

FOR IMMEDIATE RELEASE

September 14, 2010

**CHIEF JUSTICE FITZGERALD ANNOUNCES AN END TO LONG AND
DISTINGUISHED CAREER**

SPRINGFIELD -- Chief Justice Thomas R. Fitzgerald of the Illinois Supreme Court has announced he will be retiring, ending a long and distinguished career, one marked by duty, grace and an abiding care and respect for the fair administration of justice.

The dignity he brought to his work was no more apparent than when he presided over the impeachment trial of former Gov. Rod Blagojevich in the Illinois Senate. His sense of duty was reflected in twice making personal appeals to Gov. Pat Quinn in successfully restoring millions of dollars to probation services despite an austere state budget.

As the Court gathered in Springfield for the first day of its September term on Monday, the Chief Justice informed his colleagues that he has received a confirmed diagnosis of Parkinson's disease and will be stepping down on October 25.

"I didn't want to do anything to hurt the Court or the people it serves," he said. "Right now, I'm fully capable of discharging its duties. I don't know how much longer that will be true."

The Supreme Court has constitutional authority to fill interim judicial vacancies and, on the recommendation of Chief Justice Fitzgerald, appointed Appellate Justice Mary Jane Theis to take his place on the Court, effective October 26. Justice Theis has been a member of the Appellate Court in Cook County since 1993, and a judge since 1983.

The formal Supreme Court's Order was filed on Tuesday.

Chief Justice Fitzgerald is the son of a judge; she is the daughter of one. Each of their fathers sat in the Criminal Division of the Cook County Circuit Court, as have they.

"As a judge for 27 years, I am humbled by the confidence the Illinois Supreme Court has placed in me today," Justice Theis said. "Now, however, is the time to reflect on the legacy of Chief Justice Thomas Fitzgerald. He has led the judiciary and legal profession with integrity, intelligence and grace.

MORE

Chief Justice Fitzgerald Add One

“Chief Justice Fitzgerald has given extraordinary service to the People of the State of Illinois, and he provides inspiration not only to me, but to every judge in the State he has served so honorably.”

Chief Justice Fitzgerald, 69, was nearing the end of his first full 10-year term on the Court, and completed two years of a three-year term as Chief. Until his announcement to colleagues on Monday, he was seeking retention in November for a second 10-year term.

Justice Thies will serve until December 3, 2012, when the seat will be filled by the November 2012 General Election.

The Supreme Court will announce the selection of a succeeding Chief Justice at a later date.

Chief Justice Fitzgerald is a former longtime Cook County Criminal Court Judge, and head of that division. He was appointed to head up, and clean up, Traffic Court in Chicago in the wake of the Operation Greylord investigation, and has been instrumental in several forward-looking initiatives while on the Supreme Court.

Integrity has always been in the forefront of his career.

As a member of the Supreme Court, he welcomed the classes of new attorneys being admitted twice each year to the profession. He beamed with pride when he reminded them after they’ve taken the oath: “You’ve just become a colleague of Abraham Lincoln!”

He also reminded them what Lincoln told a group of young lawyers sometime before the Civil War:

“There is a vague, popular belief that lawyers are necessarily dishonest,” he would quote Lincoln. “It appears improbable that their impression of dishonesty is very distinct and vivid. Yet the impression is common—almost universal. Let no young person choosing the law for a calling for a moment yield to this popular belief. Resolve to be honest at all events; and if, in your own judgment, you cannot be an honest lawyer, resolve to be honest without being a lawyer. Choose some other occupation. . .”

He once told an interviewer of the lessons he learned from a case he had as a young assistant state’s attorney. It was a murder case. All the evidence was circumstantial, yet the defendant’s version didn’t make sense. The jury convicted the defendant. Three years later, another man was arrested and confessed to committing several murders, including the one which the young Mr. Fitzgerald prosecuted.

Still a prosecutor, he interviewed the second person and gave him a “reverse Miranda” admonition, saying that nothing he could say would be used against him. It was obvious that the second defendant knew details of the crime only that actual murderer would know. Within days,

MORE

Chief Justice Fitzgerald Add Two

the prosecutors brought the original defendant to court by agreement that the trial court would have jurisdiction. And the first defendant was released.

The case, Chief Justice Fitzgerald said, taught him valuable lessons: “Do what is right. The affairs of human beings are very complicated. You have to be prepared to take another look from time to time.”

Chief Justice Fitzgerald is a native Chicagoan, and attended Loyola University before enlisting in the United States Navy. After his tour of duty, he graduated with honors from The John Marshall Law School, where he was a founder of the school’s current law review and served as the law review’s associate editor.

He began his own career in the law as a prosecutor in the Cook County State’s Attorney’s office. When he was first elected to the Circuit Court bench in 1976, he was the youngest elected Circuit judge in Cook County.

Justice Fitzgerald served as a trial judge in the Cook County Criminal Court from 1976 to 1987, when he was assigned Supervising Judge of Traffic Court. He cleaned it up, and instituted a number of other reforms. He informed prosecutors that if no attorney or police witness was present, the case would be dismissed for want of prosecution. He also was instrumental in the start of a Traffic Safety School at Northwestern University. A first-time offender would attend for four hours, and a second-time offender would attend an eight-hour class. Their tickets were discharged following completion of the course.

In 1989, he returned to the Criminal Division as Presiding Judge and also instituted reforms, including establishment of an evening Narcotics Court. He also was appointed to serve as presiding judge of Illinois’ first statewide grand jury.

