ILLINOIS STATE BAR ASSOCIATION

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Bench & Bar

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

The Most Important Thing You Can Bring to Court

BY JUDGE BRIAN WEINTHAL

AFTER NEARLY THREE YEARS as an administrative law judge, I feel comfortable opining that an advocate's credibility is the most important thing that he, she, or they can bring to court. Credibility strongly influences the context in which judges assess legal arguments. Credibility also informs the degree to which an opposing party may rethink certain positions relative to the assurances, threats, or predictions that an attorney might make in a particular case. In all, credibility is a powerful indicator of believability that may persuade an opponent or a decision-maker to apply the law to the facts in the manner you propose.

And yet, on an almost daily basis, I see instances in which attorneys miss critical opportunities to solidify and enhance their credibility when appearing in contested proceedings. While some of these lapses are overt (such as missing court altogether), others are more subtle and may lead to a gradual diminution of credibility over the life of a case. An attorney whose credibility has suffered over time invariably enters trial at a disadvantage and may not even realize that authenticity and trustworthiness have eroded due to minor or unobtrusive gaffes in the earlier phases of a lawsuit.

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David C. Marcus: The Unsung Civil Rights Hero

HON. JESSE G. REYES

"*The unsung hero is the light that guides us through the darkness, without ever seeking the spotlight.*"

ON A WARM SUNNY FALL DAY IN 1943, in Westminster, California, Soledad Vidaurri walked with her two children, her niece, and her two nephews to enroll all of them in the neighborhood elementary school.

Upon arriving at the school, Soledad was informed that her children would be admitted into the so-called "American School" as they were light-skinned and had a French-sounding last name. Her niece and nephews, on the other hand, would not be admitted due to their Spanish surnames and darker skin. They would have to attend the "Mexican School."

Outraged, Soledad turned around and

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The Most Important Thing

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In light of this concern, I thought it might be beneficial to litigators (and others) to identify several of the most common ways in which attorneys lose credibility during court appearances. While this list is certainly not exhaustive (and may reflect a bias towards the civil rights work that I currently perform), I suspect that many of these observations would be confirmed by other jurists regardless of the area of law in which they concentrate. I also imagine that the advice offered below is germane to just about any adjudicative forum (although my colleagues in the state and federal judiciary will need to tell me if I have missed the mark).

With those disclaimers offered, the following are the primary ways in which I believe attorneys can avoid losing credibility when appearing before a finder-of-fact:

Talk to the Opposing Side Before Coming to Court

Few actions demonstrate a greater degree of assiduousness than contacting your opponent to discuss a case before coming to court. Such dialogue saves substantial time and effort for the assigned judge if the parties are already agreed upon a path forward. Barring the occasional overreach, I rarely second-guess attorneys regarding the scheduling in their case if they have shown me that they are sophisticated and experienced enough to have contacted each other to discuss these issues in advance. While the parties need not agree on everything as the result of their meet-and-confer, I am more than happy to resolve any remaining disagreements if the attorneys have demonstrated that they are able to address some number of contested matters on their own. In my view, opposing lawyers who willingly communicate with each other in advance of live hearings are truly the consummate professionals in the room.

Conversely, there is almost nothing more frustrating than an attorney who raises an issue in writing without indicating whether the subject was preemptively discussed with opposing counsel. In such scenarios, I am left to guess whether a particular motion will be contested, meaning that my initial question to counsel during any subsequent motion hearing will likely be whether a live proceeding was even required in the first instance. An equally frustrating sequence plays out when a party makes an oral motion in court, only to reveal that no discussion was held on this relief in advance. In these situations, the moving party inevitably suffers an immediate and sizable blow to credibility, largely because communication with opposing counsel will almost always truncate the number of contested issues that need to be resolved by the court.

Familiarize Yourself with the Facts of Your Case

Ordinarily, when I meet with attorneys at an initial status hearing, the only documents I have before me are the complaint and the answer. But while I spend significant time familiarizing myself with those pleadings, I consistently have questions about a case that is not readily discernible from the controlling allegations. In most instances, my questions are tied to logistical concerns that forecast the size and scope of the workload needed to complete a particular matter (such as the number of witnesses that may need to be deposed during discovery).

