

## **An Interview with Stephen G. Evans**

### **Illinois Supreme Court Historic Preservation Commission**

Stephen G. Evans practiced law in western Illinois from 1972-75. In 1975 he was appointed a Circuit Judge in the Ninth Judicial Circuit, and in 1976 was elected to that position. Judge Evans served throughout the Ninth Circuit until his retirement from the bench in 2002. Evans then worked as a mediator and arbitrator from 2002-2016.

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**Interviewer:**

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### Biographical:

Stephen G. Evans was born in Columbus, Ohio on September 18<sup>th</sup>, 1946 and spent his early life in Ohio, Nebraska, and Illinois. After graduating from LeRoy High School in 1964 he attended and graduated from Illinois College in 1968, receiving an English degree. From 1968-71, Evans attended the University of Illinois College of Law, graduating in 1971, and was admitted to the bar in 1972. From 1971-72, he was an Assistant Professor of Business Law at Western Illinois University. In 1972, he joined the firm of Capps & Ripple, becoming a partner in 1974, and practiced throughout western Illinois. Evans was appointed a resident Circuit Court Judge for Henderson County, in the Ninth Judicial Circuit, in 1975, and was elected to that position in 1976. Judge Evans went on to serve throughout the Ninth Circuit, as well as in Cook County, and retired from the bench in 2002. From 2002-2016, Judge Evans established and ran an alternative disputes resolution business and worked throughout the state as a mediator and arbitrator. He and his wife Mary Evelyn have two children.

### Topics Covered:

Parents and family background; early life and education in Reynoldsburg, Ohio and Honey Creek, Dawson, and Elkhorn, Nebraska; moving to and living in Bloomington, Illinois; education and living in LeRoy, Illinois; reading; memories of the Cold War; teenage years and rock and roll music; sports and extracurricular activities in high school; early jobs; influential teachers and classes; Cuban Missile Crisis and Kennedy assassination; Soviet Union and communism; Vietnam war; attending Illinois College; Jacksonville, Illinois; meeting and marrying Mary Evelyn; working at Capitol Records; American Field Service experiences; Phi Alpha Literary Society; Barry Goldwater and the election of 1964; political and social views as a young man; conception of his generation; Illinois college school work; debates with the Literary Society; the draft; University of Illinois College of Law; Mahomet, Illinois; education at U.I.U.C.; campus demonstrations; teaching at Western Illinois University; joining and working with the Capps & Ripple firm in Carthage, Illinois; composition and nature of the local bar; cases as an attorney; memories of State's Attorneys and prominent attorneys in the area; memories of judges; cases as an attorney; becoming a judge; Justice Howard Ryan; early work as a judge; running for a judgeship and judicial elections; retention; memories of being a trial court judge; lessons learned as a trial court judge; administrative responsibilities; disciplinary proceedings; legal work in Cook County; mediating a teachers strike; mediation and arbitration; duties as Chief Circuit Judge and Administrative Judge; work with Illinois Family Violence Coordinating Council and changes in domestic violence law; changes in the legal administration of child support; work with various judicial committees; changes in driving under the influence law; memorable cases as a judge; *People vs. Raicevich*; *Appanoose vs. Supervisor of Assessments*; *People vs. Joseph*; *Siens vs. Industrial Commission*; *People vs. Wilson*; *Diehl vs. Olson*; laches; *People vs. Loftus*; exclusionary rule; *People vs. Taylor*; murder cases; Herrick case; *People vs. Santamaria*; *People vs. Ramsey*; capital punishment; cameras in the courtroom; the judiciary and the media; bar associations; role of the judiciary in society; philanthropic work and civic engagement; work as of counsel attorney; mediation and arbitration work; teaching again at W.I.U.; changes in the local bar over time; changes in legal work over time; bicycling and flying; preserving legal history; future of the profession; and his legacy.

Note:

Readers of this oral history should note that this is a transcript of the spoken word, and that it has been edited for clarity and elaboration. The interviewer, interviewee, and editors attempted to preserve the informal, conversational style that is inherent in such historical sources while also editing for clarity and elaboration. The Illinois Supreme Court Historic Preservation Commission is not responsible for the factual accuracy of the oral history, nor for the views expressed therein.

## Judge Stephen G. Evans: An Oral History

LAW: This is an oral history interview with Judge Stephen Evans. Today's date is March the 17<sup>th</sup>, 2015. We're in the Hancock County Courthouse and today is interview number one and we're going to talk about Judge Evans' background.

EVANS: Happy Saint Patrick's Day!

LAW: Happy Saint Patrick's Day! Judge Evans, when and where were you born?

EVANS: I was born in Columbus, Ohio in 1946.

LAW: Tell us a little about your parents.

EVANS: My father's family was from the Columbus, [Ohio], area, a little town of Reynoldsburg which is about fifteen miles east of Columbus and about four generations of Evans' had lived there. My mother was from southwestern Iowa and my father and mother met at Tarkio College in Tarkio, Missouri, and were married in 1941 I believe and moved to Reynoldsburg where my father was a teacher. My father taught in Reynoldsburg, Ohio, for a short time and my mother did various work there. She had taught briefly in Iowa in a one room country school where she had attended and then in Ohio she worked in various locations. My father went into the service shortly after they were married, along with his brothers, and was in the Army for the next three or four years while they stayed in Columbus. My mother worked for the Curtiss-Wright aircraft factory in Columbus, Ohio. I'm not sure exactly what she did but she was in some sort of assembly job there. She wasn't Rosie the Riveter, but, along those lines. My father was

stationed most of the time in, at bases in, the state of Indiana and my mother would follow him and live either off base or in base housing during that time.

LAW: Evan and Carol?

EVANS: Yes, my mother's name, first name, given name, is Carol. She goes by her middle name Russine, which is R-U-S-S-I-N-E. She was the third child of her parents, the third girl, her father's name was Russell and he was bound and determined to name a child after himself, so he named her Russine and that's how she went. And my father was Evan E. Evans, a common name in their family. They were of Welsh origin, the Evans'.

LAW: Okay. And the family went back pretty far in Ohio?

EVANS: I think my father was probably the fourth generation born in the Reynoldsburg area. And the first of the Evans' came to Reynoldsburg around the 1830s and did come from Wales. That was a man named Morris Evans. About two generations later one of the Evans' married into a local family, the Graham family, and the Grahams' had been there for much longer. The Grahams' actually trace back to ancestors who came over on the Mayflower [Ship]. The Grahams' were long time Americans. On my mother's side, her maiden name was McQueen and she was about third generation in this country. Her grandfather came from Scotland.

LAW: Primarily a farming family?

EVANS: My mother's family were definitely farmers and my grandparents lived on a small farm in southwest Iowa, and I do mean southwest. They were probably five miles north of the Missouri border and probably twenty miles east of the Nebraska border, so they were way out in the corner, not far from Shenandoah, Iowa. My father's family had

small farms but they really didn't tend to be farmers. They were merchants and teachers. Both families were strong believers in education and my grandparents in Iowa both had attended a college or training after high school, not a four year school, but something where they did obtain a degree. In Ohio my grandmother did not attend college although her father was a chemist and had a college degree. My grandfather Evans had a college degree and a law degree although he did not practice law. He was involved with real estate, tax preparation, and he had a small farm. It wasn't much of a farm. It was foreclosed upon twice during the depression and he lost it and both times he was able to find sources to get it back and was able to buy it back. My great-grandfather Evans, who I did not know, also had a college degree, so education was emphasized to a great extent by my family by both sides.

LAW: So what do you remember about growing up in, first, Ohio and then later in Nebraska and Illinois?

EVANS: I remember in Ohio that we lived in a large home, my grandparents' home, and they converted parts of the home to two apartments. My father, mother, and I lived in one and my Uncle, Aunt, and cousin, baby cousin, lived in the other apartment. So there were, three, six, eight, people living in that house with one bathroom. Two babies, I'm sure that was delightful for everybody. (chuckles) My grandfather at that time was a justice of the peace, so perhaps some of my lineage, judicial lineage, comes down through him, I don't know. In Ohio justices of the peace were appointed by the governor and they heard cases, certainly, mostly traffic cases, but also small claims cases, small disputes. It's become popular lately to say, "We want to go back to neighborhood resolutions." Well that's what justices of the peace did. Some justices of the peace though were also

“fundraisers.” The more traffic fines the better. I don’t know about my grandfather, but I know that in Illinois some of their compensation came from the fines they assessed so there might be a certain lack of objectivity. I’m not sure. But, in any event, my grandfather had his justice of the peace court in his office in that house and I do remember that because what I remember are police officers coming into the house bringing defendants in on speeding tickets. When you’re very small, you see a police officer in uniform, that’s a very impressive thing.

LAW: Indeed.

EVANS: So I remember that part of it. I remember in later years after we moved but going back they had a large barn behind their home and I’ve always liked farms and barns. My grandfather, in addition to his other things, as I said, did have this small farm and he let me help him a little bit with the farming, as long as I didn’t get in the way too much. I was fortunate to know all four of my grandparents and have an opportunity to spend a fair amount of time, particularly the Evans’ in Ohio and get to know them well. I’m sure some of what I became was based on the impressions and lessons that I learned from them.

LAW: Now at some point the family moved?

EVANS: Yes, we moved to Nebraska. As I said my father and mother had attended Tarkio College. That is in northwest Missouri, and we moved to southeastern Nebraska, not terribly far from where my mother had grown up. My parents had lived in Ohio for about four or five years by then and they wanted to get closer to her parents. My father was offered a job in a place called Honey Creek, Nebraska, as superintendent of schools.

Sounds very distinguished, and I think his salary was going to be something like eighteen-hundred dollars a year, which was a significant raise for him over what he was receiving teaching. But I have to tell you about Honey Creek for perspective. Honey Creek, Nebraska, the city, consisted of two homes, a gas station/truck fuel check station, and the school. Now the school was pretty good, it had been built in the 1920s. It was a two-story brick school with a nice brick gymnasium but it served a very rural area, no real community. Honey Creek had a name, I think, only because of the fuel/check station. Trucks going through the state of Nebraska at that time were required to buy a certain amount of fuel in the state, so when they got to the border, and Honey Creek was near the border, they had to pull into one of these check stations, the operator went out, stuck a stick down into the tank to see what amount of fuel they had, looked at their receipts and if they hadn't purchased enough fuel they had to buy it from him right there. It also had a filling station. I suppose it was the convenience store of its day in that they had a few food items there. He also bought furs from the fur trappers. Honey Creek was a pretty wild place and the kids who came to school there lived on the surrounding farms and ranches. Part of the superintendent part of the contract was that housing was included, and we lived in the lower level of one of the homes. A teacher lived upstairs and the second home was the residence of the janitor and his wife. In addition to being superintendent my father also coached all boys' sports and was the English and History teacher.

LAW: Very busy.

EVANS: He was very busy and I think he loved it very much.

LAW: About how long do you think, do you remember the family being there in Honey Creek?

EVANS: We were there about two years and then we moved up the road to Dawson, Nebraska. A virtual metropolis compared to Honey Creek, I would guess it probably had as many as four or five hundred people. A larger school, a nice advancement for my father, similar community. I think the thing that I remember the most as an impression there were in the summer time, there was no theater there in that community. In the summer there would be an outdoor theater and someone brought films, I assume probably sixteen millimeter, I'm not sure, and hung a large screen or sheet in a park and we went to watch the movies in the park, I remember that in Dawson being a big social event. The other thing I remember in Dawson is that one of my father's friends bought a really interesting little device that they put in their living room, I would say it was probably about twelve inches by twelve inches by about twenty-four inches deep and it was a television set, the first one that I ever saw. The reception was not great but it picked up some Omaha, [Nebraska], broadcast station. We lived in Dawson about two years.

LAW: Do you recall any of the films that you saw?

EVANS: The cultural being that I am, the one film that I remember is a film about Francis the Talking Mule.<sup>1</sup> (Laughing) I'm sorry, but that's the only one I remember there.

LAW: Where did you go after Dawson?

EVANS: We went to Elkhorn, Nebraska, E-L-K-O-R-N. Elkhorn is probably, roughly fifteen miles west of Omaha. Again, a little bit bigger community, a larger school, an advancement for my father. Elkhorn is the home of the Boys Town which is a fairly famous placement for young men who had difficulties years ago. We were in Elkhorn

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<sup>1</sup> 1950, Universal Pictures.

and I started school in Elkhorn, Nebraska. I started attending kindergarten in Elkhorn. All of this time too in these communities my father could never get the farm entirely out of his system. He did not want to be a farmer. Like many men he said he made that decision on a hot July day when he was baling hay up under a tin roof in a barn. If you've ever been there you can understand how bad that can be. However, he almost always would rent a little pasture and have a calf or two that he would feed because he just liked to have them. That was true in Honey Creek and Dawson and Elkhorn. We left Elkhorn, my father changed jobs. He was offered a position with McCormick-Mathers Publishing Company. They published textbooks of all kinds which were sold to grade schools and high schools. We didn't have junior high yet at that time it was grade school, one through eighth [grades], and then high school. He was offered a job in Illinois. By this time they were looking for a place to live that was a little closer to his parents. At that time from southeast Nebraska to Columbus, Ohio was a twelve or fourteen hour drive on two lane roads with cars that were not air conditioned and were not all that reliable. So Illinois looked like a good half-way point between Columbus, Ohio, and

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southwest Iowa, and my parents thought that would be a better place. My father always liked Illinois, he thought that compared to Ohio the farm land looked good and he thought it looked like a prosperous state. So we moved in the early nineteen-fifties, probably about [19] 51', to Bloomington, Illinois. My father worked for the publishing company McCormick-Mathers and his territory – he had one hundred and one counties in the state of Illinois and I know you know there are one hundred and two, he did not have Cook County. Bloomington was fairly centrally located, but he had from the northern

end to the southern tip and he traveled and was generally gone most of the week during those times. But he enjoyed that work. It kept him close to education, he could relate to the superintendents that he was talking to because he had done that sort of work and he liked that.

LAW: Now did you live in Bloomington the city?

EVANS: Yes, we lived in the heart of the city.

LAW: Do you remember what that was like living in the city for the first time?

EVANS: Yes, compared to those tiny little towns it was a huge, huge, difference in just the number of people and the traffic and everything about it. But we were mostly confined to our neighborhood. My mother by the way did not drive, so our errands and our shopping and school, our church, whatever it might be was always within walking distance. The grade school that I attended was maybe two blocks from home. We lived not far from the Illinois Wesleyan campus and my parents, as a matter of fact, had a two-story home and one of the bedrooms upstairs they rented to students from Wesleyan, so we generally had one or two students living with us. Usually students from foreign countries, I don't know if that was my father's choice or what it was, but it was really interesting to me as a young person to see these people who spoke a different language and had a different accent and had different views, but it was interesting. We lived close to a city park, half a block away, a great place to go play and that's probably where I started developing a liking for sports. I suppose particularly baseball since that's what they played in that neighborhood. We lived in Bloomington approximately three years and my parents wanted to live in a small town. I think that the entire time that we were in Bloomington I

think that they liked the community but they were looking for a place either in the country or in a small community. In roughly 1954, maybe, they moved, they found a house and bought a house and moved to LeRoy, Illinois, or if you're distinguished you call it Le'Roy.

LAW: (Chuckles) Alright.

EVANS: I apparently lived on the side of town that called it LeRoy.

LAW: So your extra-curricular activities, you spoke a little bit, were sports. Any other kinds of extra-curricular activities at that time?

EVANS: Not yet. When we moved to Bloomington I was in fourth grade so I had gone through two communities of schools and was into my third community. I had the good fortune of having one of my best all-time teachers as a fourth grade teacher, I know it's a long time ago, but a teacher who instilled an absolute love of reading on not just me but on many of my classmates as well. And I thank her for it to this day as that is one of my main hobbies. But in LeRoy we started fourth grade and probably by fifth or sixth grade, among my circle of friends, it was expected that boys would go out for sports. They offered baseball in the fall, basketball in the winter, and track in the spring. So I started participating in those and I enjoyed them. I wasn't a great athlete, but I enjoyed the sports. Now in about sixth grade we had the opportunity to participate in band. My parents both loved music and I think it was a foregone decision that I would be in band. I liked the idea so I started taking lessons with the cornet and trumpet and played in, eventually, played in the grade school and high school bands while I was there. My

mother also made a gallant effort to have me take piano lessons, which I did for a couple of years, before my mother and the teacher finally gave up on me.

LAW: Now you said you were, you became, an avid reader.

EVANS: Yes.

LAW: Were there any important books that you read when you were a young man?

EVANS: I think so and it didn't just come from this teacher alone. My parents were readers, my father in particular. My father, when we were in Nebraska, had obtained his master's degree in history and government and had started on a doctoral program as well. He loved reading American literature, certainly, and anything in history and he made books available and magazines available. He didn't tell me, "You have to read this," but they were available and I found them interesting. He was a fan of Steinbeck and he had everything that John Steinbeck had written. I started reading through those long probably before I really understood them but went back later and picked them up again. My dad liked [Ernest] Hemingway as well. So Hemingway and [William] Faulkner and Steinbeck were on the bookshelves in our home. When we came to Illinois my father had a new place that he had to learn about as far as history and he subscribed to – I don't know what the Illinois State Historical Society publications are but he subscribed to those sort of things. He subscribed to *American Heritage* magazine which was a hardback that came out quarterly, it had great history articles and often something on Illinois and he shared those with me and I started reading those as well. It wasn't a particular area but just a lot of things. I found it all interesting, and that continues to today. But anyway let's get back here in time.

LAW: Well at that time it was sort of the early years of the Cold War. Do you have any memories of the early Cold War, as a youth?

EVANS: Yes, probably the first things that we were really aware of, or I was, would have been when the Russians put Sputnik in space and suddenly we were behind the Russians in science based on that one thing alone.<sup>2</sup> But, we heard that the Russians were, “evil, godless people.” That was the message that we received. I know that there was one gentlemen in the community who went around to the schools, spoke to the schools, spoke at church schools about the organization in Russia and how their goal was to eliminate us.

LAW: Interesting.

EVANS: One of the things I distinctly remember were the fall-out shelter defenses. What we were supposed to do, and that was probably I’m thinking maybe I was in sixth, seventh, eighth grade, somewhere in there, in the late [19] 50s. And we had drills. The sirens would go off and we were prepared for it as to what to do. We all ran to one side of the school building that was designated as the safe side, I’m not sure why because there were solid glass windows down both walls. We got down under the desks, which did not provide a lot of shelter I don’t think but it was interesting and it took us away from class, that was a plus. And the teacher on the other side of the hall, bless her, was an elderly lady who was not agile, not mobile, a little over weight, and when she tried to get under her desk she got stuck and all you could see were legs and [panty] hose sticking out from under that desk and that sticks in my mind. I don’t know if the Russians caused me to be psychologically unbalanced because of poor Mrs. Roberts trying to hide from the bombs

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<sup>2</sup> October, 1957.

and the fallout under her desk or what. But I do certainly remember the discussions at that time, but you know when you're twelve it's still kind of remote.

LAW: Now, what was it like, later, to be a teenager in the late [19] 50s and early [19] 60s?

EVANS: It was an interesting time, I don't know if it was terribly different from where I was to other places. My high school time was from 1960 to 1964, so maybe a little bit before the flower children and the sexual revolution and all of those things that we think of that we associate more with [19] 67', [19] 68', in there. But someplace along the line in there I discovered music, not the music that I'd been playing, but, Rock 'n' Roll music which was not looked upon well by my parents or probably by most parents in that time.

LAW: Interesting.

EVANS: Yes, of course I knew who Elvis Presley was. I had not been a particular fan of Elvis Presley but there were a group by The Everly Brothers who I thought were fantastic and were an influence by the way on The Beatles that came along later. The Beatles hit this area in [19] 63', probably, or when we became aware of it. We became aware of what radio stations played Rock 'n' Roll and we tuned in WLS [890 AM] in Chicago with the Wild [Italian] Man Dick Biondi. My father could never understand why we wanted to listen to all of that shouting and all of that loud music, but we did. Not that that was a major life influence but it was one thing we discovered. Sports became more important, I suppose, in high school as did academic achievement. I always thought that I was quite fortunate to have some really good teachers and all of us have encountered that along the way. I don't care whether you're in grade school or junior high or high school or college or law school, if you have a great professor or a great teacher it will be

fun and interesting, no matter what the subject. If your teacher is lousy it could be the most interesting thing in the world and you feel like you're wasting your time. But in high school, in particular, I had some really good teachers and enough people in my class and the class ahead of me who were interested in academics to make it ok. It wasn't something that was looked down upon. I was in a small school, my class was the biggest class ever to go through that high school. We had fifty-five or fifty-eight kids, something like that. But what that meant was that if you went out for a sport and you could get from one end of the field to the other without any significant injury you were probably on the team.

LAW: Okay.

EVANS: So I participated in everything they had to offer, I played football, basketball, baseball, track, cross-country, and one year of wrestling. We got a golf team one year, we had a grand total, I think, of one or two matches and did that. I was also in a lot of other extra-curricular activities in school. That was one of the nice things about a small school, you could really participate in a lot of things.

LAW: Were you working at this time?

EVANS: No, during the school year with the exception of a few of the kids who lived on the farms and worked at home, practically nobody had a job. And that's the interesting thing because as I observe today that practically everybody does have some kind of a job, but, we didn't. And most of us did not have cars. I lived about, oh probably, seven or eight blocks from the high school so it was an easy walk. Of course I would have given my right arm for a car at that time but it just wasn't meant to be. In the summer time, yes, we

did work. I lived in town, but most of my work was farm work for area farmers, usually bailing hay or walking beans, cleaning the beans out of the bean field. That was before we had Roundup [Weed Control] and now when soy beans are planted with the Roundup Ready no weeds come up but in those days weeds came up, so they hired high school kids to go through with a hoe or a knife and cut out the weeds, we did that. I worked for a veterinarian quite a bit when I was in school, cleaning dog pens and cat pens and cleaning out – he had a feeder pig operation, I worked in that cleaning out the hog pens, helping vaccinate and castrate pigs, my job being to catch them and hold them while the operations were performed. I did enough of that and liked it that I thought at one time, “I am going to be a veterinarian,” but someplace along the line that changed.

LAW: I should also ask, did you have any siblings?

EVANS: Yes, I have two younger brothers. I have a brother four years younger than I, Mark, and I have a brother ten years younger, Tim. Mark is a retired insurance executive in California, at some point he saw that the weather here wasn't going to get any better so he moved to San Diego, [California]. Brother Tim is a reporter for the *Indianapolis Star* in Indianapolis, Indiana. We have reasonably good communication considering how far spread out we were.

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Fortunately they were younger than I because they were both outstanding high school athletes and I didn't have to come along behind them and be compared.

LAW: Now you mentioned that you had some really great teachers. What were some of the influential classes and teachers that you had?

EVANS: You know I was thinking about that a little bit, both in terms of teachers and coaches and coaches are teachers if they're really good at it. I had a teacher in high school, Ann Bennett was her name. She was an English teacher and she was superb, very demanding. She would have loved the elder lawyer I told you about who would have amended the Ten Commandments to make them better.<sup>3</sup> She really, really emphasized writing, more so than literature. I like the literature too but the writing was really good and I think she helped me immensely. She was the first one to say to me, probably when I was a junior in high school, that I should forget about being a veterinarian or anything else and that I should be a lawyer. I think she said that as a result of my willingness to express a difference of opinion – I'm trying to be nice to myself, not saying that I was argumentative, but she was just an excellent teacher.

