

Illinois Supreme Court Justice Rita B. Garman
Illinois Supreme Court Commission on Professionalism

Rita B. Garman began her law career at the Vermilion County Legal Aid Society. She was then hired to handle family law cases in the State's Attorney's Office, and in 1973 joined the firm of Sebat, Swanson, Banks, Lessen & Garman. In 1974, Garman became the first female judge in the Fifth Judicial Circuit, after being appointed to the associate judge position, and she would serve that role for twelve years. She was elected Circuit Judge in 1986, which was also the first time a woman would hold the position, which she held until 1995. She was Presiding Judge in Vermilion County for most of her tenure. After her time as a Circuit Judge, Garman was assigned to the Fourth District Appellate Court, being the first woman to hold the position, which she was elected in 1996 on her own term. Garman was elected to the Illinois Supreme Court in 2001, being elected to a ten-year term in 2002, and retaining a second term in 2012, serving as Chief Justice from 2013 to 2016. Garman has served at every level of the Illinois judiciary and is the first chief justice to have done so: associate judge, circuit judge, presiding circuit judge, appellate justice, presiding appellate justice, supreme court justice, and chief justice. At the time of this interview, she is the second longest serving judge in Illinois and the longest serving female judge. She served on the Illinois Supreme Court until 2022.

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Justice Rita B. Garman: An Oral History

BAGBY: Justice Garman, thank you for joining me today for a conversation about your career just before your retirement.

GARMAN: I'm delighted to be interviewed.

BAGBY: Before we start, I would like to share that I am filling in for our executive director, Erica Harold, who had hoped to be here today to have this conversation with you, but unfortunately was exposed to COVID, so she asked me to take her spot.

GARMAN: Well, I understand, and I have just talked with Erica, and I certainly applaud her decision to be very conservative about her approach and stay safe.

BAGBY: Absolutely. Now, Justice Garman, you entered law school in the 1960s at a time when there were very few female attorneys and judges. Why did you want to go to law school?

GARMAN: Yeah, I wanted to go to law school from the time I was a young kid, probably fifteen or sixteen years old. And I thought it was a wonderful career. What appealed to me the most was that I thought there's such a diverse set of options for becoming a lawyer. And you could be a transactional lawyer, you could be a litigator, you could work for a company, you could write books, you could do anything as long as you wanted to and you're interested in it. So, I thought it would give me a myriad of options for a career. I could never ever have imagined I would end up where I am. Never.

BAGBY: You've had quite a career.

GARMAN: I have. I have.

BAGBY: You graduated from law school in 1968 and had trouble finding a job. Can you talk about entering the legal profession as a woman attorney at that time?

GARMAN: Well, as you referenced earlier, there were very few women in law school and very few women in the practice of law, and at that time, really, it was the end of the idea that women had three options, you could be a teacher, or a nurse, or a secretary. I thought those were honorable professions, but they didn't interest me to pursue for the future. So, I think for me it was a step in the right direction. But there were very few women, and the attitude really was 'Why are you doing this?' When I said I was going to law school, people said to me, "What's a nice girl like you want to do something like that for?" And I would say, "Well, I really want to be a lawyer." I was dating my husband at the time and people said to me, "Well, why don't you go to work and put him through law school?" And I said, "Because I want to be a lawyer." So, you know I'm going to follow through on that. So, it was a time when people just couldn't imagine a woman being a lawyer. And when I was looking for employment, they would say things to me like "Well, what would we do with you? No one wants to talk to a woman lawyer. No one is going to come in here and share their business concerns and interests with a woman." And "Can you make coffee?" and you know, "We don't really need anybody to do research." Other firms said, "Well, your husband's a lawyer, how can you be a lawyer? Wouldn't you feel the need to go home and talk to him about all your cases that you had during the day?" And I would say to them, "Well, not any more than he would feel the need to come home and talk to me about all the things that he was doing." But they just couldn't wrap their head around the fact that a woman was a lawyer, plus the fact that they... a lot of them thought I wasn't serious, that I wouldn't stick with it, that I would leave the practice... all of those kinds of attitudes were very prevalent.

BAGBY: I am going to ask you about this story, I remember, recall reading a story about a law school professor telling you, asking you why you were in law school and were you there to catch a husband and perhaps you should give your seat up to a more deserving male.

GARMAN: That was about a direct quote. Those attitudes were very prevalent. And even, I mean, the administration of the law schools had that kind of an attitude. And that wasn't just at the University of Iowa. That existed in law schools throughout the country.

BAGBY: How was that being one of the only females, one of the only women in law school?