Credibility wanes, however, when attorneys do not have the answers to underlying questions that should already be apparent from the investigation that was required to draft the complaint or the answer. For example, in a discrimination lawsuit, if a member of a protected class is alleging that other employees who violated "Policy X" were not terminated (whereas the protected plaintiff was), counsel for both parties should have at least some concept of who else was impacted by "Policy X" and whether any of those employees enjoyed the

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same protected status as the plaintiff. These are core facts in any discrimination lawsuit that will assist the assigned judge to predict the range of issues that may arise during discovery (or thereafter). Relaying them to the court with confidence and familiarity is an excellent way to demonstrate that YOU are the advocate on whom the finder-of-fact should rely when a debate or disagreement arises regarding the available evidence.

Request Extensions Promptly

If you foresee difficulty complying with a court-ordered deadline, request any extension far enough in advance to allow the assigned judge to meaningfully assess the need for an extension. In civil cases, deadlines directed by courts typically afford parties several weeks (if not multiple months) to comply with the timing obligations imposed on them. Nevertheless, with frightening regularity, I will receive a request for an extension on the date that a pleading is due, with the moving-attorney believing that a *de facto* extension has somehow been achieved merely by placing the motion for extension on file before the pleading deadline has passed (notwithstanding the fact that I will not have the opportunity to rule on the request for extension before the day ends). Few things are as detrimental to an attorney's credibility as missing a deadline, particularly where an attorney mistakenly believes that an eleventh-hour request for an extension has technically vitiated the deficiency of not submitting the original pleading on time.

To be sure, emergency circumstances can (and sometimes do) arise. However, at least in my experience, parties rarely cite "emergency circumstances" as the rationale for their requests to continue applicable deadlines. Most often, attorneys advise that their work in "other matters" has hindered their ability to submit pleadings in a timely manner. This excuse is unlikely to hold sway with most judges—who are among the busiest of attorneys when it comes to managing several hundred matters at the same time. In such scenarios, a judge may tell you that if he, she, or they can effectively manage their time, you can as well.

To avoid placing your credibility at risk, request any extension early enough to give the assigned judge sufficient time to properly consider your request. In so doing, you will be viewed by the court as both an effective communicator and a diligent advocate who is attentively managing your side of the case.

Take Responsibility for Mistakes

Rare is the attorney who proclaims "the buck stops here" in the wake of tactical or administrative errors. Typically, a lawyer who has missed a pleading deadline or otherwise run afoul of a court order submits an apologetic motion seeking to correct whatever mistake has been made. Yet rather than own that mistake, the majority of corrective motions that I receive identify process failures that seem to imply that the error in question was not *really* the attorney's fault.

For example, I routinely receive explanatory motions advising that a pleading deadline was missed because a new or inexperienced paralegal forgot to calendar the due date for a particular filing. In my view, nothing is more ruinous to an attorney's credibility than attempting to ascribe fault to a subordinate staff member. Indeed, in my opinion, a lawyer's effort to assign culpability to junior associates, paralegals, or assistants is tantamount to Richard Nixon's famous concession that he would "accept the responsibility, but not the blame." As the lead lawyer in a case, you are responsible for everything that happens—from an improbable victory to an exasperating error. Both are yours to own, although how you do so will largely determine how the assigned fact-finder assesses your credibility as an advocate.

If you make a mistake, own it, and ask to correct it. Like you, the judge in your case is a human being who makes mistakes all the time. If you accept the blame for the things that go wrong on your watch (even if those errors might not be your fault), the court is going to perceive you as both honorable and fallible, which are qualities that are naturally associated with heightened credibility. "No one is perfect," as the old expression goes. And, in Illinois, the mandate from our Supreme Court is to decide cases on their merits, not on technicalities—so there are likely few mistakes that a judge is not going to let you correct where your credibility renders you worthy of the opportunity to do so.

Treat Self-Represented Litigants with Courtesy and Respect

Self-represented litigants (or "SRLs") create unique challenges for the legal system. Often, attorneys become frustrated when litigating cases against SRLs, either because an SRL has filed a non-meritorious motion or because an SRL has failed to take an action required by local practice. In these scenarios, attorneys frequently move to dismiss the lawsuits brought by SRLs, many times on procedural or technical grounds. The rationale underlying such motions is the idea that Illinois law requires SRLs to be evaluated by the same standards that apply to licensed attorneys.