I had a basketball coach, probably about eighth grade, and in a small school sometimes a coach has people of great ability but not very many, usually not more than two or three. Sometimes he just has a bunch of stumblers, and that's what this coach had, and I was one of those stumblers. But what was interesting to me is that he didn't ask us to do the things that we could not do but instead taught us how to do the things we could do to make us as competitive as we could be. As I've gone through life I've seen what a great thing that is whether you're a music teacher or a coach or a teacher you try to find what can a person really do and how can they make progress. Do you know who John Wooden was? He was a basketball coach in California. What did he say, he said, "Never let the things that you can't do prevent you from doing the things that you can do." I

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<sup>3</sup> A lawyer Evans practiced with in his early years of practicing law.

didn't ever hear my coach say that in school but that was kind of the theory he took and that kind of stuck with me. I was fortunate to have good teachers.

You asked about work earlier too and one of the farmers that I worked for a great deal was also a good teacher for me. He was just a farmer, he wasn't a teacher, but I tended to work for him quite a bit. He hired me to do additional things, not just the bailing of the hay or the walking of the beans but I also mowed fence rows and did some machinery operation and cleaned out the cattle barn, which is a delightful job in summer by the way because you know what you're cleaning up. Maybe that prepares you for being a lawyer. But, in any event, he was helpful with life lessons. I would always have lunch with him, go in and have lunch in their kitchen, his wife would fix us a lunch and he would talk about the things we were doing and talk about how he saw things and he was a strong influence.

Another person who was a strong influence, when we lived in LeRoy, was our neighbor across the street. His name was Vytautas Pluria and no I do not know how to spell Vytautas, my dad called him Vito. Pluria was spelled P-L-U-R-I-A. He was from Lithuania and he was fortunate to be able to get out of Lithuania in the late [19] 40's when he did because the borders closed there not long after. He came to Canada and then to America and he became a doctor. And he was the community – the only doctor in the community. He was a community physician and a good friend of our family and would often come over and he would hold forth on the Cold War and there was no compromise about his position about how evil the Russians were. But he had a unique perspective, but I think he was one who taught me lessons as well.

LAW: Interesting. Now, I guess back to the Cold War. What are your memories of the Cuban Missile Crisis and then later the [U.S. President John Fitzgerald] Kennedy assassination?

EVANS: Certainly the Cuban Missile Crisis. By that time I was in high school and we were very aware that there was a crisis and it was on the news constantly and it was discussed. We didn't know what was going to happen. I think a lot of us thought, "There is going to be another war, there will be another war." You know, we're not that far removed from 1945 and we know that we and the Russians are now enemies, they have nuclear weapons, they are putting them in Cuba, we know they're evil and we're good because that's all we're taught. It was a point of great tension and you could see the tension. By then we could see the tension that our parents and the adults around us had over that and it was a great relief to everyone when it was resolved. You mentioned the Kennedy assassination, certainly that was a major thing and we had not seen a political assassination in this country in our lifetimes. We would have to go back to when, 1900, I guess, for a presidential assassination. But, in any event, Kennedy, because he was such a popular person in the media and such a high profile, was someone we all saw on television every day and I do recall that. I do recall that day in school a girl who was in my class and a good friend came up to me right before we went to our one o'clock classes and she was crying and she said, "They got my man." She was from a very strong democrat family, and I said, "What?" And she said, "They shot the President," and I thought she was kidding or something. I went down to the class. It was a physics class, and I was sitting there with another very good friend, a girl who was Catholic and a supporter of the Democratic party and the President. She was crying and the teacher switched the intercom over to the news and Walter Cronkite was right there in the school

and we sat there and listened to that next half hour of reports that there were shots, that the [U.S.] President had been shot, that the governor [of Texas] had been shot. No one knew what was going on for quite a while and then they came on and announced that the President was dead and I think that school was let out shortly after that. I think we were going into the Thanksgiving weekend shortly after that. I know at that particular time my parents' television had broken a couple of months earlier and they decided we didn't need a television. So we were without a television at our house and my mother, who was a great fan of President [John F.] Kennedy, announced that we were going to have a television. So my father went down to the local hardware store, where everyone buys a black and white television in 1963, and brought the television home. We watched everything for the whole series of the funeral procession and all of that.

LAW: So what were your thoughts at this time in regards to communism and the Soviet Union? We've talked a little bit in moral terms, but was there anything beyond that?

EVANS: I don't think that I probably had a political philosophy at that point in time but it was forming for me. And to the extent that I did have it was one that would have been very anti-socialism; that would have looked to individuals as being important instead of groups; that would have looked to individual incentive as opposed to putting everything into the pot for everyone. It wasn't well defined but I think that was in my mind already at that point in time. And the communist groups were at least on their face socialist countries. We learned the leaders were not so equal as others.

LAW: This is also some of the early years of the Vietnam War. What are your earliest memories of the Vietnam War?

EVANS: Some very limited television coverage. I turned eighteen in the fall of 1964 and immediately went down to the county draft board and registered. At that point when I registered for the draft I gave it practically no thought. “If I’m drafted, I’m drafted.” I mean we knew Vietnam was there but there wasn’t a lot of build-up that we were hearing about yet. I was a freshmen in college at that time and there was more discussion, more and more discussion on campus about it. Initially I think there was a deferral for students but that ended because a lot of people were enrolling in school just to get the deferral. Then we were all put into a pool and then whether or not you were drafted was based on quotas from your individual county draft board; I have no idea what was going on there. But at some point in the next year or two there was a lottery – and you talk about high television ratings among college boys at that time.<sup>4</sup> Every birth date, every date of the year, was put into a pot and drawn out. So, if your birth date was drawn, if your birth date was January 15<sup>th</sup> and you were drawn in the first twenty-five or thirty people, you were probably going to be drafted and you could kind of make those estimates. My birth date was drawn well past the midpoint so the probability of being drafted was fairly low at that time. It’s easy to say things in retrospect but I think with our attitudes at that time most of the people I knew and my family, if I’d been drafted I would have gone, it’s just the way we would have done it, but I didn’t get drafted. The more we saw of the [Vietnam] War, the more questions were raised about how it was being managed, whether it was being effectively prosecuted or not and of course it became very, very, unpopular. I had friends who were in the service and I had two fairly close friends who were killed in Vietnam. I’ve gone to the [Vietnam Memorial] Wall and it’s a very

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<sup>4</sup> December, 1969.

moving experience to go there and touch the names of people who you knew. It was a bad time in the country.

LAW: Now you spoke of, this was while you were in college, you went to Illinois College.

Now why did you decide to go to Illinois College?

EVANS: My parents liked small schools. They'd gone to Tarkio which was a small Presbyterian college in Missouri, which is unfortunately no more. They thought that small schools and liberal arts were a good way to go to get a broad perspective of things, it sounded good to me. I expect my parents liked the idea of me going to a school of a thousand people instead of a school of twenty-thousand and I liked that idea as well. My father travelled for a living and he changed companies in about 1962. He started working for a company called Scott Foresman, which is one of the big educational publishing company, and with Scott Foresman he had a smaller territory. He probably made more money, but I didn't care about any of that, the thing I cared about was that he got a company car which meant that the family car would be at home and I would finally have transportation. Knowing that that would advance my social status a great deal, turned out it didn't, but I thought it would. But in any event, my father travelled so he knew where the colleges were around the state. My parents were Presbyterians and they thought that it would be appropriate for me to go to a school with some Presbyterian affiliation if at all possible. Illinois College is unique in that it had an affiliation with both the Presbyterian Church and with the Church of Christ, I believe, the Campbellites, I don't know of any other school that has that double affiliation. I went around and looked at several schools with dad and I liked Illinois College. I liked the people I met there, I liked the campus, it

was well regarded academically. I thought, “This looks like a place where I would be comfortable,” so off to Jacksonville.

LAW: I guess Jacksonville in many ways was similar to LeRoy except for maybe it was a little larger?

EVANS: Significantly larger, well Jacksonville probably had between twenty and twenty-five thousand people, maybe. But Jacksonville is a very unique community, in that Illinois College and MacMurray College are in Jacksonville. I don’t know what the politically correct names are now but it also had the Illinois School for the Deaf and the Illinois School for the Blind were both there. It was well situated in proximity to Springfield, [Illinois], a lot of people commuted to work in Springfield. It was a prosperous community, a good place.

LAW: Did you live in a dorm or did you live off campus?

EVANS: I lived in the dorm. I don’t know if that was required at the time or not but it wouldn’t have made any difference I don’t think. I think that’s all my parents would have tolerated or paid for. So I lived in the dormitory and had a roommate one year, or I guess both years, from the Chicago suburbs. And I also got married in my third year there and of course we lived off campus.

[00:45]

LAW: Mary Evelyn?

EVANS: Mary Evelyn, yes.

LAW: She was a student at Illinois College?

EVANS: No, I had known her for many years at LeRoy. Her parents were friends of my parents. She was a year behind me, a year younger, but I knew her in high school and we did date in high school. We got out, went off to college and kind of got back together at some point and then things were a lot different, we fell in love and we got married. It wasn't the easiest route to go, but we did. She was going to ISU in Normal, [Illinois]. We got married, shortly after that had a child, she stayed home and took care of the child, I went to college in the daytime and I worked at the Capitol Records factory at night.

LAW: Which I guess now is a Goodwill warehouse.

EVANS: Is it? We talked about jobs some and jobs were an important influence. Growing up in LeRoy I worked on the farms. I also did detasseling for Funks, F-U-N-K, which was a hybrid seed company. I worked for them a lot. When I started Illinois College one of the nice things there was in addition to the scholarship I could do some work. I worked in the language lab. I worked in the cafeteria. I did yard work for a couple of the professors (I hope it was good enough to keep me from getting poor grades). As a matter of fact another friend of mine and I, we had a food route. We had a sandwich route that we had in the evening. You have to recognize the perspective, things were different. At that time the women, girls, lived in dormitories and they had hours and they had to be inside the dorm and the dorm was locked at ten-thirty at night. I know that's beyond your imagination but that's the way it was. There was a student union, a very small little room, not as large as this room we're in, that also closed at about ten or ten-thirty at night. My friend and I decided that if we could buy food from the cafeteria, make sandwiches, and go around to the dorms at eleven o'clock at night we could make money, and we did. That was another job we had. But after I was married I needed something

more than that and at that time the Capitol Records factory was relatively new in Jacksonville. A friend of mine and I went to the personnel manager, whose wife was a professor at Illinois College, and said we would like to do – split a shift here and work a job here. At that time they were running five days a week plus, usually, at least one shift over time if they were really busy. This friend of mine wanted to work just a few hours and I needed quite a bit of work. So, I worked pretty much full time at the record factory my junior year and the summer after that and my senior year at Illinois College. I have my two year button from Capitol Records and I'm quite proud of that.

LAW: What kind of work were you doing at the record plant?

EVANS: Well initially I was at the end of a line, boxing records. The plant was very modern as records' factories go and they had steam operated presses that pressed the carbon mix with labels into records, trimmed them off, put them into piles. From those piles they went down to a row of people who put them into boxes – put them into the album covers and then put the album covers into boxes, fifty in a box. Then they ran those boxes down to a line where they had to be sorted and taken to the warehouse. I was generally in the sorting and warehouse end of it. I did learn a lot more, I won't say I gained a taste for a lot more music, but I heard a lot more music because the intercom was controlled by democracy/majority vote. I was not a big fan of country-western music at that time but the majority of the people who worked there were. So I heard Buck Owens. I could probably give you the words to most of Buck Owens' greatest hits. But Capitol Records also had The Beatles and The Beach Boys, so they were a major player. They also contracted with probably a dozen other record labels, including RCA and some of the big ones and made those records in the plant too. We did hear a lot of Ray Charles and a lot

of other blues people, so you know my taste broadened. But the work was not particularly exciting. I learned how to run an electric fork lift. After doing that for about a year I was offered the opportunity to go run the steam presses and make records, which I did. That paid a lot better and you also got a bonus if you made a certain quota of records, so I did that for much of my time there. Generally I worked a four to midnight shift. In the summers I worked midnight to 8:00 am because there was a shift deferential and I made more money. It was a very interesting life experience.

And speaking of those, if we could back-track, there was another one. When I was probably a sophomore in high school our high school joined a program called "American Field Service." It's an exchange student program where students come from abroad and go to your school for a year. We had students from Greece, from [Finland], and Argentina. At some point a young man from Finland said to me, "Why don't you apply for an 'American's Abroad' exchange student program." It was about a four month program, and I thought it really sounded interesting, so I did. I spent about four months between my junior and senior year in the Netherlands and that was an amazing experience for me. First of all I had my first trip to New York City, was there for a while. We took a ship to Holland, not an airplane, a ship that by the way took ten days to get across the ocean, I think the big ones make it in about four, so we were not on exactly the most modern conveyance. On the other hand I was on there with about six hundred other kids my age so it was great fun. During that time we took a lot of lessons in language and in cultural norms for the countries we were going to. I lived with a farm family in northern Holland and I worked on the farm, did everything they did for about four months. Learned to get by in the language, certainly not fluent, but learned to get by

speaking Dutch. It was a great thing for me. One of the things I remember as we got to Holland they put us on the train and we headed out and dropped off people at the different locations that they were going to. I was the end of the line, my last friend got off and I had another twenty or thirty miles to go and all of the sudden it sunk in to me, “I don’t know these people, I don’t speak the language, I’m going to a city where I don’t know anybody, I’m a dead man.” (chuckles) But fortunately I got there and the family was there waiting for me and took me to their home and it was just a good experience. I think it opened my mind to different cultures, different ideas, and maybe even more so to the fact that I can go any place and do anything I want to do. I don’t have to be just in one place, so, a very positive experience. Also, we bicycled, every place we went we went on a bicycle and one of my hobbies today is bicycling so I suppose that helped lead into that. But, back to Capitol Records, that too was a learning experience, now college was nice but living in Holland and working at Capitol Records were almost the equivalent, with all due respect to Illinois College which I love dearly.

LAW: Now do you have any memories of campus life on Illinois College?

EVANS: Yes I do, some. In those first two years I joined Phi Alpha Literary Society. Illinois College did not have fraternities. Their answer to fraternities were literary societies that date back to the beginning of time. Illinois College by the way is one of the oldest colleges in the state (they argue with McKendree [University] all the time as to which is actually the oldest). The literary society was interesting, I saw great debates, great presentations, and I made presentations at the literary society, enjoyed it a tremendous amount. I wrote a few articles for the student paper, not very much but a little bit. I was in the band at Illinois College. It wasn’t much of a band but it was kind of a pep band. I

participated in the choir at Illinois College. I went out for the basketball team but that didn't work out. I did go out for the golf team and I was about either fifth, sixth or seventh man on the golf team, so some meets that means if I got into the play-off I would get to play in the match, other times not, but I kind of liked that. Another one of my high school jobs was working at the golf course but that's a separate story. I was a member of the Young Republicans at Illinois College. My first political experience was going door to door handing out flyers for Paul Findley, F-I-N-D-L-E-Y, who was elected to Congress. He was also an Illinois College grad and a Phi Alpha Alum and he came around and asked us to do it. I didn't know a whole lot about his philosophy but I liked the guy, so I handed out flyers for him and kind of got started into the political thing. And I think there's a Paul Findley museum there at Illinois College now.

BELZER: Yeah, he lives right by there, Paul, he still lives there, Paul Findley.

EVANS: He'd be well into his nineties probably?

BELZER: Yeah he's about ninety-five.

EVANS: Yeah, but in any event, those were probably the primary activities that I was in and after, when I got married and was working, obviously, that ended campus life.

LAW: Now what led you to the Young Republicans? What would be the – what are the roots of the – or, let me put it this way.

EVANS: No that's okay, that's okay. Probably [U.S. Senator] Barry Goldwater. I followed the [19] 64' campaign pretty closely. I was not a fan of [U.S. President] Lyndon Johnson. I was by that time developing libertarian tendencies, many of which are still with me today. I thought that Barry Goldwater was closer to that than was President

Johnson and that was probably primary. It didn't impress my mother much, she was a hard-core Democrat. (chuckles)

LAW: That's what I was going to ask is, you earlier said she was for [U.S. President John Fitzgerald] Kennedy. Now what about your dad, what were his politics and your families politics?

EVANS: My father tended to be Republican although his father and brother were Democrats. So, it's been a fairly independent thing. I have never missed an election, I don't care if it's for county board, for road commissioner, for school board or anything, I vote in every election. But in Democrat/Republican elections I never voted a straight ticket. Now I've always had the luxury of knowing the local candidates. When you're in Hancock County or these places where I've lived it's easy to know who the candidates are and I know what their abilities and skills are and I vote for who I think will do the best job.

LAW: So your first election that you would have been able to vote in would have been 1968?

EVANS: Probably, let me – yes, you're right, very good, 1968!

LAW: Now what were – who did the Young Republicans at Illinois College support in 1968, were they for [Richard Milhous] Nixon?

EVANS: Nixon, without a doubt, without a doubt. Nixon was still a good guy in 1968.  
(smiling).

LAW: But he was a little bit more liberal than [U.S. Senator Barry] Goldwater?

EVANS: Very much, yeah. Nixon, I would put in the category – I told you I don’t like categories – but maybe with [U.S. President George] Bush the younger.<sup>5</sup> Hardly what we think of as hard-core conservatives today. Of course at that time we didn’t have the concept of the social conservatives that we do today. And I don’t think Nixon – Nixon was conservative in most ways, but you – that is an accurate statement Mr. Law he was not where Barry Goldwater was philosophically. I mean he was willing to use government pressure for wage control, he was willing to put price levels on and hold to it. Now he did, he helped open the door to China but I don’t think that is inconsistent with a libertarian view either. But Nixon, to some extent, was the peace candidate and [U.S. President Lyndon Baines] Johnson had decided not to run and [U.S. Senator] Bobby Kennedy had been assassinated and [U.S. Vice President Hubert] Humphrey, who was a very liberal guy, was inheriting much of the Johnson political mantel, probably unfairly to Hubert Humphrey; but, Nixon was the peace candidate and he wasn’t really able to do that in [19] 72’ with [U.S. Senator George Stanley] McGovern but he did have “a secret plan to end the [Vietnam] War.”<sup>6</sup> As I recall that was [19] 72’. And as I recall in [19] 72’ Nixon won forty-nine states I believe.

LAW: It was a pretty overwhelming victory.

[01:00]

LAW: Going back, what was it about [Berry] Goldwater that attracted you?

EVANS: I thought that he was a very direct person, less a politician and more open than Johnson. Lyndon Johnson was the ultimate politician and he got admired for that. He did

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<sup>5</sup> President George H. W. Bush.

<sup>6</sup> Nixon was said to have a “secret plan” to end the Vietnam war in 1968.

get some good things done. To me the best thing he did was to get the Civil Rights Act pushed through, which has been the basis for so much that has been done since then. However, I do have to add that he would have never done that without strong Republican support, particularly from Senator Everett McKinley Dirksen from Pekin, Illinois, who whipped enough of the Republicans in to help Johnson get that through because the Democrats alone could not have done it. The South was almost all Democrats at that time and they were opposed to it. But Johnson knew, he knew how to twist arms. But I thought Goldwater was a more direct guy. His little campaign book was, I think called, *A Choice Not an Echo*, and it was a good read and I think he probably wrote it himself as opposed to today if you run for [U.S.] President you have to have a couple of books and I don't know anybody who writes them.<sup>7</sup>

LAW: Now at this time did you have a conception of being part of a generation? Now we refer to you – I know you don't like categories, but we refer to people of your age cohort as being part of the “baby-boom generation.”

EVANS: No I did not have that conception at all. At that time if you had said, “Are you a baby-boomer?” I probably would have said, “I've never heard the words.” I don't know when that was developed, I suppose maybe back then but it became much more popular as we go on, now that we have to have these categories. But I can now say that I don't remember ever hearing that phrase when I was in high school or college that you're a “baby-boomer.” We knew when we were born, we knew when the [Second World] War was over. We still had that influence from our parents talking about it. Our fathers would

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<sup>7</sup> *A Choice Not an Echo*, written by Phyllis Schlafly, was written in support of Goldwater's election in 1964. Judge Evans recalled after the interview that the “campaign book” he had in mind was Senator Barry Goldwater's, *The Conscience of a Conservative*, published in 1960. The book was written with the assistance of L. Brent Bozell Jr., see, *The Conscience of a Conservative*, ed. C.C. Goldwater (Princeton University Press, 2007), pg. xviii.

get together with their buddies and they would talk about what happened in the service, so it carried some influence. The movies were a, in the [19] 50's the great movies were, the Americans beating the Japanese or the Germans, that was a very "in" thing. But as far as being a part of a group, no, I didn't ever sense that I was, and you know, I still don't. I mean if we have five people in here who were born in 1946, well yeah we have that in common that we were born in 1946 but do we have anything else in common?

LAW: What about in comparison to the older generations? Did you, at the time, did you see any differences or similarities? And I guess speaking of yourself, of you, as an individual.

EVANS: Yeah, I would have probably thought that I was less conservative and more open to things than a generation before me. Whether that's fair or not that would have been my perception.

LAW: What do you mean by more open?

EVANS: More open to ideas, conflicting views, I will listen to them. I won't be stuck in just this philosophy, this religion, this music, whatever it may be, this author, let's listen, let's look at all of these things, let's see what's out there.

LAW: Now going back to Illinois College, you majored in English, tell me a little bit about that.

EVANS: When I started out I still had this thing in my mind about being a veterinarian, (chuckles) and I like animals to this day, but, the high school teacher who I talked about who said, "Now you don't want to do that, you want to be a lawyer, so you want to take these writing courses." So by the time I was halfway through my sophomore year I realized I really like the writing. I'm drawn to the government classes, the history classes, I think that's the direction I want to go. And then the question was, "Well what do I want

to major in?” The common law school major at that time was history and government. A lot of good history professors but I really liked the English and I liked the professors I had at Illinois College in English. I thought, “You know I think that’s what I want to do, English and Literature, so that will be my major.” I’m glad it was and going back I wouldn’t trade it.

LAW: Do you recall any of the influential books you were reading at the time? Or what writers were you drawn to?

EVANS: An interesting one, and I suppose you’re not supposed to say this because it’s not politically correct, but sometime during my freshman or sophomore year I was introduced to Ayn Rand who was probably considered by the libertarians to be something of a prophet but pretty far out. She supported [Barry] Goldwater only because he was the closest to her, where her philosophy was. Also, through my classes I really got involved with [William] Shakespeare and you know that sounds kind of hokey to say, “Oh Shakespeare,” that’s five-hundred years ago, that’s out of it. I think of Shakespeare – hardly a year goes by that I don’t pull out one of the plays and read one of the plays, one of the Shakespeare plays. I also enjoyed American literature to some extent, but I found it hard to read. I liked James Fenimore Cooper a great deal. I really did enjoy the writing classes more, by then, then I did the literature classes.

LAW: Who introduced you to Ayn Rand?