GARMAN: Well, I always said when I was in law school, I never wore anything that was bright. I only wore black, brown, grey, something I tried very hard to not be conspicuous, but of course I found I was conspicuous anyway because they knew I was there. So, there were some professors who just ignored the women. There were other professors that would single you out, to try to embarrass you or, you know, to try to skewer you additionally. Sometimes they would pick out a particularly egregious case, like a sexual assault or something and want you to comment on those kinds of things. But the interesting part was that my classmates were very accepting of having women in the class. And so, it was as much of a bad thing for them as it was for me. And I made the decision early on that their words were not going to influence me; I was going to stay with it. And I was fortunate that we graded, they graded my numbers, so they didn't... You didn't have to put your name on the papers. So, I always thought that was a real advantage.

BAGBY: Wow, I didn't realize that. That's fascinating. So, you've broken quite a few glass ceilings throughout your career. You were the first woman Presiding Judge in Vermilion County.

GARMAN: Yes, the first woman judge in Vermilion County.

BAGBY: First woman judge in Vermilion County, first woman on the Fourth District Appellate Court, and the second woman to serve on the Illinois Supreme Court.

GARMAN: That is correct

BAGBY: Can you reflect on these accomplishments?

GARMAN: Well, when I was in practice here in Vermilion County, and when I was an assistant state's attorney, one day one of the judges said to me, "Have you ever thought about becoming a judge?" I mean, I was so flattered but absolutely blown away, and I said "No." He said, "Well, you should think about it." He said, "You have the right ability to do it, and you have the right temperament to do it, and I think you'd really enjoy it." So that planted that seed. And I began to think about, hmm, maybe being a judge would be an interesting part of the profession. So, when I left the State's Attorney's Office and went into private practice, but I told the firm that I was interested in becoming a judge and that if a vacancy occurred, I intended to apply. So, lo and behold, about a year into my private practice, one of the associate judges retired, and I applied. I thought, well, the worst thing that can happen is I won't get it, and I'm young, so I'll make an application, and I did. And on Christmas Eve of 1973, my husband and I, and our then-two-year-old daughter, were on our way to Joliet to spend Christmas with my family when WGN News announced that a woman had been appointed a judge in downstate Illinois. I mean, it was big news at the time, there were only eight women judges in the entire state of Illinois...and I got to be one of them.

BAGBY: And that's how you found out?

GARMAN: That's how I found out, yes. Yes. It was quite a wow moment and probably one of the best Christmases I ever spent.

BAGBY: I can imagine! What do you think are the biggest challenges facing women attorneys and judges today?

GARMAN: Well, I think the biggest challenge, of course, is continued acceptance and to be able to do all the things you'd really like to do as a practicing attorney. I think certain areas of the law have been opened up, government work for example, the judiciary, there are a number of women judges now that we see in Illinois and the number is, I think, growing. The number of women in law school is growing, women professors in law schools are growing. We're seeing that aspect really developing. I think there is still a good deal of frustration with women in private law firms and the civil law firms. I certainly hear from them that they are certainly frustrated with moving into a meaningful partnership track. And women tend not to practice law the same way that men do, and so finding that right balance and I think it continues to be a challenge.

BAGBY: What do you think law firms and legal organizations can do to better support women?

GARMAN: Well, I think give them the opportunity to perform and try to facilitate or make it acceptable or easier for women in the practice, and understand that you know, what the demands may be.

BAGBY: When you served as Chief Justice of the Illinois Supreme Court you created the Illinois Judicial College to elevate continuing education for judges and court staff, what is the importance of continuing education for lawyers and judges?

GARMAN: Well, I don't think you can be an effective lawyer or judge unless you continue to keep yourself abreast of the recent developments in the law, and also of recent changes in procedures. We have to learn, and if we don't learn we stagnate. And the law does change. Now, some people think it doesn't change fast enough but it does change. But I have long been a proponent of continuing education for lawyers and for judges. I was chairman of the committee on judicial education for the court when I was on the circuit court and then when I was on the appellate court and so I always felt that this was so important. And I thought that the judicial education was so critical and so demanding that I really thought it needed to be a separate organization with

a professional staff that would be totally dedicated to continuing education for judges. We relied on our judges in Illinois to provide the education and training for our other judges. And they do a wonderful job of that, and they continue to teach. But it is a daunting task. There is so much to be done and so much to be handled with programming and the like that they needed a professional organization and a structure that would allow them to do what they do best, which is teaching, but having a lot of the other matters handled for them.

BAGBY: Absolutely... So, you're from Danville, in a pretty rural area of eastern Illinois. Across the state, we've seen fewer attorneys practicing in rural areas. How is this impacting access to justice, and what should the legal profession be doing to address this?

GARMAN: Well, I think the legal profession needs to be strongly aware of this issue. It is a very real issue; we just don't have very many lawyers coming into our communities. We have far more of them leaving. Lawyers dying, lawyers retiring, and we're, you know, not keeping pace. And there are legal problems that need to be determined and be handled by attorneys. So, I'm very much supportive of the rural practice initiative that the Illinois State Bar Association has initiated, and I think that those kinds of programs need to be encouraged and expanded. We need to find more ways to make practice downstate more appealing to lawyers. When I, as a Supreme Court Justice, of course, I have law clerks, and I have, over my career, hired recent graduates...two recent graduates to work in my chambers for two years. And I have done that to try to encourage lawyers to remain in central Illinois or, for sure, to remain in Illinois and to give them that experience. And I can say that a number of clerks that I've had have gone on to have successful careers in many places, but there are quite a number that have stayed in central Illinois, and I'm very proud of that.