But as mentioned above, the Illinois courts operate under a general mandate to decide cases on their merits, not on technicalities. For this reason, it is unlikely that many judges will dismiss the claims of an SRL based merely on technical violations of applicable rules. A good example of this principle is a recent case I had in which defense counsel moved to dismiss an SRL's lawsuit on three different occasions because the SRL had misquoted verification language taken from the Illinois Code of Civil Procedure. Such repetitive and aggressive litigation tactics were not enhancing the credibility of defense counsel, who did not seem to understand that I was not going to dismiss the SRL's case on this ground. E-mails sent to the SRL by defense counsel were also hostile, threatening, and generally condescending.

Quite the opposite occurred in a case I had not long after—where an SRL was neglecting to answer discovery or appear at scheduled status hearings. The defense counsel in that matter clearly wanted to win her case on the merits. She sent courteous reminder messages to the SRL the week before discovery responses were due, followed by polite e-mails seeking a meet-and-confer when discovery responses were not tendered by the SRL in a timely manner. Even after all of those messages

were ignored, defense counsel called the SRL's voicemail and reminded the SRL of the date and time of an approaching hearing that was scheduled to discuss the outstanding discovery responses. When the SRL failed to attend that hearing, I had little choice but to dismiss the case for want of prosecution, which I did because I was persuaded that defense counsel had done everything she could to focus on the merits of the action, rather than capitalize on the power imbalance between the attorney and the SRL.

The takeaway is that courteousness and professionalism towards an SRL are compelling indicators of credibility and may help you to earn the results you hope to achieve in your case without becoming mired in the procedural disputes that often arise while litigating matters against SRLs.

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To summarize, your credibility is the most important thing you can bring with you to court. Your credibility impacts not only how the judge views your arguments, but the degree to which opposing counsel may concede certain positions based on the representations you make during a particular case.

Credibility can suffer as the result of poor lawyering, but it can also be enhanced through diligence, expertise, honesty, professionalism, and courtesy. Where you espouse these virtues in your appearances before judicial and quasi-judicial decision-makers, you are likely to find that you will receive the benefit of many "close" calls where the fact-finder believes that you are the most credible advocate in the proceeding. ■

Brian Weinthal is the Chief Administrative Law Judge of the Illinois Human Rights Commission. In this role, he serves as the principal fact-finder and decision-maker in cases of purported civil rights violations that are filed under the Illinois Human Rights Act. He also supervises the six other administrative law judges who work for the Illinois Human Rights Commission and assigns cases to them as new complaints are filed before the agency. At any given time, Brian and his bench are responsible for hundreds of pending lawsuits arising in the areas of employment, education, public accommodation, access to credit, and transactional real estate.

David C. Marcus

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marched the children back home. Her brother, Gonzalo Mendez, learning that his children were rejected, was equally outraged. The following day, Gonzalo went to speak to the principal and was informed that his children would not be permitted to register. He then went to the local school board meeting where he was also turned back. He then proceeded to present his concerns to the Orange County school board and again his request fell on deaf ears. Undeterred, two years later, Gonzalo and his wife, Felicitas, along with a group of Mexican-American parents, filed a class action lawsuit which was presented and argued by their attorney, David C. Marcus.

David C. Marcus

Marcus was born in Iowa in 1906. He was the eldest of five sons born to Mary and Benjamin Marcus. Both of his parents were Jewish immigrants from Eastern Europe, who met and married in the United States. Benjamin initially supported himself and his family by peddling goods throughout the Midwest and later founded stores in Albuquerque and Los Angeles. Marcus' brothers would follow in their father's footsteps and become businessmen. Marcus decided to pursue a legal career and enrolled in the University of Southern California (USC) Law School, where he became involved in the USC Law Clinic. The Clinic provided *pro bono* legal advice to the public and first-hand experience to law students. After graduating from law school, he worked briefly for the Mexican Consulate in Los Angeles and then opened his own private practice, which he maintained for the rest of his life. He would specialize in immigration and criminal law but, on occasion, he would take on civil rights cases, as he did with *Mendez v. Westminster.*

The Dilemma

Upon agreeing to represent the *Mendez* plaintiffs, Marcus first had to determine how to proceed with the case. He decided that the matter should be filed and presented as a class action but debated where to file the case. If he went to state court, he would have to argue that, while California's education statutes provided that the school districts could segregate Asian-American and Native American students, the statutes did not mention Mexican-American students. The difficulty with this approach was that the legislature could easily remedy this deficit by amending the statutes to include Mexican-American children. Another drawback to proceeding in state court was that, if there was a ruling in his clients' favor, the ruling would only affect the four Orange County school districts.