EVANS: A student at Illinois College. It’s interesting, I had met him because he had lived in Holland. He was Malaysian I believe, but you know the Dutch had quite an empire at one time and he was born in Malaysia and came to Holland but spoke Dutch. He heard that I

had been to Holland so we kind of became acquainted and tried to pick up the language a little bit more. He asked if I had ever read Ayn Rand and I said, “No,” and he gave me one of her books and I read it and found it interesting.

LAW: Writing classes, so you’re talking about short stories, novels?

EVANS: For me, short stories, expository writing, a stab here and there at poetry, not very good. I suppose just writing position papers on a particular point. Sometimes we’re writing on some historical element. Music always interested me so if I could tie my writing into the era that we were studying, either in literature or writing, and do something with music, I would do that. Aviation interested me, even then. I remember writing one paper for a history class, I don’t remember what that class was, but I know we studied the First World War and I thought, “Aviation played such an interesting role in the First World War I’ll do something aviation related.” It involved a little research and organization.

LAW: You mentioned you had some sort of lively debates at I.C. amongst the literary society.

EVANS: Yes.

LAW: Do you recall what the subject matter was?

EVANS: Yes. There were three literary societies when I went to Illinois College, I think a fourth was added while I was there. I liked the Phi Alpha Literary Society, I thought it was more of a literary society and less of a social club. And boy wasn’t that the truth because half of us didn’t like the other half. Phi Alpha was made up of a much more varied group than the other societies. The other societies tended to be social clicks, and that’s not a negative, it’s just that the guys in those groups had the same views about

things. The Phi Alphas were all over the ballpark. I know one year the president of the Young Democrats was in Phi Alpha and the president of the Young Republicans was in Phi Alpha. The Phis, because they tended to be oriented toward academics to a degree, sometimes you got a bad rap from those who weren't. I recall the word squirrels being mentioned more than once and it had nothing to do with a compliment. But they also had some of the toughest football and basketball players in the college in Phi Alpha. I liked that variety. The debates generally were politically oriented, the politics of the day, who was running for [U.S.] President or [U.S.] Senator or issues with regard to anything going on in the country, the War. My pledge father was in ROTC and he was a vigorous supporter of the Vietnam War and a stronger war effort. He probably represented maybe twenty percent of the view in society and the other eighty percent were confident that [U.S. President Lyndon Baines] Johnson was a war monger. The debates were long and hard and nobody won and there was no give. The other area of great interest in the debates to me was religion. Illinois College was affiliated with, as I said, a couple of churches. We had a mandatory chapel attendance each week and I know for you young guys this is hard to grasp. We had convocation on Monday and we had chapel on Wednesday, one hour each. Convocation was generally some speaker from the community or from the state, very interesting. Chapel was a religious service on Wednesday conducted by the Chaplain. They were mandatory. We were allowed three misses per semester, no more, or you wouldn't get your grades, so we did attend. There were vigorous discussions of the different religions and religious philosophies. Religion was a required course. Two semesters of Judeo-Christian tradition were required at Illinois College at that time. My teacher was Dean Iver [F.] Yeager and I loved him. He

was much more conservative than I about particular beliefs but he was a wonderful professor, highly organized, and I was fascinated by that. I also met at Illinois College, maybe my first year, one of my classmates was a member of the Reorganized Church of Jesus Christ of the Latter-Day Saints. Now that's not the Utah group that we refer to as Mormons but it was a group based out of Independence, Missouri, but followers of Joseph Smith the [Mormon] prophet. The Mormons are lightning rods. They draw fire and criticism where nobody else can; it's just amazing. But he was a defender of the faith and he would debate and discuss it with anybody at any time and those were wonderfully informative to me growing up as a Presbyterian. Somebody once said, "The only people who know less about the Bible than the Presbyterians are Methodists." Now I don't know if that's true or if it's fair. I'm sure it's not fair but I'd have to say the diligent study of the content of the Bible was not part of my Presbyterianism. Maybe that was a revolt against grandparents or something. Certainly at Illinois College making it a study of the Bible and looking at other religions and talking to other people was a fascinating experience. I still enjoy very much about reading about religion and the history of religions. As you know here we're in a place where the Mormons settled for six years and two blocks from here is where Joseph Smith the prophet was killed by a mob. I can show you a picture on the wall of one of the men who was tried for the murder of Joseph Smith, who was acquitted, and later became a judge in this county. [Camera zooms in on picture, he later mentions it is the picture on lower left hand corner of the framed photos on the right side of zoomed image] And I will tell you that most people who come in this room have no idea of that fact, but it's the case. So, in any event, that interest has continued.

LAW: So it sounds like you would have discussed a wide ranging – wide ranging issues in the literary society.

EVANS: Without a doubt.

LAW: Now, we've talked a little bit about the draft. Was there ever any discussions or debates over the draft and the legitimacy of it?

EVANS: Yes, as a matter of fact the debate topic – inter society debate topic one year was whether or not the draft was constitutional. I'm sure there were many good republicans who argued that it wasn't, forgetting that Abraham Lincoln was probably the originator of the true draft in this country. But, in any event, there were arguments constantly and probably the majority of the students thought that the draft was not legitimate that people should not be required to go to the service. There were others who said it was not legitimate because it didn't touch everybody and if it was going to be legitimate then everybody goes. Like Israel had, like a service where it was a mandatory service. There were very few who made this argument, but a few who made the argument that it was discriminatory because it's only taking the guys, it's gotta' take everybody.

[01:15]

Line up girls. None of those views really were getting very far but the arguments were made. When I was at Illinois College there were no on-campus demonstrations though, I do not recall anything like that until I got to Champaign, [Illinois], or a law school.

LAW: There were some lively demonstrations on Champaign, [University of Illinois Urbana-Champaign], I believe when you went to law school.

EVANS: Yes there were, yes.

LAW: But, now was there any other kind of activism in the community in Jacksonville, [Illinois]?

EVANS: Not that I recall but I was pretty much tied to campus and in those last two years where I was just going to class in the day time and working in the factory at night, quite honestly I was pretty limited in what outside things I was focusing on. I was supporting a family and getting through school.

LAW: So, you ultimately decided to study law, why?

EVANS: Probably by the end of my sophomore year at Illinois College I decided that's the way I think I want to go. There were probably at least three or four other people in Phi Alpha who were friends of mine who were also interested in the law. We talked about it a lot. I thought it was an area where I would enjoy working, I liked making arguments, I liked debate, I thought – I'm not going to say I saw it just as a way to save society but I saw ways to advance things socially through law. I thought, at that time and it appealed to me. My grandfather who had gone to law school, but didn't practice, encouraged it. My parents thought it was a good idea so I thought, "Ok that's a direction I think I'll look."

LAW: So your draft number was low and I think in –

EVANS: High, high actually.

LAW: High, okay, and I believe that deferments for professional schools were eliminated sometime in there too?

EVANS: The only thing that would have made any difference for me was the fact that I had that high number, I believe. And who knows, I didn't know how the draft board worked in McLean County and Bloomington, [Illinois]. There were draft boards in every county and I had one acquaintance – well, were we protected if we were in school? Did the people who made up that draft board have discretion when they went in or did they just draw names randomly? Or did they say, "I know Justin Law, he's studying over here, let's set him aside for now," I don't know, I don't know how that worked. I just knew my name was in, I knew the deferral was gone, I mean the deferral left probably a couple years before that, [19] 65', [19] 66', when we were in the lottery. It was just one of those things. It was out there, I didn't worry about and moved ahead. If I'd a been drafted –

LAW: Cross that bridge when you come to it.

EVANS: Cross that bridge, yeah, not gonna' worry about it. Friends were drafted, the guy who was my pledge father at Phi Alpha, the ROTC guy, of course he was in and volunteered and he was killed in Vietnam. The draft just wasn't a part of my thinking at all when I started law school. Interestingly though, there was an increase at this point in terms of the number of people they wanted. Illinois Law School generally accepted, if I recall, around two-hundred people a year, roughly, I might be a little high on that. But they bumped that up about another twenty-five or thirty for the year I went because they were afraid they would lose some to the draft. Well they lost a bunch to the draft. There's a fair number of people who go and after a short time, one semester, say, "This is not for me, I'm not gonna' do this." So my class dropped from about two [hundred] twenty-five down to about one hundred and fifty in a fairly short order. Now many of those who were

drafted finished their first semester and they were guaranteed a position when they got done and came back and finished later.

LAW: Now why the University of Illinois at Urbana - Champaign?

EVANS: Why did I go there?

LAW: Yeah.

EVANS: Well I would like to say because it's a phenomenally good law school and I'm a brilliant mind and I knew that it was the only place that could challenge me. But I won't say that. It was purely money, as crass as I can be. I applied to three law schools, Northwestern [University] in Chicago, Vanderbilt [University] in Nashville, [Tennessee], and those were my first two choices, Vanderbilt in particular. Illinois College had a connection with Vanderbilt. One of their recruiters down there was an Illinois College guy and he came up and he tried to get somebody every year to go down there and it really sounded great to me. I put those on my - when I took the law school admission test I put Vanderbilt, Northwestern, and there were three blanks so I put the University of Illinois. I had not bothered at that point to obtain cost figures. After I got my scores back I was very fortunate, my scores were very good. I got the books. I saw immediately that I could not afford either Vanderbilt or Northwestern, it was just impossible, so Illinois is where I selected. Now that being said, Illinois as it turns out was a very good law school, I didn't know that at the time. But, that's why I went there, I could afford it.

LAW: Now how did – did you live in Urbana or Champaign?

EVANS: Neither, I lived in Mahomet, M-A-H-O-M-E-T. On the east edge of Mahomet, just a few miles from Champaign, there was a very large mobile home park and a lot of

students lived there. As a matter of fact there were probably five law students who lived out there and we car-pooled in. Champaign-Urbana were notorious for the high cost of living at that time, high rents on crumby little apartments. So, my wife and I were at that time living in a mobile home, nothing very fancy, but cost-wise we could do that and I could commute, gas was cheap, and I could commute and live out there for much less than living in Champaign-Urbana.

LAW: Now, did you have one child or two children?

EVANS: I had one child when I started law school and the second was born while in law school.

LAW: Another thing about – how did UIUC compare to Illinois College?

EVANS: Well when you realize that everybody who was there had been a very good student in college you are really narrowing down and finding really bright people and that makes it certainly very, very, challenging. And Illinois was a very strict grading school and it was very competitive and very difficult to be competitive and a lot of work, a lot more work, studying than ever in college.

LAW: What was the composition of your law school classes as far as race, ethnicity, and gender?

EVANS: Our class, whatever number we ended up having, probably was no more than ten percent female. Race, I couldn't tell you a percentage, a fair number of African American. Probably seventy percent of my class was from the Chicago, the suburbs, so that would be more representative of the breakout than would the downstate farm communities where I grew up.

LAW: Okay. Let's talk a little bit about the law school. What strands of legal philosophy were you encountering in law school?

EVANS: Not a great deal, quite honestly, in terms of promotion of legal philosophy, in the broad sense. In the specific sense, yes. For example my professor for Tort Law, T-O-R-T. Tort is an injury to a person or a thing, the auto accident, medical malpractice, things like that. My Tort professor was a superb professor but a strong advocate of what was referred to as no-fault insurance which basically means that if you and I are in an auto accident my policy takes care of me, your policy takes care of you, and we don't sue each other. Well of course that was not a very popular view among the personal injury lawyers of the world since that was their bread and butter. Many of them thought it was horrendous that one of the leaders in no-fault insurance was being allowed to teach these impressionable students at the University of Illinois. That probably was one of the major philosophical disputes going on at that time and this professor was frank about it. He said, "This is my view, this is obviously not the view of the majority because it's not happening in very many places, but I want to tell you why I believe that." He would talk about the other side too and he was a really good professor. In the other areas what we would see is a professor who had a really – who would be teaching a broad course but his research specialty, or hers, would be very narrow. I say hers, I think there was only one female law professor when I was there, but anyway, so, what we would get – we would get that focus in that narrow research area for that particular professor very often, and that was ok. Illinois is a school that – the Dean was Dean Cribbett, who I talked about always

saying, “The big picture, I want to show you the big picture.<sup>8</sup> We’re not going to teach you how to draft a contract or how to file a divorce complaint,” or any of those practical things. (chuckles) He didn’t say practical I said that. “But we’re going to teach you the general approach to the law and make you think outside the box.” Maybe it’s a liberal arts approach to law as opposed to an economics major or accounting major approach to the law and that was kind of the philosophy of Illinois, “We’re a theoretical law school as opposed to a law school that’s going to prepare you to practice.” When we were interviewing for jobs occasionally we would see that in a firm and say, “You know you’re gonna have to come out here and train for us for a year and you’re gonna have to learn how to do the day to day things and if you had gone to school A or school B you would already know how to do those things,” but I don’t think it hurt.

BEN: Five minutes.

LAW: Do you recall encountering legal philosophy in the terms of formalism or sociological jurisprudence, legal realism, natural law, natural rights, legal process, legal reasoning?

EVANS: Legal process, legal reasoning, natural law were in the discussion mixes. Not so much the others though. Certainly natural law, any time you’re discussing American jurisprudence we have to look back to our founders and the Declaration of Independence and much of the [U.S.] Constitution is based upon our founders perception of what natural laws were and that was a given and then you worked from there, so we had some discussion of that. But frankly it tended to be a little more technical and more modern

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<sup>8</sup> John Cribbet was a Professor at the University of Illinois from 1947-79, and Dean of the Law School from 1967-79. From 1979-84 he served as the Chancellor of the University. For more on Cribbet, see, *University of Illinois Law Review*, Vol. 1978, No. 1, pgs. 1-20. Also see, David A. Myers, “Dean John Edward Cribbet: The Illinois Prophet of Property Law,” *Marquette Law Review*, Vol. 95, No. 1 (Fall 2011), pgs. 5-16.

than that in the area of contracts and business contracts a thing called the Uniform Commercial Code was becoming more and more widely accepted and we had people who advocated for that. A lot of professors were advocating for Uniform laws for the country as opposed to different laws from state to state; some of those have been successful, some not. Another thing in law school that was important for me, while I enjoyed most of the courses, but not all, I needed to work. I still had a family to support and I wanted to work in a law area if I could and I wanted to see what was going on at the courthouse, not just at the law school. I think the first job I had was I got a job working as an investigator working for the Champaign County Public Defender's Office. Champaign has a great variety of people, backgrounds, economic, ethnic and otherwise, and my job was, after somebody got arrested, was to go out and interview them and find out what I could take back to the attorney I was working for. So I worked for the public defender. I think the first summer I was there I applied for a job and got a job working for the Department of Children and Family Services. I'm almost always reluctant to mention that because generally it's such a hated agency. It's Health and Human Services now, I think, but it was Children and Family Service. They investigated child abuse. I worked for them for a summer, I wasn't a lawyer, but I went to court with the social workers. We were represented by the State's Attorneys, most of the time. Some of the times the State's Attorneys would refuse to represent us in those days, it was a different world. My job was to try to help the social workers prepare their cases so they wouldn't get tossed out of court. Even though I wasn't a lawyer. It worked out so well they hired me for the winter and the following summer as well, so I worked for DCFS for quite a bit. Very interesting and it got me into courtrooms all over eastern Illinois and I liked that. Another job I had, I

saw an ad for people to work as a trustee in bankruptcy in the federal district court in Danville, [Illinois], and I applied for one of those jobs and got it. Now, I was a trustee, that's a different thing than what a trustee is now it was a different law. But I worked in small asset bankruptcy cases and investigated those and presented them to the bankruptcy judge in Danville. So I had a very broad range of outside the law school experiences

[01:30]

that I thought were helpful for me and helped me to see what directions I thought I wanted to go.

LAW: What were some of your influential classes and professors in law school?

EVANS: I mentioned before the Torts professor Jeffery O'Connell and although his view was probably considered radical I thought he was a superb professor. He was very good at explaining the different positions and views. He was very challenging in terms of his questions. The Socratic Method was the popular way of teaching then which was calling upon a student, asking a student to discuss a case, and then challenging the student very aggressively. Professor O'Connell could do that without "drawing blood," or let's put it another way, he might draw blood but he would hand you a Band-Aid. He didn't seem to be mean about it. But his courses were very, very, interesting. I took multiple courses from him. Dean Cribbett taught property laws. I thought he too was an excellent professor, inspiring professor. I had a visiting professor from the University of Maryland who was the family-law professor, and I thought he was quite good. Other than that, for the most part they were pretty good. There were a handful who I did not think should be teaching anywhere in the world but that was not my choice. In their classes I did what I

needed to do to get reasonable grades and get through it. The further I went in law school, frankly, the more I was enjoying my outside work. The DCFS or the bankruptcy court, I found those to be practical applications of what I was learning in school.

LAW: Did the wider world ever have an impact on your law school experience?

EVANS: Well the Vietnam [War] really heated up in the spring of 1970 with the invasion into Cambodia. Although I expected that we had been going into Laos and Cambodia before that, but it became very well-known and there were huge demonstrations on campus. The campus really blew up with demonstrations and it carried over to law school. There were some of the younger professors who were strongly anti-war who were involved in that. There were demonstrations throughout the community and on the campus. There were speeches in the auditorium. I can recall speeches in the law school auditorium, and I attended a couple, but they were entirely one sided. I can still recall a classmate of mine getting angry because only one side was being presented and jumping up and walking out, swinging his briefcase. Fortunately nobody was hit by it, but there was a lot of anger. As a matter of fact I think it was the spring, we were getting close to final exams, and in law school the entire grade was on your final exam and it seems to me that in some of the classes the professors had the option and did exercise it of saying, "Final exams will be pass/fail," which I thought was kind of a cop-out way of doing things. But I thought – think about how strict law schools are and how formal and for them to make that kind of a decision at that point was – it shows the impact and the emotions of the time. But that was the worst of it and there was destruction down in campus-town during that time of business buildings – it was very bad. Although when you look at the bigger picture, there were probably twenty thousand undergrads there at

[University of] Illinois [Urbana-Champaign], probably another eight to ten thousand grad students, probably another how many professors, four or five thousand, I don't know.

But thirty to thirty-five thousand people directly involved in the general campus and the demonstrations were probably two or three thousand people. Now two or three thousand people make a lot of noise and they can do a lot, but, how representative were they of the entire student body there, I don't know.

LAW: What was your view of the demonstrations?

EVANS: I did not think – you should not damage peoples' property. I saw no gain, I saw it as just no gain at all. I suppose my argument would be, "If you're opposed, be political. Vote for people, find candidates, and do that, but, don't go destroying people's property."<sup>9</sup>

LAW: Now were you still involved in politics on campus in law school?

EVANS: No, no I was not. Not in terms of republicans or democrats. I was involved in a gentleman's campaign for states attorney who I had met in some of my other stuff and he ran for states attorney and I did help him with that by handing out literature. I honestly don't remember if he was a Democrat or Republican, that's a terrible things to say, but I thought he was a very capable attorney and I thought he would do a great job as a State's Attorney.

LAW: So if you had to distill it down, what were the principles and legal skills you were learning?

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<sup>9</sup> For more on the demonstrations at the University of Illinois in Champaign/Urbana during this time period, see, Patrick D. Kennedy, "Reactions Against the Vietnam War and Military-Related Targets on Campus: The University of Illinois as a Case Study, 1965-1972," *Illinois Historical Journal*, Vol. 84 (Summer 1991), pgs. 101-118. Available online, at, <http://dig.lib.niu.edu/ISHS/ishs-1991summer/ishs-1991summer101.pdf>

EVANS: I think we were learning how to think. Now that's a pretty ambiguous statement isn't it? But I think that was the goal, learn how to think like a lawyer. Look at a situation and say, "Not only, what is the law here, but, what isn't the law here, why doesn't this apply, why doesn't this apply?" That was a difficult thing, I think, for me to learn initially in law school. The fact scenario was put out, we were to analyze it and say what we thought, how it should go and why. But, what the professors wanted us to do was also say, "Why isn't it A, why isn't it B, why isn't it C, what are the distinguishing points?" And as you practice law you see that. Now if you show me a decision on a particular case and say it applies in our case right here in this courtroom today, I have to say, "Well yes it does or no it doesn't, and why," how do I distinguish it. I think that was Dean Cribbett's goal was to get us thinking, more than just looking for the answer is A, B, C or D, this is not multiple choice. The answer is probably C because of this, but this is why it isn't A, B or D. I hope that makes some sense to you but I think that was the central philosophy of how we analyze situations and we did that rather than try to learn what is the law of the state of Illinois in this area, this area and this area; the big picture. Dean Cribbett do you hear that, THE BIG PICTURE (chuckles).

LAW: Okay, so you pass the bar [exam] in 1971, after graduating – let me back up, after graduating from law school what was your first professional position?

EVANS: Western Illinois University, assistant professor of business law. I mentioned earlier that my family was very involved in education and I, knowing that I was going to go in another direction, had announced to my father early on that I would never be a teacher, made up my mind, waste of time. So what was my first job, teaching. My father thought that was extremely humorous. I like this part of the state of Illinois, I traveled with my

father when he went around the state, in his work. In the summer I would go with him. When we would go he knew some unique historical fact about nearly every little [su]rb or every county in the state. We also went to all the courthouses. In those days we had county superintendents in each courthouse. He would call on them and then we would go through and we would see the courthouse and he would take pictures. He had quite an album of courthouse pictures. But, in any event, I liked this part of the state, it just seemed more interesting to me. Of course I had already read a lot about the Mormon history over here, I like the terrain over here, we have hills and streams and eastern Illinois has flat, rich, black dirt. Now if you're going to inherit something I recommend inheriting eastern Illinois land instead of western Illinois. But, it was an interesting place and I thought I would like to practice here some place, in this general region, Macomb or Carthage. I saw the job notice for a teaching position at Western Illinois University for a law grad and I thought, "Well that would be interesting, I know a little bit about the University, it has a pretty good reputation, if I could get over here then I could look around the area and see where I thought I wanted to practice or what I wanted to do," I applied for the job and got one of the teaching jobs. I very much enjoyed teaching, YOU HEAR THAT DAD. It was great fun. We were in the college of business, department of management sciences and lawyers who had been there over the years had developed about five or six different law courses which was kind of unusual at that time for an undergrad business curriculum. We had three lawyers on faculty. I did teach there but as a taught I realized that I really wanted to practice. I started looking around the area and I saw that, in my view at that time, that Carthage, [Illinois], was a good spot. It was small, too many lawyers I thought, but it seemed that the trial lawyers were here in Carthage.

They were the ones who were going around the area and trying cases, more so than perhaps the Macomb attorneys. I started looking around and one day I heard that there was a firm here looking for someone. It was the Capps and Ripple Firm. I was in Carthage, I just stopped in the office, I knocked on the door, not really the way you go around finding a legal job, but I knocked on the door and the secretary said, "Well Mr. Capps is at a Kiwanis meeting some place out east and Mr. Ripple is over at the courthouse arguing a case, why don't you go over and watch." So I came over to this courthouse, went upstairs to the courtroom and Richard Ripple was arguing a case against John Glidden. I learned later both of them were superb attorneys, and I watched them argue the case. I'd been in court quite a bit, I've seen quite a few attorneys in eastern Illinois in my other work and I thought, "These guys are really good and the judge is asking really hard questions and this is a beautiful building and a nice little town." I thought, "I could practice law here if I could find a job here," so one thing led to another and I got hired by Capps and Ripple and joined them in the summer of [19] 72' and became a partner at the end of [19] 74' and practiced law here.