BAGBY: So, you have been praised by your admirers for your wisdom, for your foresight, humility, and calm leadership under pressure. Why are these traits important for lawyers and judges?

GARMAN: Well, I think you have to be a very measured person to be successful at being a judge, because things come at you from all directions. And in the back of the Supreme Court courtroom is a Latin phrase, “Audi Alteram Partem” which means to hear both sides, and judges need to do that in all the activities that they engage in. So, you need to be willing to listen and to listen to both sides, and to give a considered opinion and judgement after you’ve considered all the facts. So, I think that’s why it’s important.

BAGBY: Why is civility and professionalism important in the legal profession?

GARMAN: Well, I think people will have more respect for lawyers and for the court system, and judicial branch, if they are treated with dignity. And I’ve always believed that it’s important to treat every person that comes into the court with fundamental dignity. We know now through the concept of procedural justice that those people that believe that they’ve had a fair and impartial hearing, obey court orders more readily and they believe they got a fair shake when they went to court. So, it isn’t just an idea, it really is a practical importance.

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And besides that, it’s extraordinarily unpleasant if you’re around people that are nasty and sniping at each other. When I was in the trial court and if I had attorneys that I thought were getting close to the line, I tell them, “You know, if I wanted to hear arguments, I could go out on the school grounds and listen to the kids argue with each other, but I didn’t need that in the courtroom”. And they responded accordingly.

BAGBY: Have you seen an increase or a decrease, would you say, in civility within the court system as a result of COVID-19?

GARMAN: Well, the people I see, of course, I see the very highest level of professionalism and civility.

But I certainly hear things from members of the practicing bar that lead me to believe it is a continuing challenge. I don't think your job, and the Commission on Professionalism, is going to be declared over and done with anytime soon. I think it's a continuing obligation and an important...very important to remind people to perform and live and act at the highest level. I always tell the admittees to the bar that you know the rules of professional conduct don't establish the ideal, they give you the minimum, and if you're going to practice law with dignity and appropriately, you're going to have to live to a higher level, hold yourself to a higher standard. It's important to do that.

BAGBY: And you've been very involved in our law school orientations or professionalism orientations at law school, so laying the foundation for professionalism in future lawyers, really from the start.

GARMAN: Well, I think it's important that law students understand from the very first day that they are embarking on a profession and that they're not, you know, they're not just kids anymore. They have an obligation, and they might as well start learning how to discharge their obligation while they're in law school, in their conduct with their fellow students and their conduct with their professors, and with the pleadings or the documents that they prepare. That's all good practice. So, I think it's a really favorable thing. I can tell you, I've done the University of Illinois for a number of years and you know, early on, I don't know, I thought the attitude maybe was kind of take it or leave it, but I have seen that change dramatically, and the law students are very receptive, and I think really it makes them proud to be a law student. And they should be.

BAGBY: Absolutely. So, upon announcing your retirement, you recommended Justice Lisa Holder White to fill your role on the Illinois Supreme Court. Justice Holder White will be the first black woman to serve on the Supreme Court. Why did you recommend Justice Holder White?

GARMAN: Well, she's eminently well qualified for the position. She has served at every level of the court as I have done. She has extensive practice in the law, she's very involved in judicial education and was one of the leaders in the movement to the Illinois Judicial College. And she is a person that I think is very principled. She's the highest level of integrity, and I think the fact that she's the first black woman to serve is just something really special. I'm really delighted that she'll have that opportunity to have that first. She deserves it.

BAGBY: What are the biggest lessons you've learned throughout your career?

GARMAN: Well, I think perseverance is the first thing, and to always do your best. And to work hard and not expect anything in return for it other than that to know you have done your best. And to realize that the cases that we deal with belong to people. They need a resolution, they need a principled resolution in their case. I think it's important that we consider what ripple effect our decisions will have on the people, not only people in this case but on people in future cases. So, I think that that's been an important lesson. But you know, treating people with dignity. Understanding, listening to people. Listening is a tremendous skill. You learn so much by listening. I've been very, very fortunate to have been chosen by the people to serve in these roles and I am humbled by it.

BAGBY: So, you'll be retiring soon...

GARMAN: I will...I will.

BAGBY: What legacy do you hope to leave?

GARMAN: Well, I hope to leave a legacy of kindness, of integrity, and that if I've maybe made the road, the door, a little wider open for people who are qualified to be considered for very important positions, I hope it's known that I worked hard and did my best and that I gave it my all.