In April 1999, while still sitting as a Circuit Court judge, Justice Fitzgerald was appointed by the Supreme Court to be a member and chairperson of the Court’s newly-formed Special Supreme Court Committee on Capital Cases to assess and improve the administration of justice in Illinois death penalty cases. Under Judge Fitzgerald’s leadership, the Committee drafted pioneering rules to improve the quality of justice in the trial of capital cases, including a requirement of Court certification to assure that only trained and experienced attorneys handle capital cases. Judges also were required to undergo training.

Justice Fitzgerald was elected to the Supreme Court in 2000 and the proposed capital case rules were approved by the full Court shortly afterwards. He continues to serve as the Supreme Court liaison to the Special Committee.

MORE

Chief Justice Fitzgerald Add Three

One of the most notable achievements of Chief Justice Fitzgerald while on the Supreme Court grew out of a soup line he was working in suburban Chicago with some other attorneys. The discussion turned to veterans and the hurdles they faced when they returned from Iraq and Afghanistan. The discussion grew into a formal recommendation to his fellow justices that the Court find a way to improve the delivery of free legal services to veterans in obtaining disability and educational benefits. The Court assigned the task to its Commission on Professionalism; and in September 2007, Justice Fitzgerald joined former Director L. Tammy Duckworth of the Illinois Department of Veterans Affairs, officials of The John Marshall Law School, the Illinois State Bar Association and the Commission in announcing a broad initiative to help Illinois veterans obtain free legal services.

Chief Justice Fitzgerald also recommended to his colleagues that the Court establish a Special Committee on Child Custody Issues. Along with his colleague, Justice Rita B. Garman, he served as liaison to the Committee which resulted in a new “900 Series” of Supreme Court rules to ensure that the best interests of children is the prime focus of all custody cases, and that all child custody proceedings be scheduled and heard on an expedited basis.

Drawing on his vast experience in Criminal Court, Chief Justice Fitzgerald is a firm believer in rehabilitation and alternatives in sentencing.

During his abbreviated tenure as Chief, he oversaw the creation of a Special Supreme Court Advisory Committee for Justice and Mental Health Planning in an attempt to maximize the use of court and community resources in aiding the rehabilitation and treatment of accused offenders with mental health issues.

In each of the past two years, he has gone before the budget committees of the Illinois legislature, explaining to them the need to continue probation services as a viable tool for rehabilitation. When his pleas went unmet, he wrote the Governor, asking that partial funds be restored; and a total of \$36 million over the two years was added to the Court’s budget for probationary services.

During his tenure as Chief, he sought to improve the quality of the Illinois judiciary, in his words, “to make a very good judiciary even better.” He believed that public confidence in the operation of the courts was necessarily vital to ensuring judicial independence.

In that regard, he announced a series of new initiatives to enhance the performance of the judiciary. They included a requirement that all of the approximately 925 Circuit and associate judges in the state participate in a confidential judicial performance evaluation program; expansion of a judicial mentoring program; and new rules directing and clarifying the authority and expectations of Chief Circuit judges and presiding judges of Appellate Courts in their administrative roles.

As Chief, Justice Fitzgerald also convened a Special Committee on Illinois Evidence with the aim of codifying existing evidentiary law in Illinois so that it is available in a single source for judges and attorneys. A Special Committee has been working on the project since November 2008, has held public hearings and its work is expected to come to fruition shortly.

MORE

**Chief Justice Fitzgerald
Add Four**

Chief Justice Fitzgerald has been the recipient of numerous awards.

In 2008, he received the prestigious John Paul Stevens Award, which celebrates Illinois attorneys and judges who have demonstrated extraordinary integrity and service to the community throughout their careers.

Other awards and accolades Chief Justice Fitzgerald has received include the Outstanding Judicial Performance Award by the Chicago Crime Commission; Celtic Man of the Year by the Celtic Legal Society; the Herman Cogan Media Award for Excellence in Broadcast Journalism by the Chicago Bar Association.

The Lawyers' Assistance program honored him in 2000 with the Hon. John Powers Crowley Award. He is the 2001 recipient of The John Marshall Law School Freedom Award. In 2003, Justice Fitzgerald was awarded the Joel Flam Award by the Chicago Inn of Court, and the Chicago-Kent College of Law Professional Achievement Award. In 2005, Justice Fitzgerald was named Catholic Lawyer of the Year by the Catholic Lawyers Guild of Chicago. He is a member of the Leo High School Hall of Fame.

Chief Justice Fitzgerald has taught at The John Marshall Law School and Chicago-Kent College of Law, where he was assistant coordinator of the trial advocacy program from 1986 to 1996. He also has taught at the Einstein Institute for Science, Health and the Courts.

He has served as president of the Illinois Judges Association, member of the Governor's Task Force on Crime and Corrections, chairman of several committees of the Illinois Judicial Conference, member of the Chicago Bar Association's Board of Managers and past chairman of the Chicago Bar Association's committees on constitutional law and long-range planning.

The Chief Justice also is a director of the Advanced Science and Technology Adjudication Resource Center, Inc., which is a Washington D.C. nonprofit corporation involved in recruiting and training judges in science and technology under a grant from the U.S. Department of Justice.

He is a devoted White Sox fan, and a founding member of the Nellie Fox Society, which worked tirelessly to accord the late second baseman Hall of Fame honors.

--30--

(FOR MORE INFORMATION, CONTACT: Joseph Tybor, press secretary to the Illinois Supreme Court, at 312.793.2323)