I also did a lot of work in Macomb even though we came over here and lived. We travelled a great deal. I went to Macomb, to Oquawka, to Monmouth, down to Quincy, to Rushville and got to see quite a few of the courts. When you're the new guy in the law office and there's the dinky case in Macomb, you get sent. That was fine with me because I enjoyed doing that, I enjoyed the travel. I also met a lot of judges and lawyers in other places that later was of benefit to me.

LAW: Judge Evans I think we'll stop there for today unless there's anything else you wanted to add about your background?

EVANS: I think that's a good stopping point, we've covered a lot.

LAW: Okay, thank you.

EVANS: You're welcome.

[01:42:16]

**END OF INTERVIEW ONE**

## BEGINNING OF INTERVIEW TWO

LAW: [This is a continuation of an oral history interview with] Judge Stephen G. Evans.

Today's date is June 9<sup>th</sup>, 2015, this is interview number two. We are here in the Hancock County Courthouse in Carthage, Illinois, and today's interview is going to be about his legal career. So Judge Evans, we talked a little bit about your early days in private practice but I did want to start with, after teaching for a year, why did you decide to go into private practice instead of maybe an Assistant State's Attorney or something along those lines, government service?

EVANS: I really liked Western Illinois [University] and I liked the idea of working in this part of the state and honestly the teaching was an opportunity for me to come out to this area and look around and see what was available. I enjoyed teaching but I always had the sense that I would prefer to practice. I told you before that in law school I had the opportunity to work in a lot of law related jobs and while in Macomb teaching at Western I did observe the area and it appeared to me that there was a very strong bar in Hancock County with lawyers who did a lot of court work, a lot of trial work. There was an opening with a firm over here so I thought it was a direction I wanted to go in. Nothing against being an Assistant State's Attorney or working in a Public Defender's office but I thought I wanted to try to practice and it looked like Carthage was a good place to do that.

LAW: So, give me an idea of the composition of the local bar in Carthage and really in Hancock County at the time in terms of, first demographics, race, ethnicity, gender, age and such things.

EVANS: The demographics were pretty easy, they were all white males. In those days there were probably no more than four or five females practicing in the Ninth Circuit. In Hancock County there were no non-Caucasian attorneys at that time that I can recall. There were a lot of attorneys; as a matter-of-fact, I thought there were too many attorneys for the small population. It sticks in my mind that the population would have been in the neighborhood of twenty-three to twenty-five thousand in the county, large geographic county, and I thought, "Way too many attorneys." In this town, by quick memory, Wilbur Capps and Dick Ripple, Leroy Ufkes, Franklin Hartzell, John Glidden, Stan Tucker, Charles Bell, Max Stewart, who you know, Leon Lamet, Vilas Rice and I'm sure I'm leaving a couple out, a couple of others. There were also lawyers in Hamilton, Nauvoo, La Harpe, as well as at the State's Attorney's office. I would suggest there were probably fifteen to twenty attorneys in the county at that time which seemed to me to be quite a large number, however, if I didn't mention Sam Naylor, I should definitely mention Mr. Naylor because the lawyers who were trying cases, both here and in McDonough County, seemed to be from Hancock County. Sam Naylor, attorneys Ripple, Glidden, Tucker were in McDonough County as well as Hancock on a regular basis.

LAW: Would you consider these general practice attorneys or specialized?

EVANS: I would say all were general practice at that time. In a small community it's very difficult to specialize. Now certainly, for example, in the Hartzell firm, Franklin Hartzell was the senior partner and at that point he did not do the litigation nearly as much; occasionally, but for the most part attorney Glidden and attorney Tucker did that. Their office also handled a large number of appeals. Mr. Tucker tended to specialize in that but

it certainly didn't mean he didn't do other things as well. A matter that was both interesting and frustrating was the fact that you did do everything that came in the door and while it was interesting to look into all of those areas it was also difficult to really stay current with all of those areas at the same time. Now in the office I was in with Wilbur Capps and Richard Ripple, initially the three of us, I did all of the criminal defense work that came into that office. If it came into one of the other attorneys they passed the case to me because I liked to do it and had a little background, even then, in that sort of work; but I liked all aspects of the work that came in.

LAW: That's what I was going to ask you next was what kinds of cases did you have; so mostly just criminal cases?

EVANS: No, my case load was probably less than a third criminal. I did the ones that came in. We did not have a public defender in Hancock County at that time so the judge had a list of the attorneys on the bench and when someone came in who was indigent the judge would make an appointment off that list and he rotated through the list. All three of our attorneys in our office were on the list but I took the appointments in each case so I took three cases each round which increased the number of criminal cases I had. In those days, we had a lot of litigation in divorce cases, something that has had some major changes in the law that we should talk about at some later point. So I spent a great deal of time in divorce cases. We also did civil litigation of injury cases, boundary disputes, disputes about easements. We represented some small businesses. We did corporation work for those small businesses. We represented farmers in all sorts of legal matters. In those days we did a lot of income tax preparation as well. That was a big part of the business each spring. It was not a very profitable piece of business but it gave us an opportunity to meet

with our clients and perhaps update a will or work on a trust or make sure the business structure was working the way they wanted it to do.

LAW: Okay, now do you have any memories of the State's Attorney at that time?

EVANS: Max Stewart was the State's Attorney when I started here.<sup>10</sup> A delightful man then and a delightful man now. He was a good prosecutor. I found him to be reasonable. I did not think he was over-the-top on cases but he also did not back away from a prosecution. He had an assistant, a man named Patrick Corcoran, who was also his successor. Mr. Corcoran ran-a-fowl of the law himself a few years later.<sup>11</sup> And I think the next State's Attorney was Sam Naylor VI, as in number six. The Naylor's have been attorneys in this community for many, many years and we call him "Six," for short. He was a State's Attorney for the next few terms.<sup>12</sup>

LAW: So was it just Max and Patrick in the office?

EVANS: Yes.

LAW: So it was a reasonably small office.

EVANS: Yes.

LAW: Tell me just a little of the lawyers you practiced with, Wilbur Capps, tell me about Wilbur Capps.

EVANS: Wilbur Capps was the wonderful epitome of what we all think a distinguished small town lawyer should look like. Tall, trim, white hair, glasses, a distinguished voice, a

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<sup>10</sup> Max Stewart was State's Attorney from 1956-1974, and then was a Circuit Judge from 1974-1988.

<sup>11</sup> Patrick Corcoran served as State's Attorney from 1974-1980.

<sup>12</sup> Sam Naylor VI served as State's Attorney from 1980-1996.

distinguished presence. Wilbur was very community minded, he told me that all men should have some philanthropy in them and they should be involved in their communities. He was involved with his church and particularly with the Kiwanis organization and held higher office statewide in the Kiwanis group. He was a graduate of the University of Illinois College of Law and he was a meticulous writer and editor. You and I have had some discussion of editing; well, Wilbur edited, I shouldn't say harshly, that's not the right word, but with great attention to detail and I, who thought that I was a reasonably good writer when I arrived, wrote my first letter at Wilbur's request and submitted it to him for approval. It came back to me and it appeared that the paper had nothing but red marks with changes on it. I was really a bit depressed for a while until one of the secretaries took me aside and said, "That's okay, he does the same thing to his own writing." Her comment, which I will remember forever was that, "Had Wilbur been there when Moses came down with the Ten Commandments he would have rewritten them to correct God's sentence structure." Maybe that was true but he was a very, very good lawyer and practiced in this community most of his legal career after WWII.

The other attorney with whom I was associated with was Richard C. Ripple, he was from the state of Iowa but came here to practice, initially, I think with the [Clifton J.] O'Harra firm, and came here to practice in the [19] '60s. Dick Ripple was a very good trial lawyer. He liked litigation, was a very, very bright man, also very much involved in the community. Mr. Capps was a hard core [U. S. President Franklin Delano] Roosevelt democrat. Mr. Ripple was a good republican and he would suggest that it would be redundant to say "good" republican. I tended, in those days, to be more republican and I'm not sure the two of us had as many votes as Wilbur did when it came down to

disputes; he was the senior partner. Dick Ripple was a committeeman, he was active in the Republican Party, he was the county representative for [United States] Congressman Tom Railsback. Congressman Railsback was in the Quad Cities and was probably most famous for being a member of the judiciary committee during the impeachment hearings in 1973,[19] '74 and voted for articles of impeachment against [U.S.] President [Richard Milhous] Nixon and I don't think Mr. Railsback was reelected many times after that.<sup>13</sup>

LAW: So what memories stand out as being a trial lawyer? Do you remember certain cases? How do you remember that period?

EVANS: I remember it as being an exceptionally busy time in my life. Our offices hours, ordinary business hours were Monday through Friday and until noon on Saturday. It was not unusual to be there Saturday afternoon as well. We had a lot of business and Mr. Capps and Mr. Ripple set high standards for the work. They were great mentors, but it certainly meant a lot of time and a lot of hours. I think that's one of the things, I do think of how many nights I was at the office working on research or working on a case of some sort, trying to develop a strategy for it. It was great to have Wilbur and Dick to bounce ideas around and say, "Here's what I'm thinking about. What do you think?" And it was also common for them to say, "Take a look at the Johnson file or the Smith file that we had eight years or fifteen years ago and you might get some ideas from that," and that was one of the advantages of having the group practice as opposed to a sole practice. But I remember how busy it was. I remember being in this courtroom and the one downstairs very regularly, very often with the other side being represented by Mr. Naylor and Mr.

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<sup>13</sup> Tom Railsback was a congressman from 1967-1983.

Tucker, Mr. Hartzell, Mr. Glidden; all of whom were quite good and you better not come into the room unless you were very well prepared.

LAW: Who were some of the judges? Do you recall any of the judges?

EVANS: The judge who was seated primarily here when I came was Judge John Gorby G-O-R-B-Y. Judge Gorby had been on the bench for several years here when I arrived and was a quiet man but certainly patient with me and attentive and read the cases that were submitted for jury trials.<sup>14</sup> We might see Judge Keith Scott from Macomb who was considered to be an excellent jury judge, excellent litigator.<sup>15</sup> Also, Judge Lewis Murphy from Monmouth presided occasionally over jury trials here; I did practice before him.<sup>16</sup> Judge Francis Murphy, no relation, from Lewistown also presided over jury trials here.<sup>17</sup> I met Judge [Scott I.] Klukos K-L-U-K-O-S, from Monmouth in jury division down here; again this is part of that rotating assignment that I talk about, he was assigned for a year or two and then someone else.<sup>18</sup> Judge Albert Scott from Canton, would be assigned over here on occasion.<sup>19</sup> Another aspect of what I did in meeting these judges, is we had a lot of practice in Henderson County, in Macomb, McDonough County

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<sup>14</sup> John Gorby was elected a County Judge in Hancock County in 1950, later became an Associate Circuit Judge, and then a Circuit Judge. He retired in that position in 1976.

<sup>15</sup> Judge Keith Scott was a former McDonough county State's Attorney (1940-1951), and a Master in Chancery (1951-59), who was elected a Circuit Judge in 1958. He retired in 1975.

<sup>16</sup> Judge Lewis Murphy was an Associate Circuit Judge from 1974-88.

<sup>17</sup> Judge Francis Murphy was elected a County Judge in Fulton County in 1954, later became an Associate Circuit Judge, and then a Circuit Judge. He retired in that position in 1985.

<sup>18</sup> Judge Scott Klukos was elected a County Judge in Warren County in 1954, later became an Associate Circuit Judge, and then a Circuit Judge. He retired in that position in 1996.

<sup>19</sup> Judge Albert Scott was elected a County Judge in Fulton County in 1950, served in the Illinois State Senate from 1953-61, and was elected a Circuit Judge in 1966. He retired from that position in 1987. Judge Scott also served on the Appellate Court, 3<sup>rd</sup> District, from 1970-74, and from 1975-1990.

and in Adams County in Quincy, and very often I would be the one sent to those counties. It probably just made good business sense to have Wilbur and Dick in the office where they generated more productive business and put the new guy at the end of the hall out in the car and on the road. I really liked that because it gave me an opportunity to meet judges and lawyers from the other counties.

LAW: How did the other counties compare or differ from this county? Was there any significant differences or similarities?

EVANS: Henderson County, at that time, was very laid back. The judge who was there spent most of his time in Henderson County and there was not a great deal for him to do. I remember thinking, "How boring that would be." Now, as it turned out, things weren't that way when I got on the bench. Warren County was a place I enjoyed practicing. Monmouth, was very structured, very well organized. McDonough County, not to say anything bad about it but it tended to be on the opposite end of where Warren County was, if I may. McDonough County was an interesting place but not as many trial lawyers in McDonough County. I would often go to Macomb and find that the person on the other side of the case was another Hancock County lawyer. But I also met lawyers from Peoria and Galesburg and Fulton County when I worked in Macomb, more so than when I worked here. Another thing I did in the office were bankruptcy cases. When I was in law school I had worked in the bankruptcy court in Danville and I had some background in the procedures. The Capps firm did not do bankruptcy when I came here and I talked to them about it and they said, "Well as long as none of the creditors are clients of the office, feel free," so I did do some bankruptcy work. Sometimes those cases were filed in

Galesburg, sometimes in Quincy, depending on where the petitioner presided; but it was a new kind of business that I brought in.

LAW: Did you ever argue any cases on appeal?

EVANS: No I did not. The only cases that I had in the time I was here that went to appeal were criminal cases in which situations the defendant was indigent and so the appellate defender represented them. Now the appellate defender attorneys were always kind enough to call me and talk about it, talk about ideas, why certain things were done in a certain way, what my thoughts were, and I appreciated that, but I didn't ever have an opportunity to argue one of the cases, that's something that I missed in my practice.

LAW: Are there any cases that you were involved with at that time that you struggle with today?

EVANS: Yes, there's one, probably a small blip in the greater radar, but I represented a gentleman in a post-divorce proceeding in this courtroom and I investigated the facts as thoroughly as I could. His ex-wife, with all due respect to her, was a phenomenally good liar and she sat in that witness chair and she lied and there was nothing that I could do to shake it or break it or prove otherwise. My client took a beating, legally, and I felt terrible about it then. I should be able to let it go after forty years or so but it still pops up now and then I think, "What could I do, what could I have done differently?" I don't know; she was so convincing, oh she was good. But that's a little – and I remember many of the cases that I had here and the trials and some very serious, some looking back were humorous in some of their facts.

LAW: Would you like to give us any examples of that?

EVANS: I represented a man and I'll only use his nickname. His nickname was Monk. When I was appointed, actually before I was appointed to represent him, that morning on the news, my wife and I were having breakfast and listening to the local news. We heard about an incident where a person had led numerous police cars on a wild chase in the middle of the night in a rural area south of Warsaw, [Illinois]. The driver of the car ultimately tried to run all the police off the road. He had a gun and a knife. He ultimately surrendered to the police and the police turned him loose and let him go on to Iowa on his promise to return to court in Illinois the next day and I remember my wife saying, "That didn't really happen did it?" And I said, "I don't know." Later that morning Judge Gorby called and said, asked me if I would please come over, he had a case on which he wished to appoint me counsel for the defendant and that was the case. One of the first things I did when I had a client was go down to the clerk's office and look in the records to see if he had ever been charged with anything previously; if not, you know, that's good. I filled a couple of pages of legal pad with his prior record and I still wasn't all done and I stopped; I got the message. After I was appointed, another lawyer here in the community who had represented him before, he heard I was appointed, he immediately called me, and I remember him saying, "This guy is bigger and meaner and rougher than [Richard Marvin] Dick Butkus." Now I don't know if that means anything to you but Dick Butkus was a phenomenal football player who was pretty rugged back in the old days. And I said, "Well his name is Monk, surely that has some kind of religious connotation," and the other lawyer said, "No, it has to do with the fact that he likes to climb trees." I didn't question. He had called the police ahead of time and said he was, "Going to go on a rampage," direct quote, and they told him not to but he said he was going to anyways. So

he went to his ex-wife's house, her name was Zulu, I can't make this up. He shot out her windows, he threatened to kill her. She called the police. He left, he drove down through a rural area ultimately ending up on a one lane dirt road with nine squad cars following him, state police, county police, city police. He got to the end of the road and he turned around in his old beat-up pickup and turned off his lights and went blasting back up the road, police cars diving into the ditches on both sides. Finally they set up a road block. He got out and he ran into a cornfield. The police officers knew who this was, but none of them wanted to go in the cornfield after him. Finally he stuck his head out and he said he would negotiate with one of them. So they negotiated and the defendant's position was, "I won't shoot or stab anybody but I want to be released tonight at the bridge in Hamilton to Keokuk. I will go to Keokuk and I will report to the courthouse tomorrow morning at ten o'clock." The officer said, "Okay." He did report, he was charged with I don't know how many different counts of aggravated assault and battery and on and on; and he insisted on a jury trial. By the way, the maximum fees in those days for a lawyer in an appointment situation in a jury trial were something like one-hundred and fifty dollars. In any event, we had the jury trial right here in this courtroom and on the morning of the trial the prosecutor, Max Stewart, came in and he said, "Steve I have some bad news for you," he said, "His ex-wife brought in the gun." I had earlier demanded the gun and they said, "We don't have the gun." His ex-wife brought it in that morning and the State's Attorney said, "Here's the gun, I'm going to introduce this as evidence," and I objected, most vigorously. The judge overruled my objection and said, "It wasn't the prosecutor's fault that she just brought it in." So I examined the gun, I then took the gun and I then put it on that desk right in back of you and if you'll look at that

you'll see there's a lip of about six inches, so I put it down behind there so the jury couldn't look at that gun through the three days of the trial. In any event though, my client leaned over to me and I can't disclose his confidences because even though he's deceased, he said, "That is not the gun I used to shoot out her windows." Now, how do you handle that as a lawyer? (Chuckles) "Ladies and gentlemen of the jury, this isn't the gun he used to shoot out her windows to threaten her!" And I said, "How do you know it's not the gun?" Well, if you know the geography here he left Hamilton, [Illinois], and he walked to Keokuk, [Iowa]; that involves crossing a major body of water (the Mississippi River). Let's just say the gun that was in the courtroom was not the gun that he had on the night in question. But, in any event, we went on with the trial and he wanted to testify. I said, "What do you want to say?" He said, "I want to say that I should have killed those police officers." I said, "I don't really think that's going to help you any." So I didn't let him testify and he was convicted and I remember when he went on appeal the appellate defenders office called me and said, "Why didn't you let him testify, he wanted to testify." I said, "Yes he did, but this is what he was going to say." I also waived a pre-sentence investigation at the end of the trial. That's where the probation officer goes out and makes a complete record of his past, his occupation, his prior criminal record. I frankly didn't want the judge looking at all of that; it was a judge from another community. He was sentenced to, it wasn't a very severe sentence, maybe two to six, something like that; but a most unusual case. I might add that he was still in love with Zulu, his wife, although he had married somebody else in the interim and she didn't attend the trial but his pregnant girlfriend did attend the trial. The man must have had some charm that was not apparent to me. I won't even tell you the rest of his background

because it's too incredible to believe. But that case took an awful lot of my time and my life and it was an interesting case to present in spite of the fact that there was no chance. Monk is now departed. He was later a hero, just a quick aside. I told you the Assistant State's Attorney had some trouble with the law. Well without getting into a lot of detail it involved an effort by his ex-wife to kidnap his child and at this point Monk was working for the local garbage truck in the town where they lived. He heard the screams and he ran over and he saved the day and saved the child; so he wasn't all bad. (Chuckling) They didn't prepare me for any of that in law school.

LAW: Well that was a good one.

EVANS: It was a wild one.

LAW: Any other memorable cases?

EVANS: As a practitioner probably not. I mean, I recall some litigations that was interesting, we had a domain case here where we were representing some land owners and arguing with the state of Illinois about values. I made some arguments on drainage and did some research on drainage law and that was interesting from an intellectual standpoint. We had another case where a boyfriend and girlfriend parted company, they were probably late sixties or early seventies, which I thought was quite old at the time, I don't think so much anymore. There were quite a few gifts or items that the boyfriend had taken to the girlfriend's place and was trying to recover. She was claiming these were gifts and Mr. Hartzell, Franklin Hartzell, who litigated very little, was on the other side on that case. He enjoyed the fact that my client's last name was Holmes and his nickname was Sherlock. Mr. Hartzell took great delight in saying, "Now Sherlock," on every question

he asked. That probably wasn't as bad though as Sherlock's witness who he brought in at the last minute. Mr. Hartzell objected, the judge let me put him on anyway. His first name was Nicholas, I only addressed him by his first name because his last name was Bogus. Mr. Hartzell greatly enjoyed saying, "Now Mr. Bogus, tell me again what you heard through all of these windows?" A little case, but one that sticks out. A situation that happened that I think has some interest in Hancock County was in the courtroom where we were last week or last interview. If I told you about that I apologize, but Judge [Keith] Sanderson was on the bench and Judge Sanderson was impatient in the afternoons for a lot of reasons. There was a call at 1:30 for all small claims and first appearance cases. We were over there about every week for those first appearance cases. All the lawyers would come in with their files and Judge Sanderson had one standing rule: there was a couple, two individuals, who lived out in the area where I live now near Fountain Green, in the town. If they were there they went first. They never had lawyers. One of the them was the owner of the scrapyard, the junkyard, the place I call an "automotive components transportation recycling facility." The lady who was involved was a person who lived in a very nice little cottage that was set right down right in the middle of this junkyard that expanded around her. About two or three times a year they would do battle and one would be suing the other for trespass or nuisance or something, but never with lawyers. So this afternoon here they were and again the rule was, the judge said, "They go first, I want to get them out of there." So they were at the table, the judge walked in, they started shouting at each other, and the judge calmed them down. He said, "Now we're gonna go through this in an orderly manner." They started again. He said, now

Miss Gracie Bright was her name, he said, “Now Mrs. Bright would you please tell us your objection?”

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She started. The gentleman’s name was Kermy Bowsman. He promptly interrupted her and shouting started again. The judge again calmed them down but the redness was going into his face. The third time the shouting started the judge had just had it and he picked up his gavel and he banged it on the table. He then made the most memorable statement in the history of the ninth judicial circuit. He said, “Don’t you two know the courtroom is no place to settle disputes!” The attorney sitting next to me nudged me and said, “Did you hear that Steve we’re in the wrong place,” and I said, “You better be quiet or we’ll both be held in contempt.” That statement was subsequently translated to Latin and I do have that on a plaque at home that “The courtroom is no place to settle disputes!” I think it’s memorable.<sup>20</sup>

LAW: So, at some point you decided to become a judge. So the question is, how and why did you decide to become a judge?

EVANS: I don’t think I ever had a goal of becoming a judge but there was a judgeship open, a resident judgeship, in Henderson County. By resident it means it had to be elected from Henderson County and had to be a resident of Henderson County. There are circuit judges so you work throughout the circuit. There are no differences between a circuit-wide circuit judge and a resident circuit judge in terms of jurisdiction.

LAW: Do you recall the name of the judge?

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<sup>20</sup> Judge G. Keith Sanderson, a former State’s Attorney of Henderson County (1945-57, 61-65), was appointed an Associate Circuit Judge in 1965, and served in that position until his retirement in 1980.

