grown too large for jurisdictions to adequately fund and has become a major

contributor to mass incarceration.”⁶² He points out that, **as of 2017, probation and parole were supervising more than twice as many people as were in all of America’s prisons and jails.**

Supervision Debt

Supervised individuals often are impoverished, yet have to pay probation supervision fees, court costs, test fees, and electronic monitoring fees, among a myriad of other fees.⁶³ “Criminal justice debt ensures that people who are no threat to public safety remain enmeshed in the system,” according to the authors Patel and Philip.⁶⁴ Roughly one-quarter of the respondents in Harris and colleagues’ 2010 study served time in jail for nonpayment of fees and fines; another study found that 12 percent had been re-incarcerated for missing payments.⁶⁵ The authors of *Criminal Justice Debt* assert that “[t]his limited perspective results in senseless policies that punish people for being poor, rather than generate revenue.”⁶⁶

In *Bearden v. Georgia*, the U.S. Supreme Court weighed in on this issue:

We hold, therefore, that in revocation

proceedings for failure to pay a fine or restitution, a sentencing court must inquire into the reasons for the failure to pay. . . . If the probationer could not pay despite sufficient bona fide efforts to acquire the resources to do so, the court must consider alternative measures of punishment other than imprisonment. . . . To

do otherwise would deprive the probationer of his conditional freedom simply because, through no fault of his own, he cannot pay the fine. **Such a deprivation would be contrary to the fundamental fairness required by the Fourteenth Amendment.**⁶⁷

In *Shackled to Debt*, the authors explain that “as assessed and administered in the

U.S., CJFOs [criminal justice financial obligations] can be quite punitive and insufficiently parsimonious. In those instances, their administration challenges even basic notions of citizenship rights and social justice.²⁶⁸

Continuing Discussion

This is the first article of a three-part series.

Please see “**Are We Our Brother’s Keeper?**” Part 2: Incarceration, Criminal Records, and Collateral Consequences for a look at these issues.

Please see “**Are We Our Brother’s Keeper?**” Part 3: Reconsidering Crime and Corrections for a look at incarceration and crime rates, correlation, and reconsidering corrections. ■

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Recent Appointments and Retirements

1. Pursuant to its constitutional authority, the supreme court has appointed the following to be circuit judge:

- Ruth I. Gudino, Cook County Circuit, October 15, 2021

2. The circuit judges have appointed the following to be associate judge:

- Hon. Maryam Ahmad, reinstated, Cook County Circuit, October 4, 2021
- Hon. Lloyd J. Brooks, reinstated, Cook County Circuit, October 4, 2021
- Barbara Dawkins, Cook County Circuit, October 4, 2021
- Hon. James Thomas Derico, Jr., reinstated, Cook County Circuit, October 4, 2021
- Sabra L. Ebersole, Cook County Circuit, October 4, 2021
- Carl L. Evans, Jr., Cook County Circuit, October 4, 2021
- William N. Fahey, Cook County

Circuit, October 4, 2021

- Barbara N. Flores, Cook County Circuit, October 4, 2021
- Mitchell B. Goldberg, Cook County Circuit, October 4, 2021
- Jasmine V. Hernandez, Cook County Circuit, October 4, 2021
- Matthew W. Jannusch, Cook County Circuit, October 4, 2021
- Martha-Victoria Jimenez, Cook County Circuit, October 4, 2021
- Diana E. Lopez, Cook County Circuit, October 4, 2021
- Hon. Kerrie Maloney Layton, reinstated, Cook County Circuit, October 4, 2021
- Thomas A. Morrissey, Cook County Circuit, October 4, 2021
- James B. Novy, Cook County Circuit, October 4, 2021
- Eric M. Saucedo, Cook County Circuit, October 4, 2021
- Theresa M. Smith Conyers, Cook

County Circuit, October 4, 2021

- Ankur Srivastava, Cook County Circuit, October 4, 2021
 - Pamela J. Stratigakis, Cook County Circuit, October 4, 2021
 - Hon. Anthony C. Swanagan, reinstated, Cook County Circuit, October 4, 2021
 - Andreana A. Turano, Cook County Circuit, October 4, 2021
3. The following judges have retired:
- Hon. Joan Margaret O'Brien, Cook County Circuit, September 17, 2021
 - Jon. Timothy J. Chambers, Associate Judge, Cook County Circuit, October 27, 2021
 - Hon. Arthur F. Hill, Jr., associate Judge, Cook County Circuit, October 31, 2021
4. The following judge has resigned:
- Hon. Cara L. Smith, Cook County Circuit, September 17, 2021