Litigating the matter in federal court was also fraught with difficulties. In the mid-1940s, the Supreme Court of the United States seemed still committed to *Plessy v. Ferguson,* maintaining that segregation of school children was constitutional. A number of other decisions in the 1940s further suggested that the Supreme Court was reluctant to challenge race-based governmental actions, *i.e.*, *Hirabayashi v. United States* (1943), and *Korematsu v. United States* (1944). While these decisions had nothing to do with education, they were reflective of the federal courts' inclination to uphold governmental actions that differentiated among individuals on the basis of their

perceived race or ancestry. Thus, there was no indication whatsoever that the Supreme Court would be willing to undo the concept of "separate but equal" or even consider an argument pertaining to the harm associated with segregating school children. For Marcus, the question was how to get his clients their day in court.

The Trial with the Unusual Evidence

What if Marcus argued *Mendez* had nothing to do with race? What if he argued that the case was about discrimination against white people? The United States Census Bureau at the time considered and counted Mexican-Americans as white.[1] If the federal government found them to be white, it was improper to segregate based on ethnicity. In essence, the case was not about race, it was about national-origin discrimination.

Marcus' approach, then, would be to use the Fourteenth Amendment, setting forth an argument that the segregation of Mexican-American students deprived them of their federal right to equal treatment by the state. The school district, in essence, was violating the children's rights under the U.S. Constitution's equal protection clause. This unusual strategy would allow Marcus to argue that segregated schools produced feelings of inferiority among Mexican-American students, jeopardizing their ability to be productive Americans. To reinforce this argument, he would use social science expert witnesses to testify how segregating children threatened their self-esteem and, in the process, segregated school districts were producing an inferior class of citizens where one did not exist. This was a tactic that had never before been utilized. *Mendez* would become the first federal case that would openly challenge "separate but equal" segregation in elementary schools.

The Court Decision

On February 18, 1946, Judge Paul J. McCormick decided in favor of the *Mendez* plaintiffs. A pertinent portion of McCormick's opinion read as follows: "A paramount requisite in the American system of public education is social equality. It must be open to all children by unified school association regardless of lineage."[2] McCormick literally was calling into question the long-standing legitimacy of the nation's equal protection laws as they applied to education. McCormick opined that school segregation impeded learning instead of enhancing it.

McCormick was not addressing or attacking the constitutionality of *Plessy v. Ferguson,* which established racial segregation as the law of the land. Instead, McCormick, was outlawing segregation based on national origin.

The case, which had received very little media attention, became national news and, as a result, would pique the interest of civil rights organizations around the country.

The Appeal

While the case was pending in the U.S. Court of Appeals for the Ninth Circuit, various advocacy organizations, including the American Jewish Congress, the American Civil Liberties Union, the Japanese American Citizens League, the National Lawyers Guild, and the National Association for the Advancement of Colored People (NAACP) submitted friend-of-the-court briefs in support of the *Mendez* plaintiffs. Even the Governor of California, Earl Warren, instructed his Attorney General, Robert Kenny, to file a friend-of-the-court brief requesting that the court should not only uphold the trial court decision but that the legislature should also repeal the statutes that required separate schools for Native American and Asian-American children.

On Appeal & Aftermath

The Ninth Circuit did not overturn racial segregation in its judicial district, but it did hold the basic premise of Judge McCormick's ruling. The court stated, "Enforcing the segregation of children of Mexican descent violated the 14th Amendment and denied them equal protection."[3] The California legislature subsequent to the Ninth Circuit's decision passed legislation repealing all school segregation. Thereby, rendering the issue as moot.

Without a doubt, the innovative trial strategy engineered and employed by David Marcus in *Mendez* greatly contributed to the success of the case. As well as laying the groundwork for more far-reaching decisions to come. It is unfortunate that we know very little of this unsung civil rights hero other than he was a socially conscience lawyer who was always striving to make a difference in this world. And maybe that is all we need to know. ■

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1. The Treaty of Guadalupe-Hidalgo between Mexico and the United States, signed on February 2, 1848, legally categorized Mexicans as white.
2. *Mendez vs. Westminster School Dist. Of Orange County,* 64 F. Supp. 544, 549 (S.D. Cal. 1946).
3. *Westminster School Dist. Of Orange County vs. Mendez,* 161 F.2d 774, 781 (1947).