EVANS: The judge who retired was Judge Kloster, K-L-O-S-T-E-R, Earle Kloster. He looked very much like Judge Gorby. He was also a very quiet man, he had been on the bench for probably ten or eleven years in Henderson County and he was having some health problems and so the position was vacant. There were a number of lawyers who had applied for the position but none who were apparently acceptable to the [Illinois] Supreme Court justice who was going to make that appointment.<sup>21</sup>

LAW: Underwood?

EVANS: Judge Ryan, Howard Ryan. Judge [Robert C.] Underwood was in the fourth district, he lived in Bloomington and Judge Ryan lived in a small town.<sup>22</sup>

LAW: Ottawa?

EVANS: Near Ottawa, I don't recall, Tonica, [North] Utica, one of those, but anyway, up in that area. An attorney in Henderson County with whom I'd had a number of cases called me and said, "Why don't you apply for that job?" I said, "I don't live in Henderson County, I'm not looking to move and I don't know that I'd have any chance anyway." He said, "Well I think you should apply for the job." I said, "Don't you want it?" He said, "I don't, my practice is built up to the place where it is really good right now." He said, "I don't think I would have the patience to be a judge," and said, "And I know from an incident in which we were both involved that you have great patience." I had represented a municipality and he represented a citizen. It got a little bit wild and he said, "I liked the

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<sup>21</sup> Judge Earle Kloster was the former State's Attorney of Henderson County (1941-45, 57-61), was elected an Associate Circuit Judge in 1964, and then under the new Constitution of 1970 became a Circuit Judge in 1971. He served in that position until his retirement in 1975.

<sup>22</sup> Justice Howard Ryan served on the Illinois Supreme Court from 1970-1990. Prior to serving on the Supreme Court, Justice Ryan had been a County Court Judge (1955-57) in LaSalle County, a Circuit Court Judge (1957-68) in the Thirteenth Judicial Circuit, and an Appellate Court Justice (1968-70) in the Third District.

way you handled the situation so why don't you apply for that." I thought about it a bit and I called a friend of mine, David Slocum, a classmate of mine from law school.<sup>23</sup>

David Slocum at that time was practicing or had been practicing law in Quincy. He had applied for a judgeship and been appointed to a judgeship in Brown County in Mount Sterling, another carpetbagger was Judge Slocum. I said, "What do you think of this?" He said, "I think it's a good idea. We can do these jobs if we get the appointments," he said, "If we don't like it we can always go back to practice, but who knows what opportunity we will have in the future or if we will have any opportunity for a judgeship." We'd been good friends in law school, we were trial advocacy moot court partners and all of that. We talked about it and I think my talk with him was my motivation to say, "Alright, go ahead and put in an application." So I applied for the appointment. The appointment was to fill out the vacancy, this was the summer of 1975 and there would be an election in [19] '76 to fill the vacancy. I knew it meant selling our house here and moving. There was certainly risk involved because I expected contested elections. I had a family but I also thought, "I can go into practice if I'm not successful in being elected, I'll be okay."

LAW: And you were not yet thirty years old?

EVANS: No, I was twenty-seven or twenty-eight.

LAW: Was that unusual?

EVANS: Yes I was too young. I was too young and had too little experience. I'd never vote for somebody like that. Now, Judge Slocum was a little older, he had been in the [United States] Air Force between undergrad and law school and he was about thirty. We talked

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<sup>23</sup> Judge David Slocum was appointed a Circuit Judge in 1975 in the Eight Judicial Circuit, residing in Brown County, and was elected to that position in 1976, serving until his retirement in 2007.

about that. He thought his magic “thirty” would put him over the top while my age started with a “two.” The application that I sent to the [Illinois] Supreme Court detailed as much as I could about my background and my resume. I got a note back from the Justice and he said, “You overlooked two things in your application, your date of birth and how long you’ve been practicing,” and I chuckled and said, “Yes I did and that wasn’t an accident,” so I sent it back. One of my good supporters in that application was Judge Albert Scott from Canton, [Illinois]. Judge Scott had been a Circuit Judge. He’d been on the Appellate Court. He’d been in the legislature. I’m not saying politics is involved but certainly it does help to have the connections; he was an acquaintance of Justice Ryan.

LAW: So he vouched for you.

EVANS: Yes. Justice Ryan communicated with me and said, “I want to meet with you in person, I want to talk with you.” So we met and he also invited the attorney in Henderson County who was supporting me, who had called me about it, and he invited Judge Scott and I think he invited the Circuit Clerk in Warren County who I had known a little bit, but not extremely well, and the Circuit Clerk in Henderson County who I knew fairly well. I think what Justice Ryan was looking for was, “Is this guy going to be acceptable or is he completely out of the picture, or how much of a risk am I taking to appoint somebody like this to this spot?” The position had been vacant since maybe February and they wanted somebody to go in right away and these discussions were taking place in June, early June; early June forty years ago. In any event they said, “If you do it can you start August 1<sup>st</sup>?” I said, “That would be extremely difficult because I’ve got to get a place to live, I have to sell my house here, I have a practice to wind down.” At that point

I was a partner, the law firm was Capps, Ripple & Evans and we had another associate in Hamilton, Jim Cosgrove. We had a four person firm and it was very busy. So September 1<sup>st</sup> was the date, and effective date and the conditions were that I would be an established resident of Henderson County prior to that day.

LAW: What was your impression of Justice Ryan?

EVANS: He was a great guy and I think that was a uniform impression. He was extremely well regarded around the state and certainly across the district. Very balanced guy, bright, a good justice and I would have said the same thing if he had appointed anybody else. He was just in my view excellent on the court. I also thought highly of Judge [Robert C.] Underwood by the way too. My impression – I think I had met Justice Ryan once before at some bar function but I really didn't know him, so I will tell you that I was more than a little bit nervous having a meeting in Monmouth or Galesburg or wherever we were to sit down with Justice Ryan and these other people. The others there were extremely supportive and that helped a great deal.

LAW: Now, you started out then in Henderson County. What did they give you to start with?

EVANS: I was notified, I think, around the 1<sup>st</sup> of July that I would receive the appointment and knew the date would be September 1<sup>st</sup>. Shortly after that I was contacted by the Chief Judge of the ninth circuit. Daniel Roberts was his name. I had practiced in front of him down in McDonough County and in Galesburg; so we were acquainted.<sup>24</sup> He asked me to come up to Galesburg and meet with him about what type of assignment I would do. I really appreciated that, getting some advance notice. So, I went up to Galesburg and

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<sup>24</sup> Judge Daniel Roberts was elected a County Judge in Knox County in 1958, later became an Associate Circuit Judge under the Judicial Article of 1962, and then a Circuit Judge in 1971 under the Constitution of 1970. He served in that position until his retirement in 1992. Judge Roberts was the Chief Judge of the Ninth Circuit from 1971-77.

met with Judge Roberts. We sat down and he said to me, "Steve," he said, "You are not going to be in Henderson County full-time." He said, "You don't want to do that and that is not a good use of judicial manpower." He said, "You're going to be in Henderson County perhaps two days a week and in Warren County in Monmouth the other three days a week." A little scary because Monmouth tended to be a fairly litigious community but with good lawyers and a good organized clerk. He also said, "The resident Circuit Judge of Warren County is assigned in Galesburg, so he said, "You are going to be the presiding judge or the administrative judge in both Warren and Henderson counties." I want to say that I knew what that meant but I honestly can't tell you that I did at the time. I said, "Okay." He said, "The associate judge assigned with you, there will be two of you in those counties, this is Judge Lewis Murphy," I knew Judge Lewis Murphy. He had presided here in this county (Hancock) in cases where I tried jury trials. I thought he was a great guy and I couldn't have been happier about that. So I immediately contacted Judge Murphy. Judge Roberts, the Chief Judge had already told him about this and Judge Murphy said, "Whatever you need, however you want to do it." He was gracious and really good about it. The first thing I did was go up and watch his court sessions a few times so I'd have some idea how to handle a traffic call from the bench. The only place I'd seen it was seated back here (points behind himself towards the general seating of the courtroom) with a client. Judge Murphy and I took everything that came in from speeding tickets to felony criminal cases to divorce litigation to injury cases, contract cases, business cases in both of those two counties. Henderson County obviously didn't have a great caseload but it had some contested cases. We did an awful lot of contests in those days in divorce cases, now called dissolution. The change to the law has really helped.

Changes in the law incrementally have helped reduce the volume of litigation and divorce in the downstate counties but of course at that time that was a big one so we were in divorce court regularly. The attorneys in Warren County also practiced in Henderson County. Henderson and Warren County were together. They were one county, Warren, until about 1841 when Henderson County split off and became its own county. Neither are large counties, separately. They're very close together, it's only fifteen miles from the courthouse in Monmouth to the courthouse in Oquawka, [Illinois] the county seat of Henderson County. The lawyers go back and forth there a great deal and they were used to dealing with the same judges in both counties so that worked well. As far as what kinds of cases, it was just the entire mix, everything that came in, there were no divisions. I mean, I might do a juvenile case, a divorce case, felony case, a motion in a negligence case; great variety.

LAW: Who would you talk to if you needed help?

EVANS: Judge Murphy was my first choice. He was a mentor and a friend; he was a good judge with a good perspective. One thing that we quickly learned is that I enjoyed doing contested cases and Judge Murphy, other than in the traffic and misdemeanor cases, really didn't. He did not like, particularly, the contested civil cases, so we covered each other's dockets regularly. It was not uncommon, for example if I were hearing cases in an afternoon in Monmouth, for Judge Murphy to come look in the window in the courtroom and look at the schedule and see if I was backed up on something. He would call some lawyers over and take them in his courtroom and vice versa; just a wonderful way to work. Why make lawyers sit there and wait if that judge, their judge for the day, is busy and you're not? And I think he probably taught me some good practical ways of serving

the bar and the public. He was very well regarded by the bar as well. He was considered a little bit liberal, probably, by the police officers but that's okay.

LAW: What was that all about?

EVANS: He was very strict about the definition of "Beyond a Reasonable Doubt" in proving criminal cases, as I think one should be. There has been a tendency sometimes for some judges to look at a criminal case, hear the evidence and think, "Uh, the guy's probably guilty so I'll find him guilty but I'll give him the low sentence." Judge Murphy thought that was wrong and I agree. If it's not beyond a reasonable doubt the guy's not guilty, period, you're done and you don't offset that questionable evidence by a light sentence. I don't think that's the way to do it.

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Judge Murphy had maybe made some decisions in cases that had a high profile in his county and the police disagreed with his sentences. I'm sure they did with mine at times but I always had an open door policy and everyone was welcome to come in and talk with me, police as well. If I couldn't explain why I did something than I shouldn't have done it.

LAW: So this was an appointment and then in [19] '76 you had to run?

EVANS: Yes.

LAW: So, tell me the politics of becoming elected a Circuit Judge.

EVANS: What a strange thing it is to run for a judgeship in a political environment. You cannot make statements about your views on a particular case or on a particular social

issue; you are not to do those things. So, you can promise to work hard, be diligent and be fair. We used to chuckle about it, going door-to-door and asking for votes. I knock your door and say, “Mr. Law, my name is Steve Evans, I’m running for judge, I’d like for you to listen closely while I recite the three most common exceptions to the hearsay rule.” What would happen: slam would go the door. So instead I would say, “Mr. Law, how you doin’ today, nice lookin’ dog you got, how are your crops?” Let’s talk about something and I’ll try to work hard. It’s a strange thing and in this small county there was some expectation that the candidates would get out and meet almost every voter in the county so I did try to do that. I had a contested primary. The county, Henderson County, in the [19] ’50s, [19] ’40s, [19] ’50s, [19] ’60s, had probably been mostly Republican but it was transitioning to a county that was much more Democrat. By the [19] ’60s, late [19] ’60s, early [19] ’70s, 1970 a Democrat was elected as sheriff. He became the prominent political figure in that county for many years.<sup>25</sup> The county board, which was elected at large instead of by districts had a majority of Democrats at the time; so it was a split county but a lot of people would also split-tickets, not vote straight-ticket. I knew all of this from examining voting records. As I approached the election I would go to the County Clerk’s Office and look at the voting records and make copies. I divided the county into townships and then I got big maps of where the houses were located. I had people helping me and I could say, “Okay this is the Law house. Let’s see, Mr. Law has voted in the Democrat primary for the last seven elections, I’m not going to knock on his door before the primary. Now maybe I’ll go see him in the fall if I get through the primary but the likelihood that he can help me in the Republican primary is pretty low.” I had a primary opponent whose name, of all things, was Evans. He was the State’s

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<sup>25</sup> Sheriff Daryl “Pete” Thompson.

Attorney in the county, a nice enough guy, he's probably ten years or so older than I.<sup>26</sup> Interestingly, over the years we've had a pretty cordial relationship and one of his children is a good friend of mine. We even do bicycling together, but back then things were different. He was running as the incumbent State's Attorney for the judgeship and I was running as the new carpetbagger for the judgeship in the Republican primary: with the same last name. One of my supporters challenged his nominating petitions, said they weren't done properly and that he shouldn't be on the ballot. While I appreciated the support, it was a negative. The people in the county reacted negatively to that, they didn't like that. They said, "Put him out there, we'll vote." So I talked to that friend and I asked him to please withdraw his challenge which he did. So we had a primary election and we went to every function in the county, every church dinner, every Lions [Club International] soup supper, every chili bash. By the way, if you go someplace on a Saturday night and you eat chicken one place, soup at another place, chili at another place, eat the chili last, just gastronomically it's a better way to go. At those events you are not expected to campaign; as a matter of fact, it's considered bad form to campaign at those events.

LAW: You just want to appear.

EVANS: You want to appear with your family and because it's small everybody will know who you are and the next day they will say, "So-and-so was at our event," so I did that. I attended all of the Republican political events from the fall forward. I had some advantage there because I had attended political events in that county in previous years. The State Representative there was a man named Clarence [Everett] Neff and he was a

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<sup>26</sup> LaMarr Evans was State's Attorney of Henderson County from 1967-77.

man from that county who represented this area. Dick Ripple, my partner here, had been an avid supporter of his and he would go up there to events and take me occasionally, so I had a little bit of contact, but not too much.<sup>27</sup> So we had a contested primary. In those days votes were all counted by hand and paper ballots. Those would all be brought into the courthouse late at night and counted until about two or three in the morning at which time you would find your results.

LAW: Now, was this self-financed or did you have to raise money?

EVANS: Self-financed. I have a lot of trouble with contributions for judicial candidates. Now, it is easy for me to say that having run in a small county. If you're running in a county where you've got all kinds of television, unless you're independently wealthy, I don't think you can do it without going out and soliciting money. But my spouse and I discussed early and we knew about what the budget was. While it was not going to be an easy thing for us to meet we did not want to appear to be beholden to anybody. Lawyers who asked to support me, offered contributions, what I would say is, "What I'd rather have you do is contact your clients who happen to live in that county and recommend me," I would rather have that than have any money or have anything like that. I did have some money sent to me, not large amounts, but checks, contributions to my committee. I set up a committee. I returned those checks with a note thanking them and asking them to please vote for me but that I wasn't going to be taking contributions. Again, I don't want to sound like I'm too goody-goody because how could you do that in Peoria or Springfield or Chicago if you're gonna spend hundreds of thousands of dollars and you

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<sup>27</sup> Clarence Neff, a Republican, was a State Representative from 1963-1985.

don't have it. This was 1975 and [19] '76 and we didn't spend hundreds of thousands of dollars. It was just a lot better for me to not have accepted a dime from anybody.

LAW: How close was the primary?

EVANS: It was a pretty good margin, I think I was around at sixty-five percent.

LAW: And then were you contested with a Democrat in the general (election)?

EVANS: When you're not old enough to be a judge and you're a carpetbagger you're probably gonna buy a contest. So I had a contest in the general election and that man's name was William Nolan. He had practiced in the community for many, many years. He was, I think, second generation attorney in the community. He was a nice guy, although he liked to play golf a lot more than he liked to practice law. He'd been elected to State's Attorney's position back sometime in [19] '60s and he held it for about a year and said he just could not bring himself to prosecute people and left. Resigned and I think. Even ten or twelve years later, people tended to remember that. Although Mr. Nolan spent a lot of money on, well I shouldn't say a lot of money. He had lots and lots of signs and lots and lots of ads. Things went well and I got a pretty good margin. Of course both Mr. Evans and Mr. Nolan continued to practice before me; none of us wanted any bridges burnt and that was good. Mr. Nolan also became a good acquaintance and a friend.

LAW: Would you like to speak at all about the differences between running for retention and election?

EVANS: Retention is a very, again, a difficult thing to do because it's a yes or no vote. It's about the only place where a frustrated electorate can say no; that and school bond issues. But if you two gentlemen are running against each other for office and everybody hates

both of you they really don't get to say no. They can either not vote or vote for one or the other. For a judge they can say no. This county, Hancock County, back in those days tended to have a higher no vote than any of the other counties. It seemed like there were about fifteen to twenty percent in this county who just voted no, no matter who the judge was, because they didn't like the system generally. You have to get sixty percent in Illinois to be retained and my friends across the river in Iowa have to get fifty percent. We all thought we were being picked upon by having to get sixty percent. As far as campaigning though the only thing – what I did was I could continue to be visible as much as possible throughout the circuit, I attended particularly Republican events through all six counties. We continued to go to community functions of all sorts. I was active in a wide variety of civic organizations and many of those took me outside Henderson County. My thought was that I should have a significant profile publicly and let the chips fall where they may. I also, of course, was on the road on my assignments, judicial assignments. I did that Henderson, Warren assignment for about four or five or six years. Then I was assigned full-time in Knox County in Galesburg for about three years. Then I was assigned in Macomb and Carthage to do juries in both counties and did that for a couple of years. So during this course of time I was spending pretty significant blocks of time in all, in five of the six counties of the circuit. I did not get to Fulton county nearly as often; some, but from where I lived it was just an awfully long drive. I think that helped. That and the fact I did have a lot of relatively high profile cases over that course of time for our circuit, so my name was relatively well known.

LAW: I wanted to ask you about memories of being a trial court judge. But first, what do you think you learned about the criminal justice system by being a judge?

EVANS: I'd have to compare it with what I knew from practicing law. I generally had a great deal more information as a lawyer than I did as a judge because I was talking to the client, I was talking to witnesses, I was hearing information that might not be admissible in a courtroom. As a judge, someone may want to offer evidence that for some reason is not admissible and I would rule that it was not admissible so it was something that I would not see and I would not know about. Perhaps in the greater universe it would have been most interesting but I took the evidence rules very seriously and I think, from being on the bench, there were many times when I wondered, "What really happened?" The best you can do is take the evidence you have and go from there. [Illinois] Supreme Court Justice Ryan told me this would happen when he swore me in. He said, "You're going to be on the bench and you're going to hear cases and the first lawyer's going to make an argument and you're going to think, 'Boy that's it, that is really on the money, why should I even listen to the other one,'" Which you do, you listen to the other one and the other one makes an argument and you say, "Well that's the answer, that's right on the money." So you have two of them and they are one hundred percent correct and Justice Ryan said, "You're going to want to look down under the bench and see is there a little red light that comes on from one guy or the other here that tells you what the truth really is," and he said, "There isn't, you just have to do your best with it," and boy was he right.

LAW: So then the key is the evidence?

EVANS: Mm hmm.

LAW: But did you learn any larger things, like did it function – how did it function, did it work well; was it fair?

EVANS: If you ask me one word to describe my goal as a judge, it's "fair." You know, your perception and my perception might be different but, fair to me has been the key word in law practice, on the bench, in the mediation from the beginning. Now is the process fair, generally yes.

LAW: And what allows that to happen?

EVANS: I think the adversary system is good. For the most part I've had the good fortune of having very capable lawyers before me who knew what to present and knew how to present it. When you have two sides doing their best to emphasize their evidence, strong evidence and to de-emphasize the others, I think that's a good test. Cross-examination is a wonderful test, for the most part, except for that one lady who testified here in court and didn't tell the truth.

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Generally I think you get to the truth or very close to the truth.

LAW: Memories of being a trial court judge? I know that's such a very broad question.

EVANS: It is, they're so numerous.

LAW: What did you learn about yourself?

EVANS: I tried to learn to be patient. Sometimes that was difficult to do. There were times when you would think, "We have these facts, we know pretty well what they are, let's deal with this and move on with it." But I don't think that's the right thing to do. I think when you're sitting up on that bench the right thing to do is make sure you fully hear both sides and give everybody a full opportunity to present what they want to present and be

patient. Do not ask questions of the witness, that's the job of the attorneys. If you think that there's a question that absolutely has to be asked talk to the attorneys about it off the record first. There's an old joke about an attorney, a judge asked a question of the witness and the attorney jumps to his feet and says, "Judge if you're asking that question on behalf of my client I want to withdraw the question. If you're asking it on behalf of the other client I want to object to the question," in other words, stay out of it as a judge. There were rare occasions though where sometimes you would sometimes think there's something here: ask the attorneys about it and see what their response is. But, patience is critical and it can be a difficult thing for judges to learn. My spouse cannot believe that people consider me to be patient. She said, "You must use it all up at work." That's very unfair on her part. I have a close friend, a retired judge, he and I have had this discussion many times and he said, "How can you possibly be patient and certain of these circumstances?" Some of them actually involved him when he was a trial lawyer. I said, "Well let me give you a hint," I said, "You take a lot of notes like I do," so, I said, "On your paper, in the left hand column, any time you're getting a little impatient just make a big capital P that stands for patience." I said, "I know this is simplistic but I do that and I look at it and I chuckle down inside and I'm ok and I move on." Now is that a great technique; I don't know it, it's just a joke that this guy and I share and it works for both of us. Just back off, take a deep breath and be patient.

LAW: Help me to better understand the administrative role of a judge, what does that involve?

EVANS: That is a point of great contention, still, in the judiciary. How much, in a court docket, should a judge be responsible for seeing that cases move along as opposed to just sitting on the shelf and lingering? There certainly are a significant number of judges, or

were, maybe it's changed with new young judges, who would say, "Lawyers will move their case when they want to move it, until then it's none of our business." I tended to take the opposite view and say, "No, it is our business. We are here on behalf of not only the lawyers, who I really like, but also the litigants." The criticism I hear most often of the courts are the ones that cases don't move, that they just sit and nothing happens. So I think we have some responsibility as judges to be sure that cases move along. We shouldn't force them. We shouldn't do anything that takes away an opportunity by someone to present evidence or to be heard on some point. But, we need to manage the cases, manage the caseload. My primary technique for that was when we had a hearing and it didn't resolve the case entirely was to set a new date down the road for either another hearing or a review or some status so that we know where the case is so it doesn't just get put back up on the shelf. That doesn't mean set it in a week or two weeks; for me, it meant talking to the attorneys and saying, "I don't want to lose track of this case. What do you, counsel, suggest as to a date when we can follow up on this? If you tell me you need six months or two months or whatever that's ok but let's make sure we have something that gets on the calendar and it comes back in so we don't lose it."

LAW: What about in assignments?

EVANS: Assignments of judges?

LAW: To particular cases?

