

Loyola University Chicago Law Journal

Volume 19

Issue 3 *Spring 1988 Illinois Judicial Conference
Symposium*

Article 2

1988

Foreword

Allen Hartman Honorable

Justice, Illinois Appellate Court, First District

Follow this and additional works at: <http://lawcommons.luc.edu/lucj>



Part of the [Judges Commons](#)

Recommended Citation

Allen Hartman Honorable, *Foreword*, 19 Loy. U. Chi. L. J. 791 (1988).

Available at: <http://lawcommons.luc.edu/lucj/vol19/iss3/2>

This Prefatory Matter is brought to you for free and open access by LAW eCommons. It has been accepted for inclusion in Loyola University Chicago Law Journal by an authorized administrator of LAW eCommons. For more information, please contact law-library@luc.edu.

Foreword

*Honorable Allen Hartman**

[Three decades ago] it would have been considered an affront to the judiciary to suggest that judges should continue their education after their elevation to the bench. It had simply been assumed that, by donning a judicial robe, a mere mortal was immediately transformed into the image of Jove on Mount Olympus. Even though his prior legal experience may have consisted of office practice or classroom teaching, it was assumed that his selection for judicial office somehow served to implant in him the knowledge, skill, temperament, and other qualities required of a competent judge.¹

The outlook on judicial education has changed dramatically over recent decades and now an overwhelming majority of jurisdictions in the United States has established judicial education programs, in addition to national colleges and institutes.² This proliferation of judicial education projects is based, in part, upon the acknowledgment that the assumption of responsibility for administering justice carries with it the obligation to provide the public with the highest level of competency in the application of substantive and procedural law by judges in our court system. Although many members of the judiciary were experienced and successful practitioners before ascending to the bench, it has been recognized that assuming the judicial mantle does not necessarily convert a trial or office lawyer into a wise, knowing, and effective judge. Unless the judge is a self-taught Holmes or Cardozo reincarnated, much more formal edification is mandated in order to complete satisfactorily the transition from lawyer to judge.³

* Justice, Illinois Appellate Court, First District; Chairman, Subcommittee on Judicial Education, Illinois Judicial Conference; B.S.L., 1957; LL.B.-J.D., 1959, Northwestern University.

1. Cady and Coe, *Education of Judicial Personnel: Coals to Newcastle?*, 7 CONN. L. REV. 423, 424 (1975).

2. Catlin, *An Empirical Study of Judges' Reasons for Participating in Continuing Professional Education*, 7 JUST. SYS. J. 236 (1982).

3. "Formalized study can do for the average judge, and for nearly every judge, much that private study cannot do. Most judges realize this, are grasping the opportunities for study that are available to them, and are demanding more opportunities." Leflar, *Continuing Education for Appellate Judges*, 15 BUFFALO L. REV. 370, 376 (1966).

In furtherance of judicial education in Illinois, the late Chief Justice Walter V. Schaefer of the Illinois Supreme Court founded a "judicial conference" in 1954 and invited all one hundred and sixteen Illinois judges to attend.⁴ The program included: "Highlights from the Recommendations of the Joint Committee on Illinois Civil Procedure"; "Judicial Administration and the Punishment and Rehabilitation of Prisoners"; and "Abolition of Return Days — Service of Process on Residents Outside the State — Jurisdiction By Consent — Expanded Procedure Under Section 48 — Consolidation of Post-Trial Motions (N.O.V., New Trial, Arrest of Judgment) — Discovery Procedures." This was, of course, a very ambitious undertaking for a one day conference; however, the scope, seriousness of content, and variety of subjects were to set the tone for the eleven annual continuing judicial education programs that were to follow. In most instances, however, these conferences principally concentrated on reports of specifically appointed study groups.

In 1962, the 1870 Illinois Constitution was amended, effective January 1, 1964, to require that the Supreme Court "provide by rule for and . . . convene an annual judicial conference to consider the business of the several courts and to suggest improvements in the administration of justice"⁵ The foregoing provision was re-adopted with minor changes in the present 1970 Constitution.⁶ Rule 41 of the Illinois Supreme Court sets forth the duties, membership composition, and meetings of the Judicial Conference,⁷ including those dealing with judicial education; thus, formal recognition of the need for continuing judicial education in Illinois became established.

Presently, there are four continuing judicial education programs in Illinois, serving the more than eight hundred sitting judges. These programs are partially mandatory and partially voluntary. All are overseen by the Supreme Court, and are implemented through the Executive Committee of the Judicial Conference. One of the programs is a two and one-half day annual judicial conference of all circuit and appellate court judges in the state, at which general legal subjects are considered. Attendance is mandatory. The associate judge seminar coordinating committee provides a

4. Letter from Chief Justice Walter V. Schaefer to all Illinois judges, May 10, 1954, reproduced in G. FIEDLER, *THE ILLINOIS LAW COURTS IN THREE CENTURIES 1673-1973*, at 440 (1973).