Mandatory Arbitration Clause Found Unconscionable and Therefore Unenforceable in Nursing Home Contract

BY ALBERT E. DURKIN & PETER W. BUCHCAR

ON OCTOBER 11, 2024, THE ILLINOIS First District Appellate Court affirmed the trial court's decision to deny a Motion to Dismiss and Compel Arbitration, finding that mutually binding arbitration clauses or agreements in adhesion contracts that are so one-sided as to be deemed illusory can be substantively unconscionable and unenforceable, regardless of a severability provision. *See Joan Hwang v. Pathway LaGrange Property Owner, LLC, d/b/a Aspired Living of LaGrange*, 2024 IL App (1st) 240534.

Joan Hwang was a resident of Aspired Living of LaGrange ("Aspired"), an assisted living facility located in LaGrange, Illinois. On July 18, 2022, one day prior to her admission at Aspired, Hwang executed a residency and services agreement with Aspired, consisting of 75 pages and 16 attachments, including an arbitration agreement (the "Agreement"). The Agreement required all disputes, including personal injury and malpractice claims, between the facility and resident to be submitted to mandatory arbitration, except for rent disputes or actions for involuntary transfer, discharge, or eviction. The Agreement had a strict confidentiality clause requiring all filings, discovery, and outcomes to remain confidential, including settlement amounts, names of parties, and name or location of the residence. The Agreement also contained a $250,000.00 cap on any damages, a prohibition on any punitive damages, a waiver of the right to recover attorney fees, and equal cost sharing for the arbitration proceedings. Finally, the Agreement contained a severability clause permitting a court to sever any portions of the Agreement deemed unenforceable.

While walking through a hallway at the facility, an Aspired employee opened the door, striking Hwang and knocking her to the ground and causing injuries, including a broken hip. Hwang filed a five-count complaint against Aspired and the employee in the Circuit Court of Cook County, Illinois, alleging violations of the Nursing Home Care Act, negligence, and premises liability. Aspired moved to dismiss and to compel arbitration pursuant to Section 2-619(a), seeking to enforce the mandatory arbitration provisions of the Agreement. Aspired argued that because Hwang entered into a valid and enforceable agreement to arbitrate, her claims must be dismissed and compelled to arbitration. Hwang argued the Agreement was unenforceable because it was procedurally and substantively unconscionable based on the nature of the agreement and the circumstances in which it was executed.

The trial court agreed and denied Aspired's motion. The court found the Agreement unenforceable due to a lack of consideration because "Hwang received no benefit and Aspired suffered no detriment by signing" the Agreement. Further, the court found that the Agreement was procedurally unconscionable as it was part of a voluminous contract, with the arbitration agreement separated into multiple sections of dense and confusing language and was executed without the benefit of attorney review. The court also found that the Agreement was substantively unconscionable because it contained a waiver of any right to recover attorney fees, equal cost sharing of arbitration fees and costs, a strict confidentiality provision, capped damages at $250,000.00, and an exclusion for punitive damages.

Aspired filed an interlocutory appeal pursuant to Supreme Court Rule 307(a)(1), arguing, among other things, that the arbitration agreement is not substantively unconscionable because it is supported by consideration and alternatively, the court may sever any offending provisions of the Agreement while enforcing the remainder. The appellate court affirmed the trial court's decision and found the mutually binding arbitration agreement to be "so one-sided as to be illusory."

Whether an agreement is unenforceable as unconscionable is a question of law and may be based on procedural or substantive unconscionability. *See Bain v. Airoom, LLC*, 2022 IL App (1st) 211001; *Kinkel v. Cingular Wireless*, LLC, 223 Ill. 2d 1, 21 (2006). Substantive unconscionability looks at the actual terms of the contract and examines the relative fairness of obligations assumed. *Bain*, 2022 Il App (1st) 211001, ¶ 25 (quoting *Kinkel*, 223 Ill. 2d at 28). Agreements are found to be substantively unconscionable when the agreements are "so one-sided that they oppress or unfairly surprise an innocent party, when there is an overall imbalance in the obligations and rights imposed by the bargain," or when a significant cost-price disparity exists. *Turner v. Concord Nursing & Rehabilitation Center, LLC*, 2013 Il App (1st) 221721. Factors to consider include whether a consumer is involved in the drafting of the agreement, a disparity in bargaining power and whether the agreement is on a pre-printed form. *See Razor v. Hyundai Motor America*, 222 Ill. 2d 75 (2006); and *Kinkel*, 223 Ill. 2d.