EVANS: We have, in this circuit, different categories of cases that fall into divisions. So, if a judge is assigned, in one of the larger counties, to a particular division that judge will get all the cases that come into that division. There really isn't as such an assignment, as say:

“Here’s a divorce case, I’m gonna assign this to Judge Law or I’m gonna assign this to Judge Ben.” In most places. In a county this size where we have one judge five days a week and we have one judge two or three days a week, the judge who’s here five days a week, is gonna hear everything that comes in today. How he divides it with the other judge I’m not sure right now. Knox County will have four or five judges assigned every day, so they have divisions. They’ll have a traffic and misdemeanor division so any traffic or misdemeanor case that comes in will go to the judges in that division. They’ll have a division for juvenile and small claims and probate and that judge will hear those. The only place where there will be much crossover is in divorce in that county: one judge will hear the even numbered cases of divorces and one judge will hear the odd numbered cases of divorces and that has worked pretty well in Knox County. Although, if you’re a divorce practitioner you could work the system by bringing in two files and finding out, it doesn’t make any difference to you so you file it and get judge A and that means you’re going to get judge B on your other case. If you don’t like judge B maybe you go home and get another file and wait. I don’t know that that happens, I hope not, and I don’t know if they still use that system. But we don’t really operate on terms of assigning, say, the Smith vs. Jones case to one judge and that judge taking it all the way through from every hearing through the jury trial; it’s more the division that the judge is assigned to.

LAW: If that happened would that be okay?

EVANS: With me?

LAW: If a judge had a case.

EVANS: All the way through?

LAW: Yeah.

EVANS: I like that idea, I liked it for a couple of reasons, one is you really get to know a case all the way from the beginning on and go through the pleadings and the motions and all of that. The other is you have a responsibility to resolve that case, at least in my opinion, and with that responsibility would go the incentive to not let that case linger excessively. Some places do that. A lot of places do that and I like that idea but it wasn't the way we did it here.

LAW: What about, do you have any memories of having to do any sort of disciplinary proceedings for lawyers? Did you ever get involved in that at all?

EVANS: Yes, in terms of the discipline, in the circuit court there would be sanctions for improper behavior, improper actions or in an extreme case of finding of contempt of court.

LAW: Did you ever have to do that, contempt?

EVANS: Once.

LAW: Just one time.

EVANS: Once. I pride myself with my patience and my ability to divert those types of controversies and keep things calm in the courtroom. I tried very hard to do that 'cause with contempt you don't really accomplish very much. Let me tell you a situation: we were at a sentencing hearing on a guy, a gentleman in Warren County. He was a very volatile, he had a long record. He would've of been a good buddy of Monks if he had known him. He had good days and bad days and on his sentencing it was a bad day. I

knew that when they came in with three deputies and he was in chains and he was butting heads with the deputies and trying to knock 'em down. They sat him down in the chair and I said, "Now Mr.," I don't want to use his name, "Mr. Jones," I said, "We're here for a sentencing hearing." He, even though he was in chains he reached down and he grabbed his chair and jumped in the air and did a one eighty and he looked away from me. I said, "Mr. Jones," and he responded, "F you." I said, "Mr. Jones," "F you." One more time, "Mr. Jones I need to talk to you," "F you!" The sheriff who was sitting back there said, "Mr. Jones the judge is talking to you," Mr. Jones said, "F the judge!" I figured up until that time he was talking to somebody else. What am I gonna do, why hold him in contempt. He obviously is not thinking clearly. His attorney wisely was not sitting beside him he was sitting in the jury box which was a pretty good hint to me. I decided the best thing to do was to continue that case to another day, let everything calm down. Sure I could hold him in contempt but so what. Would he even know that he was being held in contempt? As far as behavior in the courtroom I didn't ever hold an attorney in contempt. For behavior outside the courtroom I sanctioned an attorney once who said something in a pleading that I later discovered was untrue. The other side asked that he be sanctioned and I did. I sanctioned him and I ordered him to pay the other sides fees for a particular process. The other case involved an attorney who didn't like an initial ruling that I made and while the story is humorous it's way too long for us. He took his client, they went to a hardware store in town where they secured a hammer and a crowbar and went to the business where I had told them not to go and broke into the business and cleaned out the inventory. I found that to be contemptuous. I held him in contempt and I assessed a penalty. He knew what he had done and he knew it was wrong and he paid the penalty.

But as far as in the courtroom – it’s like teachers in school. We’ve all had teachers and they may have been the tiniest littlest old ladies, with all due respect to ‘em, who maintained a discipline level in the classroom with no difficulty, just by their presence they did that. I thought about those people. They didn’t have problems. They didn’t have people acting up or if they did it was very short, bang-bang and it was done. I tried to emulate that and I just truly over the years didn’t have very many troubles. For the most part the attorneys were professional and courteous. I think you set a tone too. I didn’t sit there and argue with the attorneys. I gave them their opportunities and we would move on and I’m frankly very happy that I didn’t have to hold an attorney in contempt for anything they did in a courtroom.

LAW: Now at some point you went up and you heard cases in Cook County.

EVANS: Yes sir.

LAW: When was that and tell me about that?

EVANS: It started in 1976 in the first full year I was on the bench. I did not know about this practice but at that time Cook County had a significant case backlog and so downstate judges would be assigned occasionally for one, two, or three weeks in Chicago to assist. Basically what they did was they were covering courtrooms for judges who were ill or on vacation or at seminar or something like that so that that week’s cases didn’t get lost in the shuffle. I had no idea what I would do. Most of the judges I knew, the Associate Judges, were assigned to traffic court in Cook County. I went up to there, I said though, “I’m going to traffic court,” I checked in with the Cook County assignment judge and they looked down and said, “No, you’re a circuit judge, we don’t send circuit judges to

traffic court. We send Associate Judges traffic court, so you'll be assigned somewhere in this building," which is the [Richard J.] Daley Center. The first year I was up there I was assigned to assess default judgments in personal property tax failure to pay arrearages; absolutely fascinating. In those days there was a personal property tax to be paid by businesses, most of these were small offices like a dentist's office; they didn't pay, they missed the deadline. A city attorney, a corporate counsel, would come in with a list of thirty cases, "Alright Judge, the John Doe dentist office hasn't paid. Here's the record, here's the notice. We believe they owe three hundred and seventy-five dollars. We ask you to allow judgment." You looked at it, everything's right, you granted to allow judgment, granted the order, next case. I don't know what could be more boring than that, but that is what I did the first time up there for two weeks solid in 1976. I also noted that court didn't start, at that time, until about ten o'clock

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in the morning. We were generally done by eleven. We didn't start in the afternoon until two [o'clock] and we were generally done by three. Now I thought to myself, "I'd have a backlog too if I did these hours," but that was a long time ago. The next time I went in [19] '77, I went in and I said, "I would rather have an assignment where I have more to do than these tax assessments." I was assigned in what then was called municipal court division, which meant cases of damages up to fifteen thousand dollars. You would have a court call in the morning and you might have a trial or two and the same thing in the afternoon. That was much more enjoyable. You were doing real work although the volume wasn't that great. One of the things that I noticed in Cook County was how rude many of the attorneys were to each other. Not to me, they were extremely solicitous to

me and that's why the rudeness stood out. "Oh judge what a lovely tie," or something like that and then they would just speak terribly about their opposing counsel. Well, we don't do that here, we treat each other respectfully. They might not ever see that person on the other side again, I suppose, so maybe that was part of it and I didn't like that. Over the years I went to Cook County almost every year. I think I have something like fifty-eight weeks in Cook County. Later as I became more acquainted with the judges up there I received better and better assignments. One year I did contested divorce cases which were really interesting. These were real contests. Some years you would go up and hear the default divorces and you might hear fifteen cases and they were pretty much rote with not much contest. The contested cases were interesting. I also worked in their fast-track pretrial division a few years; that was interesting. Forcible entry and detainer which were eviction cases, I did some of those that were contested.

LAW: Sounds like a wide variety.

EVANS: It was, although when you would go you would only do one kind of case for two weeks, whereas here we might do six categories of cases in one day.

LAW: So, you're coming from a more rural county, what are your impressions of this more urban county?

EVANS: I find every place interesting and certainly Cook County was very interesting. I was very curious about how things worked there in the system, how they handled the volume of cases they did. For the most part it worked pretty well although the continuances were numerous and the judges would write, "Last continuance," and then they would write, "Final continuance." Then they would write, "Final, final continuance." Then they would

underline final and then they would write it in all caps. I thought cases didn't get concluded very rapidly, as rapidly as they could. However, that started to change in the late [19] '80s with better management of cases by the judges there. It certainly did improve significantly over the years. Now, I enjoyed Chicago, I enjoyed seeing the things that were there. There are things to do in Chicago that we don't have in Carthage or Monmouth.

LAW: Now this is in the [19] '70s and [19] '80s, well really more the [19] '80s, this was "Operation Greylord" [Investigation into judicial corruption in Cook County] timeframe.

EVANS: Yes, [Judge] Brockton Lockwood.<sup>28</sup>

LAW: What are your thoughts on that?

EVANS: Apparently it was rampant over in the traffic court. One thing I missed was I was never in the traffic court in Cook County and that's where most of this was going on. However, I would also say that it was not totally uncommon in the circuit court to see an awful lot of people in the back halls. I didn't know them and they didn't know me but oftentimes it turns out they were aldermen. I just suppose they were making sure the court system was operating properly. The Lockwood case had some advantages because after that the hallways became pretty isolated and those people who had been out in the hallways were afraid of downstate judges after that. Judge Lockwood was from the Carbondale, [Illinois] area I believe. I didn't ever have anybody approach me and say, "Hey this case is coming up." The only thing where anything close to that happened is that I had one of the clerk's say, "Well alderman so-and-so was out there and he was

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<sup>28</sup> See, Brockton Lockwood, *Operation Greylord: Brockton Lockwood's Story* (Carbondale: Southern Illinois University Press, 1989).

concerned about the such-and-such case that is coming up.” I told the clerk, “I’m not even going to talk to anybody about it. I’m not even going to have anything to do with any of that kind of discussion. When the case comes up it’s in the courtroom.” I think that you can send that message. Certainly it’s probably a lot easier for me to do that because I’m downstate. I’m not dependent upon them, they have nothing to do with my political future at all and so I didn’t have a problem. I thought what Lockwood did was courageous and needed to be done.

LAW: I also found a newspaper article that mentioned that you mediated a teacher’s strike in the Union School District [81] in 1984.

EVANS: Yes I did.

LAW: That just seems really unusual, how did that come about?

EVANS: It was. First that was the district in which I lived. I was acquainted with a number of the teachers and the school board. A friend of mine in the community was a farmer but he had worked in industry in employee relations before he came back to the area and farmed. He and I both had seniors in high school and he was very upset that neither side was trying to settle the strike. Understand, please, that before that year strikes by public employees were illegal, including teachers. That didn’t mean that there weren’t some occasionally and I had an interesting dispute with a judge in Chicago when I first went on the bench about that issue but strikes then had been illegal, this was the first year they

were legal.<sup>29</sup> The superintendent who had been in the district union was unpopular with the teachers.

LAW: Can I interrupt you for a moment?

EVANS: Yes.

LAW: Was the Chicago judge saying that because they had had strikes up there, in Chicago, that they were legal?

EVANS: This discussion happened in 1975 right after I had gone on the bench. We were at a seminar for new judges in Chicago. They were talking about the speaker, a very distinguished judge, very well regarded up there, was talking about public employee strikes and he said, "You should not enter injunctions against them." He said, "That's not right." For some reason I raised my hand, I've wondered many times, "Why did I do that?" And said, "But they are illegal in Illinois." I said, "We're supposed to follow the law." He said, "That is not a good attitude." He said, "They happen and they need to be resolved and they should be able to strike." He said, "Do you have anything more to say on that?" And I said, "Well yes I do." I said, "This issue has been before the legislature repeatedly for the last several years and the legislature has not changed the law in these times. They're the legislature, we're the judiciary, it is not our business to try to change that law." I said, "At the University of Illinois over the door it says, 'We are a nation of laws, not of men'." I said, "It seems to me that if we don't follow the law then we are imposing our personal views on this that are not consistent with the law and it's not as if the legislature hasn't looked at this. They have, they've looked at it regularly." He said,

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<sup>29</sup> The Illinois Educational Labor Relations Act and the Illinois Public Labor Relations Act, both passed in 1983, allowed collective bargaining by public employees, and granted the right to strike to all public employees except police officers, firefighters, paramedics and security personal.

“I don’t think you’re ever gonna be very happy being a judge and you probably won’t be a judge for very long.” I looked around at my fellow new judges who were all sitting around like this (Judge Evans crosses his arms and looks down); any number of them later said, “We wish we would have said something and we didn’t.” I understand, so that’s the background. In [19] ’84 they were legal. That’s the first year I recall public employee strikes were legal and there were strikes in the area. There was one in Knoxville. I think there was one in Chicago that year if I’m not mistaken and I believe my old Illinois College buddy Jim Reilly was involved in mediating that one. But there was one in Union, the Union School District. This neighbor who was a farmer, just some background, called me and said, “Let’s settle this strike.” I said, “First of all I don’t know if I can go anywhere near this; secondly, how would we do that?” I said, “The board wants to make a point here.” I said, “The teachers union wants to get their contract long-term and the board is adamantly opposed to that.” They both had out of area attorneys, Chicago attorneys, nobody close. He said, “I think we should try to settle it, I think we have an obligation, I think they’ll listen to us.” I said, “Well, I’m not going to tell you no but I don’t think it’s likely.” Things went along, about another week. We didn’t do anything. I got a call from the guy and he said, “If I get enough people to the courthouse tonight will you come in and help and talk to them?” This guy was a bit impatient, and could be a little hostile. I said, “Well I guess I will.” I said, “How are you going to get them to the courthouse?” He said, “That’s not your business,” he said, “I’ll get the board committee negotiators, the three person negotiators and the seven person, six or seven, however many were on the teachers negotiating committee, I will get them to the courthouse if you will talk to them,” and I said, “Ok, I’m willing to do that.” I don’t

know if he kidnapped them or threatened them or what he did, I went to the courthouse at seven o'clock and here they were. Meantime there was a public meeting that night and it was down the road a couple of miles and all the teachers were there and half the community. People were up in arms and I think that maybe part of reason for trying it that night was to tell the people at the public meeting, "Everybody just settle down. Down the street they're trying to negotiate." So, we had the committee there and we put them all in the same room and I said, "I don't know anything about this except what I've seen in the papers. I'm not making any rulings on this. I have kids in school. I wouldn't be hearing this case if it came before me anyway but if I can help you in some way I'll be happy to talk about it." I said, "We're going to do this by going to different rooms and I'm going to see what your positions are and see if I see any easy way or any way to reconcile them." We probably started at seven o'clock and about eleven, eleven-thirty, I don't know what time it was for certain, we hammered them out. A couple of school board members were on the phone with their attorney. He didn't want them to settle particularly but they were tired of the strife. The teachers' organization was ready to go back and at the end of the evening we had a tentative agreement between those two. They had all the other teachers come from the other meeting down the road to the courtroom where they met in private. I wasn't in there. They voted and voted to accept the agreement. Other board members came over to the courtroom and they also voted to accept the agreement.

LAW: So what did the other judges that you worked with, what did they think about you getting involved with this?

EVANS: There were quite a few who thought I shouldn't have been involved with that at that time. From the time the guy first called me, the farmer, I had taken a look at it and I didn't see any restriction on it, I didn't see a direct authorization on it either but I didn't see any restriction I thought, "Well, I'll give it a try," and my fellow judges, some of them said, "You shouldn't have done that." I'd say it was divided, about a third said that, maybe a few more than a third said, "Yeah you should do that, that was good," and the other third said, "You were 'blanking' crazy to get yourself involved in that kind of a mess." You know, it worked.

LAW: Were you ever involved in any similar kind of?

EVANS: No, not in terms of a labor dispute or anything like that. In the last couple of years I was on the bench I was having more lawyers ask me to mediate cases that were before me which I generally refused to do. When I told you when I was in Chicago I would go to fast-track pretrial. That was an effort assigning judges who had been pretty experienced trial judges to really try to get cases settled before trial, and I mean lean hard. I didn't like that. I was not comfortable with that and especially down here I wasn't because if you're in there with a case I might be assigned to hear your case and if I'm leaning on you and your clients saying, "Hey you better accept this proposal," how is that client ever going to think I'm being fair when we go to court if I rule consistently with that. I did do a few where Judge Murphy, Lew Murphy, my good friend, he and I would occasionally do this. If a case came in and we thought that it could be settled he would try and do the settlement and if they settled great and if they didn't he would not tell me a thing about it and I would hear the case or vice versa. We honored that and the lawyers knew we would honor that. So we might have a three hour settlement conference, one of us, and if it

didn't settle it went to the other judge. I don't know if they did that in other places or not but Judge Murphy and I we were able to do that fairly effectively. So we did that kind of thing but for the most part I was very hesitant about a judge getting too involved in mediation if a judge is going to hear the case.

LAW: I've had attorneys tell me that the system needs more mediation and arbitration. What are your thoughts?

EVANS: Well I'm a little biased as a mediator and arbitrator for the last fifteen years, but I agree. When I started in the mediation practice and arbitration work, after I retired in 2001,

[01:30]

there really were no mediators in this area. I couldn't tell you one mediator in the Ninth Circuit, maybe broader than that, so I didn't know if there was going to be any business or not. I knew there was some arbitration because of the American Arbitration Association but that was based in Chicago, it required three arbitrators, generally they worked from Chicago, the expenses were extremely high, the process, in my view, was slow because I'd had a few cases removed for arbitration. We could get them moved faster and cheaper in the courtrooms down here than through the arbitration system. But, I think arbitration, it's become more common. If you go buy a consumer electronics product and you look closely on the box you'll see, "Any disputes about this product must be solved by arbitration on such-and-such date." Very common now to have that. The mediation I think I liked even better, helping bring people together. I did a lot of mediation, I think some seven hundred and fifty some cases from 2001 or 2002 until last

year and I found it enjoyable. I think it is a good way to try to resolve cases. Now, we have mediation in the dissolution here for custody cases, I have a good friend who does a lot of those, but those are mandatory and the mediations I had were where people voluntarily were coming and I think, really, had an attitude, "We'd like to get the case settled." Sometimes in the dissolution cases people are just there because they have to be; but he gets them settled pretty well.

LAW: Okay, let's just go ahead and change our tape.

[New tape is put in for the rest of the interview]

[01:31:40]

EVANS: Arbitration and particularly mediation has become quite common and it's a good way to settle cases.

LAW: Okay, let me just ask a couple of questions before we get to the domestic violence.

EVANS: Okay.

LAW: We good to go Ben?

BEN: Yeah.

LAW: Okay, now, I just wanted to ask, you were a Chief Circuit Judge twice and I just wanted you to give us a better understanding of what the judicial duties and responsibilities were of being a Chief Circuit Judge.

EVANS: The Chief Judge is responsible for all administrative functions in the circuit. The Chief Judge is a Circuit Judge elected by the other Circuit Judges to carry out these duties. That includes assigning judges, deciding what judge is going to work in what county. If judges recuse themselves from a case the Chief Judge has to assign some other

judge to hear the case. The Chief Judge hires the court reporters, the court service officers, the probation officers. The Chief Judge determines the number of judges that will be assigned to a particular county and generally what their duties will be within that county for a given period of time. That's the thirty second overview.

LAW: Okay and would it rotate every few years?

EVANS: No, not necessarily, most of the Chief Judges – well we've had something of a practice of Chief Judges doing a couple of two year terms. When I was a Chief Judge in 1989 I had some specific goals and agenda items that I wanted to address. I was able to address those in the next two years and then I stepped down as Chief Judge. I got done what I had intended to do. And then in [19] '97 the Chief Judge's office was coming open again and I had less of an agenda at that time but had some other ideas about some structural aspects in the circuit and so ran again for Chief Judge and was elected again.

LAW: Also at some point you were an Administrative Judge.

EVANS: Yes, an Administrative Judge works in the individual county and has the county administrative responsibilities. Then the Chief Judge takes over beyond that. The Administrative Judge in the county will probably set up a schedule, tell a clerk how to manage the schedule, where cases are going to go; those sorts of things. But the Chief Judge would set the court dates, holidays for example. The Chief Judge would work with the county boards, other elected officials. The Administrative Judges have budgets within the county, the Chief Judge's budget is for six counties as well as monitoring the budgets for the court services and probation which have become big items.

LAW: You were also involved in several organizations, I thought we would pick them up one at a time and sort of talk about the larger issues related to them. So what was the nature of your work with the Illinois Family Violence Coordinating Council?

EVANS: If I may, I have to backtrack quite a bit on that. In Illinois, prior to 1982, there was no domestic violence legislation. If there was a family violence situation and court proceedings were required we had to operate under the general civil law. There were things like temporary restraining orders and injunctions but they were designed for other civil cases not family violence cases. In 1982 Illinois passed a domestic violence statute, made substantial amendments in 1986, and like other areas of the law there were incremental changes about every session of the legislature but we're still operating basically under the 1986 law. That statute provided us with definitions, procedures, process and in a general sense it was needed. We don't really have good statistics on what domestic violence numbers were before 1982. We knew it was there. There was probably, in some locations, too much of an acceptance or if not an acceptance, domestic violence has never been acceptable, but it was sometimes considered something that should be resolved within the family, with the church and not something brought to court. That is not my view, but that was not an uncommon view in society. With the 1986 statute we now had a method to provide relief and assistance to people but we still didn't have a way to implement that. If someone were to need a domestic violence order where did they go? The clerk's office, well the clerk can't practice law. Maybe the clerk can hand them a form. The sheriff's office? The sheriff doesn't do this work. If they're being treated medically, they don't have that. For about three or four years we just weren't getting any effective implementation. One of the advantages that I had when I traveled

around to different counties is I saw the procedures followed in several different counties and I could look and see what I thought was best. In Macomb there's an organization called West Central Illinois Regional Council, something to that effect, and they were providing, one of the earlier providers of services to domestic violence victims. While they work for four counties they're based in Macomb and they were just starting in this. I saw in Macomb that people were getting some pretty good services from them and so we started talking about expanding this to the other four counties that WIRC takes care of. One of those counties the sheriff was very upset. He didn't want anything to do with that. He thought domestic violence was his job. He would go out and he would counsel the families and he would get it solved one way or the other and avoid criminal charges if possible but nothing in court. He was reluctant to accept that. Now he's long gone but he probably wasn't the only person who thought that way. What I found was we just weren't getting the services delivered. And about that time, I was elected Chief Judge in [19] '89 and I was contacted by Janice DiGirolamo. She was a new hire at the administrative office and her job was to address these domestic violence issues around the state. She was meeting with the Chief Judges and she came out and she said, "We're having a lot of problems in rural areas." I said, "Yes we are." We sat down and talked about all of these problems and she suggested at some point in our different meetings that we have a, she called it a symposium training session for domestic violence and it sounded like a great idea to me. That we provide these providers, the advocacy groups, medical people, emergency medical people, all police departments, state police, county police, city police, university police, probation people, circuit clerks, everybody who had ever touched any aspect of this case under the law. We set up a meeting in Macomb. We got some

speakers. We thought we might have thirty or forty people arrive. We ended up with one hundred and fifty people because everybody was frustrated. They didn't know what to do. Somebody might be treated at the emergency room and the doctor or nurse said, "This is an abuse case but what do we do, where do we go with this?" Our goal was to coordinate services to improve services, to improve the delivery of services to everybody. Out of that symposium we formed the Family Violence Coordinating Council in the Ninth Circuit. There was no such entity any place in the state of Illinois and I'm proud to say that we were leaders on that. We also had the private bar involved, the public defender, the prosecutor's office; again, anybody who might touch these cases. We set up committee's and they developed protocols, like law enforcement protocol, so that a county deputy in Warren County or Hancock County would know that in a domestic violence case this is the procedure that we should follow. We have a policy and a protocol in place and we did that with committees for almost all of these different groups. We continued to have meetings and training seminars and it, in my view, improved and enhanced the services tremendously in the circuit. Out of that some other circuits started to do the same thing after they saw that we'd been successful. Another thing, should judges be involved in that? There's quite a dispute about that but at that time I thought we should. In any event, from that, ultimately Janice DiGirolamo, a lady named Barbara Shaw who had been working in advocacy in the Chicago area for just years and years, and was just a great person, and I, with the approval of Justice Benjamin Miller of the Supreme Court, decided to try to set up a state wide organization and that's the Illinois Family Violence Coordinating Council. We set that up a couple of years later and it helps

with larger issues, legislative issues, things like that. Different circuits feed up into that and cross-pollinate, if I may. I think we've advanced tremendously in that area.