5. ILL. CONST. art. VI, § 19 (1962).

6. ILL. CONST. art. VI, § 17.

7. 107 Ill. 2d R. 41.

similar mandatory program for associate judges throughout the state. A "New Judge" four day seminar, conducted by the Subcommittee on Judicial Education, is convened annually, or more often as needed, for the purpose of acquainting newly appointed or elected judges with their present and future responsibilities, procedures, and prerequisites, as well as recent developments in the law. Attendance at the "New Judge" seminar is mandatory. Regional seminars are held at various geographic locations throughout the State of Illinois relatively convenient for all judges. These seminars are administered by the Subcommittee on Judicial Education and are usually held six times per year. Attendance is voluntary. The regional seminars deal with specific categorical subject matter, presented over two and one-half days.

All the educational programs developed for Illinois associate, circuit, and appellate court judges are geared toward: informing them of new developments in the law; developing requisite judicial skills and sharpening present ones; advancing proficiencies in new areas of the law which a judge may not have yet encountered, but might in the future; improving the quality of public service to be rendered; promoting productivity; and enhancing the understanding of the judicial process. The programs are suggested by the various committees themselves and ultimately are approved by the supreme court. The program presentations are fashioned by the seminar faculty, consisting of law professors and judges with teaching experience, selected by the committees with supreme court approval, and deal with subjects varying in accordance with the myriad kinds of assignments facing Illinois judges.⁸

The effectiveness of continuing judicial education is substantially dependent upon written study materials which are generated through the scholarly and dedicated efforts of the seminar faculty. Until this issue of the *Loyola Law Journal*, however, the benefits derived from the presentations at the educational sessions and seminars were limited to those who attended and received reading materials. Those materials were oftentimes filed away and forgotten. Valuable ideas, information, analyses, and recommendations were thereby frequently lost in the morass of filed documents, perhaps never to be seen again and certainly not utilized for the benefit of the judiciary or any other member of the legal or general community.

Dean Nina Appel, of the Loyola University of Chicago School of

8. Some local judicial circuits, such as Cook County, also train new judges in topical programs designed for orientation and educational purposes, in addition to the foregoing.

Law, herself long active in these continuing judicial education programs, conceived of a method and means of utilizing the intensive and scholarly research that went into creating the seminar materials, by publishing as journal articles, writings adapted from various parts of the programs. The *Loyola Law Journal* editorial staff agreed to work with the original authors in order to assure the success of this project. The cooperation of the Illinois Supreme Court was sought and has been secured in this regard.⁹ The first collation of selected educational materials originally generated by the continuing education programs has been developed for presentation to the legal community at large in an annual *Law Journal* issue. The articles have been updated and, through the diligent and effective efforts of the original authors and members of the *Law Journal* editorial staff, restyled into an acceptable law review format. In this form, they can be identified, located, and utilized by judges more easily, conveniently, in more readable form,¹⁰ and, at the same time, will be shared with the entire profession. This is a significant step in recapturing the work of the legal scholars who had previously presented the materials within the past ten years and will provide a vehicle which reflects current educational thinking in future editions. It is expected that one issue per year will be prepared for publication by the staff of the *Loyola Law Journal* in cooperation with the authors of the materials during this pilot period.

The intrinsic worth of these materials will be easily recognized and appreciated by the legal community, as well as students, even through a brief perusal of this issue. The subjects traverse across a broad spectrum of judicial and legal scholarly endeavor, from classical literature and the law, new developments and proposed reform in statutory law, and new legal ethics issues, to continuing and often troubling problems in criminal law. One reasonably may prognosticate that bench and bar and the public will be advantaged through the use of these educational, interesting, informative, and valuable materials. This issue also will no doubt further the aims and purposes of helping to establish and maintain the highest level

9. Initiated as a three-year pilot project, this issue represents the first year. Letter from then Chief Justice William G. Clark to Dean Nina Appel, May 21, 1986. Other law schools may thereafter participate in this program, if the pilot project is extended by the Illinois Supreme Court.

10. Illinois judges will be furnished with looseleaf copies of this issue, together with an index of prior conference materials, which will be updated periodically, thereby forming a valuable and accessible bench reference book.

of professional excellence of judges and lawyers in substantive and procedural law. The ultimate beneficiary will be the administration of justice in Illinois.