The appellate court found the Agreement was "entirely one-sided" and greatly favored Aspired, exempting all of Apsired's likely claims against residents, while forcing residents to arbitrate nearly all of their likely claims against Aspired. While Aspired argued the Agreement was not unconscionable because it was supported by adequate consideration, the court treated consideration and substantive unconscionability as distinct legal concepts under Illinois law, with the unconscionability analysis turning upon

the relative fairness of obligations assumed.

Additionally, the court found the confidentiality clause contained in the Agreement unfairly favored Aspired. Under the Agreement, Aspired benefits from its vast access to information about past arbitration proceedings, including awards and precedential outcomes, that residents cannot access. The court also found the prohibition of punitive damages and a damages cap of $250,000 was intended to limit Aspired's liability from personal injury and malpractice claims brought by residents with potential awards far in excess of that sum. Other factors supporting a finding of substantive unconscionability included that the Agreement was a pre-printed form drafted entirely by Aspired, unequal bargaining power, and Hwang's inability to seek the advice of counsel prior to executing the Agreement. Considering the totality of these circumstances, the court found the Agreement substantively unconscionable and therefore, unenforceable. Finding the Agreement substantively unconscionable, the court did not address procedural unconscionability.

With respect to the severability provision, because of the significant number of provisions that were substantively unconscionable, it would be impossible to sever those provisions without completely rewriting the agreement. As such, the court concluded that the Agreement was unenforceable as a whole.

Standard, non-negotiable adhesion contracts between parties with unequal bargaining power are a fact of modern life. *Hwang v. Pathway LaGrange Property Owner* illustrates the fact-intensive, language-determinative analysis used to assess the unconscionability and enforceability of mandatory arbitration provisions in adhesion contracts. One-sided contracts that benefit one party to the other party's detriment deserve careful consideration and consultation with an attorney. ■

Albert E. Durkin is a founding member of MDR Law with over 40 years of experience, currently serving Of Counsel to the firm since 2019.

Peter W. Buchcar is an associate at MDR Law LLC.

Recent Appointments and Retirements

1) Pursuant to its Constitutional authority, the Supreme Court has appointed the following to be Circuit Judge:
   - Scott P. Robinson, 17th Circuit, 2nd Subcircuit, December 4, 2024
   - Michael J. Zink, Cook County Circuit, 20th Subcircuit, December 6, 2024
   - Christina S. Kye, 18th Circuit, 4th Subcircuit, December 16, 2024

2) Pursuant to its Constitutional authority, the Supreme Court has reinstated the following judges:
   - Hon. Marzell L. Richardson, Jr., Retired Judge Recalled, 12th Circuit, December 2, 2024

3) The following judges have been elected:
   - Cecilia T. Abounds, Cook County Circuit, 16th Subcircuit, December 2, 2024
   - Hon. Loveleen K. Ahuja, Cook County Circuit, 8th Subcircuit, December 2, 2024
   - Hon. John C. Anderson, Appellate Court, 3rd District, December 2, 2024
   - Hon. Frank J. Andreou, Cook County Circuit, 12th Subcircuit, December 2, 2024
   - Dennis R. Atteberry, 4th Circuit, December 2, 2024
   - Hon. Jennifer L. Barron, 18th Circuit, 2nd Subcircuit, December 2, 2024
   - Hon. Scott M. Belt, 13th Circuit, December 2, 2024
   - Hon. Victoria R. Breslan, 12th Circuit, 4th Subcircuit, December 2, 2024
   - Hon. Lloyd J. Brooks, Cook County Circuit, 17th Subcircuit, December 2, 2024
   - Hon. Geno J. Caffarini, 13th Circuit, December 2, 2024
   - Hon. Jennifer P. Callahan, Cook County Circuit, December 2, 2024
   - Hon. Carolina E. Campion, 10th Circuit, December 2, 2024
   - Hon. Jeffery G. Chrones, Cook County Circuit, 18th Subcircuit, December 2, 2024
   - Hon. Michael M. Chvatal, Cook County Circuit, 4th Subcircuit, December 2, 2024
   - Hon. Cynthia Y. Cobbs, Appellate Court, 1st District, December 2, 2024
   - Hon. Neil H. Cohen, Cook County Circuit, December 2, 2024
   - Hon. Arlene Y. Coleman Romeo, Cook County Circuit, December 2, 2024
   - Hon. Audrey V. Cosgrove, Cook County Circuit, 11th Subcircuit, December 2, 2024
   - James A. Costello, Cook County Circuit, 12th Subcircuit, December 2, 2024
   - Hon. Joy V. Cunningham, Supreme Court, 1st District, December 2, 2024