LAW: Was this just an issue that you were – what was the motivation for you?

EVANS: Seeing someone come into court and not having a clue as to what to do or how to do it. I'm the judge and I'm not supposed to represent one side or the other, but I also want to be sure that they have a full opportunity to present what they have. Generally these cases don't involve lawyers at that first step. They're generally pro-se, by themselves. They need help, who's going to help them? Where we came from beginning to the next step is that now if somebody comes into the clerk's office downstairs, the sheriff's office downstairs, the sheriff gets on the phone and calls whoever the advocacy group is who works in this area and they meet right away and they sit down with an advocate, who is not a lawyer, but who understands the system because they've had a lot of training. Helps them fill out all the forms, tells them whether they'll have to get a notice or not, gives a notice, tells them whether they have a case or not, gives them all that information that they desperately need and then goes to court with them if necessary. So we went from a place where you could go in and someone hands you a form and you don't have a clue as to what to do with it, to a place where someone can guide you through the process.

LAW: Another organization, and this may be connected in some ways, was the Illinois Family Support Enforcement Association?

EVANS: Yes. Family law, divorce, dissolution, and child support have always been of great interest to me and that's another area where we've seen huge change. I think it was in the late [19] '70s, early [19] '80s when Illinois changed its laws. They rewrote the divorce

laws. They eliminated the word divorce and it became dissolution. There was a lot of definitions of how to approach divorce. Previously, if one were to seek a divorce you had to prove some sort of fault on the part of the other party and you had to prove that you were free from fault. So in the completely ridiculous situation where two people were abusing each other they couldn't get a divorce because neither of them were free from fault. This rises out of the old equity courts, but that's another story. When we get to dissolution we now have no fault in divorce. Irreconcilable differences becomes a ground. We no longer have jury trials in divorce and that was available before. Alimony became maintenance. Custody issues have had a lot of incremental changes. We have mandatory mediation in contested custody cases now, it's common for

[01:45]

a lawyer to be appointed for the children now, it wasn't before, I did that once, appointed a lawyer for the children and I ordered joint custody and the appellate court said, "Well it may be a good idea but you don't have the statutory authority," so they reversed me on that. But it wasn't long before the law was changed on that. Child support, child support payment, and collection were very poorly enforced. If a couple were divorced, let's say a father is ordered to pay child support a certain amount a week: where did he pay it? Did he pay it at the clerk's office, did he pay by check, did he pay by cash, who has a record of that? We used to spend a huge amount of time in court trying to sort out what was owed in child support. Mom would come in and say, "Well he hasn't paid for seven or eight years, he owes me six or seven thousand dollars in child support." Dad would say, "I don't owe her anything, I've not paid all along." "I've paid cash, sometimes I give cash to the kids," "Any receipts?" "Well no receipts," "Any checks?" "No checks."

Again, the advantage of me traveling around: Warren County at Monmouth, the clerk up there, Roger Johnson was his name, was a believer in good records and he tried to get the judges always to order to pay child support paid through the court in Warren County. Then he had records and this was delightful. You'd go in there to enforce it, you could look at the records and you had an independent record of what was paid and what wasn't paid and I thought, "Why not get this every place?" Well, gradually we worked in that direction and now we have withholding so if you're employed your employer is required to withhold amounts of support. They are paid through a central office so we have a record of that payment. The amounts are easier to determine because they're based on percentages of that income instead of whatever discretion was out there before; major improvements. Most of the custodial parents receiving the support desperately need it. These aren't wealthy people with huge amounts of support and they need every dollar and every dime and so support is important. I was appointed by the [Illinois] Supreme Court to chair a committee working with what was then the Department of Public Aid to try to coordinate all these computer records back in the early [19] '90s. Talk about a bureaucratic nightmare, because the clerks all around the state all have different computer systems and they (the computers) don't usually talk to public aid; now that's been pretty well resolved. From that I was appointed to the public aid, you know, my Family Support Enforcement Group, I've always thought that child support was a very important thing that wasn't getting its full due forty years ago and it's improved immensely and I'm glad to see it. The judges don't spend nearly the amount of time now trying to figure out from somebody's checkbook or somebody's receipts who's paid support and who hasn't.

LAW: Now you've also been involved in various committees. You just now mentioned a few of them, another was the Committee on Judicial Education, Child Support Advisory Committee; various committees. I guess if I could pull all of these committees together how did that work inform your career as a judge and how did this work impact the judiciary and the law?

EVANS: You mentioned one of my favorite committees, if not my favorite: that was the Judicial Education Committee. We did not have mandatory judicial education in Illinois but we offered courses throughout the state and in Chicago and they were very, very helpful. At some point, late [19] '80s, early [19] '90s, I was appointed to that state wide committee and our job was to set up the courses throughout the state for each year, plan them, find the speakers. The dedication and the research that the speakers put in to their efforts to help educate and bring up to date their fellow judges was phenomenal. I was really pleased to be a part of that. I don't think we can just sit here and say, "Okay, I know everything there is to know, I'll be back in twenty years." I think you have to keep up. I come from a family that put a high value on education, we've talked about it before. I think it's true with the judges too. I think they may have mandatory education now or they may have a suggestion to a minimum number of hours. That's a suggestion from the [Illinois] Supreme Court that is probably more than just a suggestion. The committee worked very efficiently. The courses I thought were excellent, and I was pleased on one or more occasions to be called upon to speak. I know that for me it made me research an area in a great depth and to stand up in front of your fellow judges and know that they are going to question you vigorously you better be prepared.

LAW: So it's been important to be involved in these committees, to keep up on changes in the law and to share changes?

EVANS: I see the job as having some obligation to do things other than just sitting on the bench, but to each his own on that. Some people don't and that's fine. There are many excellent judges who don't do that. To me it was an opportunity to go beyond that to help me expand my knowledge and hopefully help other judges.

LAW: Now, we've talked about two issues that the societal pressures forced change, divorce and domestic violence, another is DUI [Driving Under the Influence].

EVANS: Yes, driving under the influence of alcohol in the [19] '60s and [19] '70s was certainly a serious crime but often wasn't treated as seriously as perhaps it should have been. There were some counties where a first DUI arrest, the prosecution's offer was pleading guilty to reckless driving and that's the end of it. That's a fine and that wasn't uncommon. But over the years society became less tolerant of that. Groups like MADD [Mothers Against Drunk Driving] and SADD [Students Against Destructive Decisions (formerly Students Against Drunk Driving)] really started pushing their programs. There was an improvement in testing. Blood alcohol tests and breath tests have improved a great deal over the years. One of the things in days of old a blood alcohol reading of .10 was presumed to be under the influence and less than that there was no presumption. That was lowered to .08 in great part on the efforts of groups like MADD. There are certainly people who think that this has gone too far and is a burden on citizens. I don't know that that's true. Court supervision became an alternative disposition where a person could plead guilty to driving under the influence and receive court supervision and not have a conviction on their record. One of the things we've done here were victim impact panels

where we have persons who have been certainly affected by, or seriously affected by, driving under the influence come in and speak to persons who have plead guilty and try to bring home to them the seriousness of the offense. Attending a victim impact panel is now pretty much a mandatory condition of the disposition in this circuit. We also have alcohol evaluations which we didn't use to have by trained evaluators who come in and say, "This is the risk level of this person under the present circumstance." They also set up a treatment program and we think these things are improvements and are, I think, a reflection that society says: you know, "We're not gonna tolerate this much driving under the influence." It was an interesting thing to me in little Henderson County. We had one of the highest DUI rates in the state for a few years, part of that is because of one little community of about a hundred and fifty people that, in the 1970s, had fifteen taverns. It sat right across the river from Burlington, Iowa. The good citizens of Iowa didn't drink publicly as much. They had early closing hours. They had a lot of regulations, state owned the liquor stores and so for relief these persons crossed the river into Illinois and went to these fifteen taverns in this particular town. Many of those taverns, which by the way, provided exotic entertainment, and also provided a good deal of business for the courts in Henderson County for many years. But there were a couple of years where Henderson County with a population of seven or eight thousand people were having something like a hundred and forty, a hundred and fifty DUI arrests a year, which is just a phenomenal number. I think progress was made and these things are like a pendulum. Sometimes they swing too far one way and it takes it several years to swing back the other way. I see even this year there was some legislation proposed that discusses the DUI presumptions and the concept of impairment. I don't know if the governor has

signed that yet or not. Certainly the DUI, the dissolution, the domestic violence, while they may not be the things that we see at the top of the legal spectrum of legal philosophy, they are things that impact a large number of citizens. If we go around the square out here an awfully lot of these people will have an impact from a divorce or dissolution, with the high numbers of dissolutions that we have. Is this a good place to stop?

LAW: Yeah, because I have a lot of other questions but they're gonna take longer than ten minutes. Okay, so Judge Evans, thank you.

EVANS: You're very welcome. It's been very enjoyable.

[Total Running Time: 01:55:40]

**END OF INTERVIEW TWO**

### BEGINNING OF INTERVIEW THREE

LAW: This is an oral history interview with Judge Stephen G. Evans. Today's date is January the 28th, 2016. This is our third interview. Today we are going to focus on his legal career. We are again here in the Hancock County Courthouse. Judge Evans, I thought we would start today with discussing some of the cases that you had that were later appealed to try to get a little bit better of an idea of the types of cases you had and the legal issues you were presented with, and the relationship between the appellate and trial courts. So, I thought I would start generally with what cases that later went on appeal have stuck with you, that are most memorable to you, out of all the ones that there were?

EVANS: It is difficult to pick one case that was most memorable. I suppose because it was one of the more recent cases relatively speaking, the Hancock County murder cases would stick in my mind, both for the legal issues, how long it took to get through, the, if I may, the Dan Ramsey cases, Daniel Ramsey cases.<sup>30</sup> But I had many, many interesting cases that went on to appeal. Because I was in a small county, I was often assigned to cases in another county that were particularly contentious and I actually enjoyed that, I liked doing that but a lot of those cases ultimately did end up on appeal and the decisions were always interesting.

LAW: Okay. Okay, well, I want to come back to the Ramsey case a little bit later. I thought I would start and talk about just a couple, just to see what your memories are of them. How

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<sup>30</sup> See, *People v. Ramsey*, 192 Ill. 2d 154 (2000), 205 Ill. 2d 287 (2002), and 239 Ill. 2d 342 (2010).

about we start with, this is a very early one for you, it's, *The People vs. Raicevich*.<sup>31</sup>

John Raicevich.

EVANS: John Raicevich.

LAW: Yeah, what are your memories of that particular case?

EVANS: Very interesting case. I'm sure you're probably tired of me saying, "that was a very interesting case," over all of these interviews. One of the great things about my career is I did find it interesting.

LAW: Uh huh.

EVANS: Mr. Raicevich was an extremely successful burglar and criminal. A warrant was issued for a search of Mr. Raicevich's property; the materials found were hauled out practically by the truck load. The warrant was relatively limited and it involved, the issue on appeal involved, the phrase "Other guns, or other handguns which may be stolen," or something to that effect. The warrant targeted one particular weapon and then the warrant also had the language "Other guns which may be stolen." I think the contemplation at the time of the warrant was to secure the gun that was described and if there were other guns found, to then, without seizing those guns, check to see if they were stolen. If there was a determination made by the officers that they were stolen then to seize those guns. What happened though is that the officers saw this treasure trove of material that they labeled stolen and they just swept up everything. There was a motion to suppress, at least as to the other guns. The specifically described gun kind of gets shunted aside in all of this. I don't even know if the appellate court mentioned it,

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<sup>31</sup> See, *People v. Raicevich*, 61 Ill. App. 3d 143 (3<sup>rd</sup> Dist. App. Court, 1978).

but that was okay. But there were a few other guns and it came in on a motion to suppress. I ruled in favor of the defendant suppressing those other guns because there had not been the check to see if they were stolen before they were seized. It went to the appellate court, and the appellate court said, "No, other guns that may be stolen is a sufficient statement." I respectfully disagreed. I think that warrants require a certain specificity, but the appellate court said that was sufficient and so reversed me on those other guns.

LAW: So it makes me wonder, what, what is a judge to do when they are reversed?

EVANS: Well, the case is then sent back to the trial level. Of course, it's still there at the trial level for the gun that was specifically described. I don't recall on the other items of property. The real issue was that phrase "other guns that may be stolen." So it would come back for trial. I do not know whether it went to trial or not. At that particular time the assignment in Warren County involved two judges hearing the day to day cases, motions, bench trials, things like that. If there were a jury trial a third judge came and heard those jury trials. So sometimes I did not know whether the case went to trial. I don't know what happened in Mr. Raicevich's case. I do not know if it went to trial or what. I know there was a dispute later. A great deal of materials taken from his home the police could not determine were stolen, they were convinced they were, but they couldn't determine it and so they had to return all these items to Mr. Raicevich which really upset them. They made an extensive inventory of the things they took but when they returned them, some of those things had disappeared. So Mr. Raicevich did not get back all of what had been taken from him and I believe he filed a civil suit against the county and I don't know what the disposition of that was.

LAW: But do you follow these cases as they go on up appeal or once it's out of your courtroom, do you forget about it?

Evans: Yes, when a case is appealed a notice is filed in the clerk's office and the process is started, the file is sent to the appellate court, in this case at Ottawa, the third district appellate court. The appellate court sets up the briefing schedule for the attorneys and those briefs are submitted and the arguments are made in Ottawa. Did I go to those? No. Did I see the briefs? No. I did not see the briefs. I had the case briefed, with the arguments before me, so I knew pretty much what they were going to argue and what the contentions were. I did not go to Ottawa to observe that. Now the procedure at the appellate court is that there are seven judges on that appellate court and they're assigned at random three judges per case. The judges generally hear the arguments. They generally have a conference after that and discuss what their views are and then one judge is assigned to write the decision. If all three judges are in accord then it is fairly easy. One judge is assigned to write the decision. That judge writes the decision and whatever amount of time that takes the decision is sent back to the clerk in the county where the appeal originated and a copy also goes to the trial court judge, or the judge who entered the decision of saying that it's either reversed or affirmed.

LAW: Do you read those opinions?

EVANS: Oh absolutely, yes. I mean that's the first thing. If there were a lottery ticket there saying I'd won, you'd read the appellate decision first. You really want to know what they think about what you did. The appellate clerk after the decision is issued, sends what is called a mandate back to the circuit clerk in the county. When the circuit clerk receives that, then the case is again pending in the county, and you just take up

where you were. In the Raicevich case for example, my ruling at the trial level was that these other weapons could not be admitted in evidence. They were suppressed. When the appellate court reversed, that means they can be admitted. So now we take up where we were and we either would go to trial or the case goes forward as does any other case.

LAW: Okay, all right, this next one went all the way to the Supreme Court and this was the *Township of Appanoose v. [County] Supervisor of Assessments*.<sup>32</sup> Memories of that case?

EVANS: Yes, that was here in Hancock County. Each township had had an individual assessor and at some point prior to that case, legislation came about which made assessors multi-township. The old theory was that each township should have its own assessor because he or she would know the values in that township. Local government close to home. With the institution of the multi-township assessors, one of the parties, I believe this was Appanoose Township, challenged that law as being unconstitutional and it was briefed and argued by attorney Stanley Tucker and by attorney Sam Naylor who was the State's Attorney who was representing the assessor. My ruling was that it was unconstitutional. I did not see a constitutional basis to combine those offices and that was my ruling. The Supreme Court disagreed. The decision was not a lengthy decision but they said we think its okay. I'm not trying to mitigate the seriousness of the case at the Supreme Court but it was not a very long decision. I think in my career I had maybe four or five cases on questions of the constitutionality of particular legislation. I can recall two just off hand, this one and another one involved lesser and included offenses and a change in the law. In that case the Supreme Court said the change wasn't constitutional. The other decision involved the assignment of judges to a case after a case

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<sup>32</sup> See, *Township of Appanoose v. County Supervisor of Assessments*, 91 Ill. 2d 158 (1982).

had been returned from the appellate court. Legislation was passed that would allow that and said that the first judge could not hear that. I ruled that that was a violation of separation of powers and it was up to the courts as to what judge would hear it.

LAW: That one was involving a post conviction hearing?<sup>33</sup>

EVANS: I believe so. Yes. You're right it did. The Supreme Court said no that's within the judicial branch to determine not the legislative branch. Those are the ones that come to mind quickly that went up on constitutional issues. When I say it went up, that's the way we talk in the courthouse. If it goes up, that means it's appealed to the Appellate or Supreme Court.

LAW: I believe Justice Ryan wrote that opinion. *People vs. Joseph*. Anyways, next case, *Siens vs. Industrial Commission*.<sup>34</sup> Siens?

EVANS: Siens. Yes. In those days, if a claim was made on a workermens compensation claim, an injury in connection with a job, it was tried by the industrial commission and then it could be appealed to the circuit court. Now that law has been long since been changed and now those decisions are appealed not to the circuit court but to an appellate court which is made up of justices from the different districts. There is a group of appellate justices throughout the state who review industrial commission cases now. Mr. Siens' case was interesting because Mr. Siens was the part-time City Marshall in the city of Biggsville. Mr. Siens was shot in the course of, shot, it turns out by his own weapon. A shotgun not a hand gun. He said that he used the shotgun for police duties. The testimony, the officials in Biggsville, said that he was told not to have a gun of any kind.

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<sup>33</sup> See, *People v. Joseph*, 113 Ill. 2d 36 (1986).

<sup>34</sup> See, *Siens v. Industrial Commission*, 84 Ill. 2d 361 (1981).

The shotgun was loaded with bird shot and his hunting dog was sitting in the truck when he climbed in and shot himself. My finding was that he was not in the course of his duties, that he was going hunting. That did not involve protection of the citizens of Biggsville, and I'm sorry Mr. Siens but you don't recover.

LAW: Did you handle a lot of cases, not necessary similar to those facts, but industrial commission cases, or was that rare?

EVANS: It wasn't rare but there weren't a large volume. More cases of that nature were handled in Knox County and I suppose Warren County where there was some industrial production. Warren county had a meat processing plant, and still does, and there were job related injuries and those cases would reach us from time to time. This case was unusual because of very unusual facts in the Siens Case.

LAW: Okay, the next one I had was *People vs. Joseph*. We talked about it a little bit but I did want maybe drill down a little bit on this idea of assignments and judicial power. Would you like to speak to that particular issue of assignment and judicial power.

EVANS: Yes, and it relates as well to some extent to the Ramsey case later on but come back to the Joseph case and the division of powers. The United States and the State of Illinois have three branches of government and each is entitled to authority in certain areas. The fight started during John Adams's administration as president and Chief Justice Marshall was able to sustain the position that the courts had the right to judicial review and the battle has been on since as to where does the legislative authority stop and the judicial authority start. Assignment of cases appears to me to be from the judicial authority.

LAW: Go ahead.

EVANS: I think really there is not too much more to say about that.

LAW: Well there was just a lengthy dissent from Justice Simon and it just raises the question with me of was it really that big of a deal assigning a different judge to hear the post-conviction petition?

EVANS: That big of deal? Well probably not that big of deal, wasn't that big of a case. But there are certain cases where the line needs to be established, and maybe it's in a small case, maybe it's a major case. Would it have been a bigger deal if it had been a multiple murder case, perhaps? But it's the principle. I know I sound like the defendant in a speeding case.

LAW: Well, now we should probably talk about that particular case, so that, this was *People vs. Wilson*.<sup>35</sup> This was about five years before and it involved speeding and air patrol.

EVANS: Mrs. Wilson was a county, either a county official, or a title company owner in McDonough County. Mrs. Wilson had worked for many years for an attorney in that county who was by now a judge in the circuit and he might have even been the chief judge in the circuit but we'll leave his name alone. Mrs. Wilson though was pretty well convinced that she knew the law and knew it very well. She was stopped for speeding on Route 67. It was an airplane patrol. The officers make markings on the road at a certain distance apart. An airplane circles above, times the vehicles through those markings and if they're less than a certain time they know they are in excess of the speed limit, the

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<sup>35</sup> See, *People v. Wilson*, 97 Ill. App. 3d 505 (3<sup>rd</sup> Dist. App. Court, 1981).

airplane then calls down to a catch car that is a mile or two down the road, the defendant is pulled over and charged for speeding. That is what happened in Mrs. Wilson's case. She pled not guilty and insisted on a trial. She went to trial and was found guilty, and appealed. The appellate court upheld the finding of guilty is my recollection.

LAW: Was that unusual for somebody to?

EVANS: Extremely unusual. As a matter of fact, I think that may have been the only case that I recall on an airplane stop that even went to trial court. Usually the defendant and attorney would say let's see the records. Let's see the times they wrote down, and if everything was there, and they were not going to prevail, and so why go through the trial. But that one was unusual from the beginning. I think the attorney told me later that he tried many times to talk her into taking a plea and getting it done and she insisted on going to trial. He told me that he charged her accordingly and he also charged her for the appeal. So she spent a great deal of money on what probably at the time was a \$35 ticket.

LAW: Okay, the next one is an estate case. *Diehl vs. Olson*.<sup>36</sup>

EVANS: The Diehls and the Olsons were relatives, and they lived in the northern part of Henderson County and the southern part of Mercer County. The county seat of Mercer County is Aledo. I do not recall which party died, it seemed like it was a mother, and the children had interest in the farms and suggested that one side was unduly influencing mother in her estate planning to leave property in a particular way that was beneficial to her favorites and was very financially harmful to the other parties. To establish this

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<sup>36</sup> See, *Diehl v. Olson*, 141 Ill. App. 3d 110 (3<sup>rd</sup> Dist. App. Court, 1986).

they went back over many years to show the contacts with the mother. One of the parties had kept diaries for about somewhere between five and ten years. Those diaries were all admitted into evidence and I had to read every one of them. It took hours and hours to go through all of that evidence. This type of case does come up fairly regularly. Very often we see a scenario similar to *Diehl vs. Olson*. Dad and mom are farmers, they started with nothing, they worked incredibly hard to build up their farm. The land values went up and dad dies. Mom survives and now owns thousands or millions of dollars in today's market worth of farm land and farm equipment. They have three or four kids hypothetically, not talking specifically about Diehl but it's the same pattern. One of those children stays at home and farms and works with dad and mom and becomes very close to dad and mom. Probably does a lot of things for dad and mom that the other siblings don't do. The other sibling move away and either live in town or out of the area and don't really see all of what is going on at home. Then mom gets old and senile and writes a new will and maybe she's senile and maybe she isn't. In her new will she provides significantly more to this person who stayed home, usually a son, and has helped on the farm and generally ends up giving most of the farm, or much of it to him, a disproportionate share. The children who are away say this was to be divided equally. Mom and dad always said when they died we would divide the farm equally, and the battle is on. There is enough money because of the land values to make it quite a battle. This scenario occurred I can think of two or three cases in Henderson County, two or three in this county. There is one pending right now. In McDonough County, in Macomb, several cases in Warren County, we had two or three that went to jury trial and the issue is, did the person, the child at home, unduly influence mom to do things that she

would not have done on her own. That is the question, and because again of the values and the money involved, these cases are often litigated.