- Hon. Linda E. Davenport, Appellate Court, 3rd District, December 2, 2024
- Hon. Pablo F. deCastro, Cook County Circuit, December 2, 2024
- Thomas D. Denby, 7th Circuit, 3rd Subcircuit, December 2, 2024
- Hon. Debjani Desai, Cook County Circuit, December 2, 2024
- Hon. Kim DiGiovanni, 16th Circuit, December 2, 2024
- Hon. Eugene Doherty, Appellate Court, 4th District, December 2, 2024
- Hon. Sean W. Donahue, 10th Circuit, December 2, 2024
- Hon. Rivanda Doss, Cook County Circuit, 17th Subcircuit, December 2, 2024
- Hon. Bridget C. Duignan, Cook County Circuit, 19th Subcircuit, December 2, 2024
- Hon. Deidre M. Dyer, Cook County Circuit, December 2, 2024
- Hon. John A. Fairman, Cook County Circuit, 15th Subcircuit, December 2, 2024
- Hon. Koula A. Fournier, Cook County Circuit, 4th Subcircuit, December 2, 2024
- Hon. Philip J. Fowler, Cook County Circuit, 5th Subcircuit, December 2, 2024
- Pedro Fregoso, Cook County Circuit, 16th Subcircuit, December 2, 2024
- Hon. Celia Gamrath, Appellate Court, 1st District, December 2, 2024
- Ronald J. Giacone, 2nd Circuit, December 2, 2024
- Hon. Caroline Glennon-Goodman, Cook County Circuit, 10th Subcircuit, December 2, 2024
- Hon. Dawn M. Gonzalez, Cook County Circuit, 11th Subcircuit, December 2, 2024
- Hon. Mark S. Goodwin, 5th Circuit, December 2, 2024
- Hon. Nigel D. Graham, 9th Circuit, December 2, 2024
- Hon. Christopher B. Hantla, 4th Circuit, December 2, 2024
- Pat C. Heery, Cook County Circuit, 3rd Subcircuit, December 2, 2024
- Hon. Corinne C. Heggie, Cook County Circuit, December 2, 2024
- Hon. Janes F. Heuerman, 14th Circuit, December 2, 2024
- John Hock, Cook County Circuit, 18th Subcircuit, December 2, 2024
- Hon. Jennifer L. Johnson, 22nd Circuit, December 2, 2024
- Hon. Sarah Johnson, Cook County Circuit, December 2, 2024
- Hon. Marlow A. Jones, 21st Circuit, December 2, 2024
- Hon. Amy C. Lannerd, Appellate Court, 4th District, December 2, 2024
- Jennifer M. Lynch, 12th Circuit, 2nd Subcircuit, December 2, 2024
- Hon. Suzanne C. Mangiamele, 22nd Circuit, December 2, 2024
- Hon. Todd L. Martin, 13th Circuit, December 2, 2024
- Hon. John McAdams, 23rd Circuit, December 2, 2024
- Hon. Robert E. McIntire, 5th Circuit, December 2, 2024
- Hon. Jefrey S. McKinley, 14th Circuit, December 2, 2024
- Hon. Ralph E. Meczyk, Cook County Circuit, 13th Subcircuit, December 2, 2024
- Nicholas O. Meyer, 17th Circuit, 1st Subcircuit, December 2, 2024
- Hon. Mary L. Mikva, Appellate Court, 1st District, December 2, 2024
- Hon. Stephanie K. Miller, Cook County Circuit, 14th Subcircuit, December 2, 2024
- Hon. James V. Murphy III, Cook County Circuit, 10th Subcircuit, December 2, 2024
- Hon. James S. Murphy-Aguilu, Cook County Circuit, December 2, 2024
- Luciano Panici, Jr., Cook County Circuit, 15th Subcircuit, December 2, 2024
- Hon. Sandra T. Parga, 16th Circuit, 4th Subcircuit, December 2, 2024
- Hon. Chloe O. Pedersen, Cook County Circuit, December 2, 2024
- Hon. Lance R. Peterson, appellate Court, 3rd District, December 2, 2024
- Hon. Chantelle A. Porter, 18th Circuit, 1st Subcircuit, December 2, 2024
- Hon. Melissa A. Presser, 1st Circuit, December 2, 2024
- Hon. Jennifer M. Rangel-Kelly, 14th Circuit, December 2, 2024
- Colette Safford, 12th Circuit, December 2, 2024
- Hon. Yolanda H. Sayre, Cook County Circuit, 5th Subcircuit, December 2, 2024
- Hon. Leah D. Setzen, 18th Circuit, 3rd Subcircuit, December 2, 2024
- Hon. Mary M. Sevandal Cohen, Cook County Circuit, 13th Subcircuit, December 2, 2024
- Hon. Owens J. Shelby, Cook County Circuit, 7th Subcircuit, December 2, 2024
- John M. Spears, 10th Circuit, December 2, 2024

- Alon Stein, Cook County Circuit, 12th Subcircuit, December 2, 2024
- Hon. Edward J. Underhill, Cook County Circuit, December 2, 2024
- Hon. Julio Valdez, 16th Circuit, 2nd Subcircuit, December 2, 2024
- Lucester Vazquez-Gonzalez, Cook County Circuit, 3rd Subcircuit, December 2, 2024
- Hon. Griselda Vega Samuel, Cook County Circuit, 14th Subcircuit, December 2, 2024
- Hon. Carl A. Walker, Appellate Court, 1st District, December 2, 2024
- Hon. Katherine D. Watson, 6th Circuit, December 2, 2024
- Hon. Lisa Holder White, Supreme Court, 4th District, December 2, 2024
- Hon. Nadine Jean Wichern, Cook County Circuit, 20th Subcircuit, December 2, 2024

4) The Circuit Judges have appointed the following to be Associate Judge:
   - Russell A. Crull, 15th Circuit, December 2, 2024
   - D'Anthony V. Thedford, Cook County Circuit, December 2, 2024

5) The following Judges have retired:
   - Hon. Patricia A. Senneff, 14th Circuit, December 1, 2024
   - Hon. Mary W. McDade, Appellate Court, 3rd District, December 31, 2024
   - Hon. James D. Orel, Associate Judge 18th Circuit, December 31, 2024
   - Hon. Phillip G. Palmer, Retired Judge Recalled, 1st Circuit, December 31, 2024
   - Hon. Mary Colleen Roberts, Cook County Circuit, 11th Subcircuit, December 31, 2024
   - Hon. Stephen A Stobbs, 3rd Circuit, December 31, 2024

6) The terms of the following judges have expired:
   - Hon. Garry A. Dobbs, Appointed Judge 13th Circuit, December 1, 2024
   - Hon. Paul P. Gilfillan, Retired Judge Recalled, 10th Circuit, December 1, 2024
   - Hon. Frank W. Ierulli, Appointed Judge, 10th Circuit, December 1, 2024
   - Hon. Erik K. Jacobs, Appointed Judge, 17th Circuit, December 1, 2024
   - Hon. Roger D. Rickmon, Appointed Judge, 14th Circuit, December 1, 2024
   - Hon. Adrienne W. Albrecht, Retired Judge Recalled, Appellate Court 3d District, December 31, 2024

LAWPAC Needs You!

In 1978, the ISBA created LAWPAC (the Illinois Lawyers' Political Action Committee). LAWPAC's purpose is simple—to support the legislative goals of the ISBA and the legal profession of Illinois. It is administered by an independent, bi-partisan Board of Trustees of four Republicans and four Democrats. LAWPAC makes contributions to candidates for nomination or election to the Illinois General Assembly. The determination of the political contributions to be made in furtherance of the purposes of Illinois LAWPAC are at the discretion of the Board of Trustees. LAWPAC does not support or oppose candidates based on their positions on policy matters that ISBA members may reasonably disagree on unrelated to the legal profession. LAWPAC's focus is on candidates whose positions would have positive or negative impacts on the practice of law, the independence of the judiciary, or the efficient administration of the courts. We want to support candidates that care about the ISBA's interest in maintaining the integrity of the legal profession and recognize the needs and changing issues facing attorneys today.

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