LAW: What is this term, I think its laches? What does that term mean to you?

EVANS: Laches, is an equitable defense. It is like statute of limitations. It suggests this: assume that you and I have a dispute, and you believe that you are wronged. Now if we have a contract, we know that you must take action within a certain number of years, five years, ten years, depending on the nature of the contract. We can look at the statutes and see what is the statute of limitations for taking action on this matter. But if it is in equity, and I'll come back to this, as opposed to in law, then we may not have a specific statute that says five years or ten years. Instead we have laches, which says that you must take action within a reasonable time. Now what is reasonable is a fact question up to the judge or the jury but it's analogous to a statute of limitations. Now I talk about law and equity, our system comes out of Great Britain, of England. If we go way back certain things were handled in the courts of law. Certain things were handled by the people in the church: that was equity. Divorce was handled there. As that came down to us, we had these two divisions, equity and law. Now it's all merged now but we still have cases where we look at equitable issues. Laches is an equitable defense. Fraud, misrepresentation are all equitable defenses. But I love laches because nobody knows what it means.

LAW: It's unusual I would think. Maybe a concept only particular judges would be aware of?

EVANS: I would hope they would all be aware of it, but you may be right. In our fact situation for the estate dispute, the person who is taking under their will might suggest

that the other people who are away should have taken action much sooner and that therefore any action by them is barred by laches as a possibility.

LAW: Okay. This next one was the *People vs. Loftus*, Steven Loftus.<sup>37</sup> It was a burglary case. Knox College, any memories of that particular one?

EVANS: Just very vaguely. Knox College had been suffering some burglaries in some of its residential facilities that were at the edge of, or actually off-campus. They owned the facilities but they were not in the main part of campus or across the street from the main part. In this instance, and you will have to correct me, it was a professor or someone who saw two suspects running out of a residential facility. Flagged down a police officer and had them stopped and returned for identification, something to that affect. The question is whether the citizen tip was sufficient to stop those people and actually hold them take into custody and bring them back. But I don't remember a lot of specifics about Loftus other than that.

LAW: Well I included this one really to talk about the exclusionary rule and suppression of evidence and has that, I wanted to ask if that had changed in any significant way over the years?

EVANS: It's a hard question to answer, whether it changed significantly. The general exclusionary rule says that if evidence is seized improperly, it is excluded and cannot be presented at trial. That is a rule that is, by the way, is unique to the United States of America. No other country has the exclusionary rule, or at least did not while I was studying law. We talked about the Raicevich case: when I ruled on that warrant, that

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<sup>37</sup> See, *People v. Loftus*, 157 Ill. App. 3d 1093 (1987).

“other guns which may have been stolen,” was too vague, that caused those to be excluded, so they could not come into evidence. The appellate court saw it differently. This Loftus case, if those persons were seized and taken into custody without sufficient probable cause, or were held without given their Miranda warnings and were questioned and made statements they would be subject to exclusion if it wasn’t done properly. So it’s an issue that we deal with, dealt with constantly, and still deal with. A motion to suppress is extremely common in criminal cases for a variety of different reasons. Improper searches, improper taking of statements, are prominent among those reasons. Has it changed? The Appellate and Supreme Court continually refine what the rules are, so I suppose it does change in increments.

LAW: Another one included with those two would be the *People vs. Taylor* case, involving the drinking party.<sup>38</sup>

EVANS: Yes. As I recall in Taylor, I received a call in the middle of the night, I lived in Henderson County. This was a Warren County case. There was a drinking party; I could take you to this spot. It was about a mile and one quarter northwest of Little York. This was not the first drinking party to occur at that location. I think some neighbors called the police and the police determined by some means that there was a drinking party going on. I think they had a source that confirmed that. The State’s Attorney could not locate any judge in Warren county. Vacation or couldn’t wake them up or what, I don’t know, so called me on the phone, I lived twenty some miles from the WarrenCounty courthouse. The State’s Attorney said, “I want to get a warrant by phone.” I said, “I know of no procedure for that.” I said, “Why don’t you come to my

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<sup>38</sup> See, *People v. Taylor*, et al., 198 Ill. App. 3d 667 (3<sup>rd</sup> Dist. App. Court, 1990).

house, or I will come to the courthouse, or we'll meet half way and I'll take the statement, look at all the forms and make a determination as to whether I can issue a warrant." He said, "We don't have time; the party will break up before that. We want to move immediately." I told him at the time, "Well, let's brainstorm on this and see what we can do. We are in an area where it's questionable as to what our authority is."

Ultimately, we decided, or I guess since I was the judge, I was making the decision. "We will do this by phone, I will talk to the officer, I will talk to the State's Attorney, I will talk to the source by phone, I will hear what they have to say, I will decide based on their statements whether or not there is probable cause to issue a warrant. Even though they haven't signed those statements and submitted to me in writing, which I would usually have, and then I will say yes or no on the warrant. If I say yes, then Mr. States Attorney, you should send that warrant down to me and let me sign it before you proceed, but if you are convinced they are going to leave before, that's up to you, but you are taking a chance if you go out there and arrest them on a warrant that I have not yet signed." The State's Attorney elected to take that chance. As I recall the Appellate

[30:00]

Court said you can't do that. It was an interesting situation. What do you do in that situation? Again, this was a drinking party, so how big of deal is it? We go back to the speeding ticket. How big of deal is it to arrest some kids at a drinking party? What if it wasn't a drinking party though? What if it was a murder? I've heard the same thing over the phone that I'm going to hear in person. I'd make the same legal determination as to whether there is probable cause or not. I authorize the proceeding even though I don't sign the document at that time. Is that wrong? If this had been a murder?

LAW: What if it happened today and it was done by Skype?

EVANS: I don't think from my familiarity with Skype, I don't think there is a way for me to sign the document. I would see the people, the difference is that I would see your face talking to me and perhaps could make more determination about your creditability.

LAW: It's a matter of signing the document.

EVANS: I think that is significant. The warrant had not been signed when these people were arrested. I think that was significant to the Appellate Court. And the Appellate Court recognized that this has not been done before. We can't do this, this hasn't been done.

LAW: Going forward then, was that not done by phone any longer?

EVANS: No, and that's the only one. I did many, many, many nighttime warrants. Mostly in Henderson County but sometimes down here in Hancock, sometimes in Warren, and the arrangement was always this: let me back up, first, I told people I am available if you need somebody. I am available, don't hesitate to call, middle of the night or not. So, what would often happen in Henderson County is I would get the call from the States Attorney: we have this situation, we need you to consider this, and we would do one of two things. I would go the courthouse, or they would come to my house, and it was not uncommon for my house to have four squad cars with the lights flashing at three in the morning and the neighbors wondering what was going on. Hearing the officers make their statements, having them sign them, and having all the paperwork right there that I signed at my house. Our warrant procedure involved our documents in triplicate, and so we'd sign it, and everybody would get copies and I would keep the originals. So after

this, and before this case, I don't know if they'd ever done one that way or not. I had never done one by phone. After that, we can't do it by phone. You're either going to have to come to my house, or I'll come to the courthouse or we'll meet in between. We did it many, many times.

LAW: Alright. Now I want to talk about some murder cases and maybe the best way to get into it would be, do you recall your first murder case?

EVANS: Yes.

LAW: Do you remember what it was?

EVANS: Yes. In the time I was on the bench, I think I had about sixteen or seventeen murder cases. That alone tells you that I didn't spend a lot of time in Henderson County because it was a small county and there weren't that many murders, but I heard murder cases in all the six counties in the circuit. The first case that I had the victim was a baby, an infant, about six or seven months old. The parents of that baby were charged with the murder. The State's evidence was Shaken Baby Syndrome. I don't know if you're familiar at all but, shaking a baby too hard causes brain damage and can result in death. The expert witnesses for the State testified that that is what occurred. The problem the State had with the case is they didn't know who did it. In the home where the baby died, resided the mother, the father, an uncle, and a grandfather. The case was set for a preliminary hearing, the State's Attorney decided to take it to a Grand Jury. I think the State's Attorney thought the Grand Jury would say no probable cause and it would be off his back. He would be clear because he had a Grand Jury decision. The Grand Jury however indicted. The case was set for jury trial. The night before the jury trial, I got a

conference call from all of the lawyers, and the defense lawyers decided to waive jury and present it to me as a bench trial. I heard it as a bench trial. I heard the evidence, and based on the evidence and the science at that time, I think it's highly probable that that baby did die as a result of being shaken. However, no one could say who did the shaking. No one could tie any one of the individuals. The mother and father had different attorneys, but there was no testimony from either of them. I found that the State did not prove that either the mother or the father committed the act that caused the baby's death beyond a reasonable doubt, so I found them not guilty. And boy, did I get a fire storm of letters and comments in the newspapers about that.

LAW: Do you recall about when this was?

EVANS: Pretty early, probably '77, '78 maybe. Fairly early in my judicial career. It was tried in Warren County. The death had occurred in the southeast corner of the county, not terribly far from the town of Avon, which sits sort of in the corner of McDonough, Fulton, and Warren Counties. But it was a Warren County trial.

LAW: Now did you go on to have any other bench trials for murder?

EVANS: I am not recalling one quickly, with an exception being the one in Fulton County.

LAW: Oh yes, that's right.

EVANS: Should we talk about that now?

LAW: Yeah, go ahead, the [Craig] Herrick case?

EVANS: Yes. Murder case.

LAW: Of Tammy Jo Thompson.

EVANS: Yes. A very strange case. Again, one I was assigned to from out of the county.

The defendant in that case was known to law enforcement for his habit of breaking into homes and taking women's underwear. In this particular case, he had gone into the home of the deceased and was going through the drawers, as I recall, and she came home and I don't recall now whether she was killed there or later. But her body was put in a bag and put in a strip mine lake. A lot of strip mines in Fulton County. She was pregnant with twins at the time that she was killed and that probably would have been apparent to someone seeing her that she was pregnant. She was fairly far along. The defendant fled the jurisdiction, the police did not know for sure that it was this particular individual but they thought it was because they found the underwear all strewn out in the house. They went to his house and his mother didn't, told them he was working some place. They went to the job. He had not shown up that day, and he was just gone. The Sheriff of Fulton County, I think even did a program on America's Most Wanted or some show similar to that looking for help. I believe this guy, the defendant had gone to Texas, and he was picked up on a traffic violation there for cutting donuts in a parking lot. Spinning his car around. Police arrest him, gave him the ticket, let him go. They went back and ran it and found that he was wanted in Illinois. They were able to go back out and find him and arrest him and he was returned to Illinois for trial. He had very, very good defense lawyer. The State's Attorney was very well prepared. Shortly before trial, they reached an agreement. They would have what is sometimes called a stipulated bench trial, and it's a dangerous thing because very few people really do it correctly.

Essentially what it involves is that the defendant agrees that the state can present evidence to the judge in summary fashion by reading it and that the defendant will waive

his right to cross examine any of those people; in other words, if you're the State's Attorney, you say, "Mr. Smith will say this, this, and this. Ms. Jones will say this, this, and this." The defendant waives his right for any cross examination of those people and agrees that the judge may make a decision based on what evidence the state puts in. Now, they still make arguments. The state says, "Here is what I presented and this is why I think it should support a conviction." The defense said, "We know this is what is presented but here is why we don't think it supports a conviction." That case was done in that manner. Now, if you read the appellate court decisions, you find many, many, many cases where they try to do a stipulated bench trial are reversed because they didn't follow everything correctly. But I was fortunate to have two very good, well informed attorneys who really worked hard to make sure they did everything right, and I tried to do that as well. Based on the evidence, I found the person guilty.

LAW: Now was that stipulated bench trial, was that undertaken in some ways to avoid the death penalty?

EVANS: As I recall, the State agreed to take the death penalty off the table in that case. So I don't know the defendant's motive, but probably yes.

LAW: So that led me to wonder if that was a tactic that was utilized by State's Attorneys in this area, was whether to use or not use the death penalty.

EVANS: That is the only case that I had of that serious nature where it was a stipulated bench trial. I will tell you that it made me incredibly nervous, because I knew how often they were reversed, and how easy it was to make a little mistake in the process, and think well this is just to plead of guilty; but it's not, it's a trial. The requirements were

stringent. Again, the State's Attorney and the defense attorney, of both of whom later become judges, by the way, they didn't want the case reversed, so they were very careful in what they did. I don't know if that was a common tactic.<sup>39</sup> I don't think it probably was a common tactic in death penalty cases. We didn't have that many death penalty cases.

LAW: I want to talk to you about a couple others. One is, I guess we could start with this Santamaria case.<sup>40</sup>

EVANS: Santamaria, yes. Another interesting case. Did you say that before Evans? Yeah you did. Dr. Santamaria was a physician. He was born in Mexico into an impoverished family. His father died at an early age. His mother loaded them on the donkey and took them to Mexico City where she could get a job and support them. One of his brothers became an attorney and became an official in the Mexican government. Dr. Santamaria became a physician, came to this country, married a beautiful young woman, maybe twenty years his junior and they ended up in Galesburg. He was a physician at the mental health facility there, the research facility. He was very conservative in his views. His views were rural Mexican views, rural Mexico views from long, long ago. Those included the fact that the man in the house made all of the decisions, and the woman in the house made none of the decisions. His spouse was much younger; she had grown up in the city, not in the country. She had many friends in Galesburg, apparently was a delightful lady from what everybody said, and she believed that she should have input on

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<sup>39</sup> Edward Danner, the State's Attorney of Fulton County from 1992-2004, became the Resident Circuit Judge of Fulton County in 2006, and served in that capacity until 2013. James Shadid, one of Herrick's lawyers and an assistant public defender in Peoria County, was appointed a Circuit Judge in the Tenth Judicial Circuit in 2001, and was elected to that position in 2002. In 2011, he became a Federal District Judge for the Central District of Illinois, and in 2012 became the Chief Judge of the Central District, where he continues to serve.

<sup>40</sup> See, *People v. Santamaria*, 165 Ill. App. 3d 381 (3<sup>rd</sup> Dist. App. Court, 1987).

things, so they fought and they argued. They had I think four or five children. The two younger children were in trouble constantly, and the parents fought over them constantly. That was the background. Should we keep going? Okay. They apparently were fighting at home, and arguing, and one night the fight got out of hand. Mrs. Santamaria ended up dead. She ended up carved into several pieces. Her arms, legs and head were removed and her torso was a separate piece. All of her soft tissue was removed. The soft tissue was run through a blender and poured down the drain. The body parts were buried. Some of them in part of the basement, part of the basement had a dirt floor. Some were buried out in the garden. As a matter of fact, that was one of the hints to the police. The neighbors saw Dr. Santamaria working in the garden and he had never worked in the garden before. (My wife who is a gardener says that is how I would be caught, because I never worked in the garden. I wouldn't do this to you Mary Evelyn.) In any event, she didn't show up at work for a few days and people at work knew she was having trouble with her husband. She had actually been to see the State's Attorney about an order of protection. Investigation started and a warrant was issued for a search of the house. They found the body parts and he was prosecuted for her murder. Some of the side lights to that were the fact that he had gone on the Thursday before the Friday or Saturday murder to the local Sears store and purchased a blender. On the Monday or Tuesday after the murder, he returned the blender to the Sears store. He knew the person

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who sold it to him, the sales girl. They had purchased other things there. She said, "Why are you returning the blender?" He said, "My wife didn't like it." I knew this was

coming in the trial and I put the attorneys on notice that if anybody so much as smirked, they were going to be held in contempt. It was a hard, it was difficult case. Dr. Santamaria said that he woke up at home that night, his wife was standing over him with a butcher knife and that she was trying to stab him, that in self defense, he grabbed it and ended up cutting her and she died and he panicked. He put her in the bath tub and thought he would just dispose of the evidence. That was his position. The jury found him guilty. He served about, let's see, thirteen, fourteen, fifteen years and he died in the penitentiary. It was an extremely high profile case. A lot of media. I tell you that there were lots and lots of pictures of the body parts. One of my jobs was to decide what does the jury get to see and what do they not get to see. I had the attorneys meet me at 8 o'clock in the morning before trial, before the jury got there, said we're going to then preview these ten or fifteen pictures and I'm going to make a ruling on whether they are admissible or not. We previewed them by projecting them on to the wall of the court room, probably about a twelve foot by twelve foot section. The lawyers and I were sitting in there, a few spectators, at 8 o'clock in the morning, still everybody is a little bit slow to get started and here came the first picture projected up on to the board. It was her head. The doctor had removed the skin from her face because he said she was so beautiful and she had such an ugly look on her face after her death that he removed the skin so he wouldn't have to see that. Then this head that had been skinned and had been buried in the ground for about a week and that was the picture we were seeing on the board. Most of the spectators immediately left the court room. I told the attorneys that you are not going to use that picture. As a matter of fact, I don't know, I may have let them use three or four pictures but I thought to use more than that I thought was too

prejudicial and the jury could make the decision without those pictures. It was an interesting case. It went on a long time. It went on a week or so. Special prosecutors from the Appellate Prosecutors Association came in to handle the case because the States Attorney was a potential witness because he had talked to the woman about an order of protection just a few days before her death. It was handled by the public defender's office in Galesburg in Knox County. The doctor did not have sufficient funds to hire an attorney. The public defender there at that time, Don Stoffel was an absolutely outstanding lawyer and he did an excellent job.<sup>41</sup>

LAW: Now who did the sentencing?

EVANS: I did.

LAW: How do you determine a sentence for somebody like that? Or a case like that I should say.

EVANS: Very difficult. There are guidelines for sentencing, where you make certain findings but ultimately, when it comes down to it, what do you do? How do you say what is fair in the case? I sentenced him to his natural life in prison. I thought his actions were, I thought his actions were planned and intentional. There was another piece of evidence that, a month or so before this death, he had stopped at a company that made vaults and looked into purchasing a vault to I think to bury her in. He was also running experiments with chicken bones and lye and other chemicals to see how long it took for the bones to break down. I thought he planned everything. With that intentional act and the horrible things he did, I thought natural life was appropriate.

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<sup>41</sup> Judge Donald Stoffel became an Associate Circuit Judge in 1989, and served in that position until 1994.

LAW: Okay, Alright!

EVANS: Let's move away from Dr. Santamaria.

LAW: Well, I think we should probably talk about the Ramsey case.

EVANS: Another horrible case.

LAW: Maybe one question with that is, how do you not internalize these cases? They are so brutal.

EVANS: I think you just have to not let yourself do that. I think that I was able to do that. I hope that I was able to do that. I suppose that in some ways that makes you cold or makes you hard or you harden yourself to it but you just can't let it get inside you. If you do that, you lose your objectivity. If you lose your objectivity, there's a risk that you lose fairness, and the system is about fairness.

LAW: Okay. Ramsey case. Memories of that?

EVANS: Yes. Mr. Ramsey was a resident of Keokuk, Iowa, just across the river from this county. He had dated a girl in this county for some time but they weren't getting along and the girl's mother wanted them to break up and so they broke up. On the night in question, Mr. Ramsey had a date with another girl from this county. It was the first date that he had had with her, the other girl. He took her to a rural location, not far from this town, where they parked. He had intercourse with her; the allegation was rape. I don't know. He then shot her in the head and he put her body in a grain bin. He then drove into town, to Carthage. He called the family of the first girlfriend. The mother and the aunt, the two adults were living in the home along with about six kids, including the

girlfriend. He called the parents. He said he was a representative of the Hancock County Sheriff and the Sheriff wanted to talk to the mother and the aunt about him, and they needed to have them come down to the Sheriff's office right away. Mr. Ramsey then parked his car out north of town where he could watch. He saw the car come by with the mother and the aunt into town, and he went out to the house where they, I guess there were four people out there. He shot all of them. One girl, maybe fourteen or so was killed. The girl who was his former girlfriend was shot and wounded. He also shot two small children; I want to say three, four years old, something like that. They both survived, miraculously. When the mother and the aunt got to the Sheriff's office, and the Sheriff said, "No, we didn't call you," the Sheriff's office immediately sent a deputy out to the house. The deputy could see that people were in the house but he didn't know what was going on. I believe he may have heard shots. They called for a swat team from Springfield. Ultimately, Mr. Ramsey came walking out of the house with the ex-girlfriend ahead of him and surrendered to police. Mr. Ramsey also was wounded. He said he had attempted suicide and he shot himself. He had a gash along the side of his head, but did not die. He was taken to a local doctor who treated him and then he was questioned and gave a fair amount of information that was extremely incriminating. The State's Attorney at that time, was State's Attorney Naylor, and he was, planned to step down later that year or perhaps he had been defeated in a primary, I'm not sure. He was cautious, he did not want to make decisions about the case that would bind whoever his successor might be, which I thought was a very professional thing for him to do. He didn't make any decision about the death penalty. He said, I'll wait and let my successor make that decision after the case is investigated. The case was investigated. There were

many motions. There was a motion for change of venue, that is to move it to another county. I heard that motion. Those are made commonly but rarely granted because generally in these counties, you can find a jury. In the Ramsey case, let's assume that these murders had all been committed in the northeast part of the county. Well then we could find a jury from the center of the county, the west, the southwest, the south part of the county, who probably didn't see or read that much about the case. But in this case, we had people in two parts of the county, lots of people with extended families, who were known by lots of other people, and I decided it would be exceptionally difficult to get a fair trial in Hancock County. So I moved the venue, I changed it to Knox County, to Galesburg. Hancock County is serviced primarily by the Quincy news and this was in the middle 90s so we didn't have quite as much of the cable news. Galesburg, on the other hand, most of their news comes from Peoria or from the Quad Cities. I thought we were making a pretty good step to go to Galesburg. I moved the case to Galesburg. Mr. Ramsey was probably eighteen or so at the time. Eighteen or nineteen. Could not afford an attorney. The public defender here in the county had a conflict with the case because he had represented members of the families of the deceased or the wounded. I called two or three other attorneys in this county who I thought had the ability to handle a case of this seriousness. They too had conflicts; these families had been in court for various things. I had nobody in this county and nobody in Warren County, to the, or excuse me, in McDonough County to the east. I thought then, there is a possibility that this case may get transferred. So I called a lawyer in Keokuk, who practiced quite a bit in Illinois, and who I knew had handled some murder cases. I told him what I had, and told him I needed an attorney and asked, "Can you do it?" He said, "I would really rather not do it, I

have a lot of other things to do but I understand my professional obligations.” He said, “I can’t tell you I have some major trial right now that would be a conflict.” He said, “If you need me to do it, I’ll do it,” which I much appreciated. His name was Jim Dennis. I appointed him. He did most of the preliminary work. I later appointed a second attorney from Galesburg once I knew we were going there. So there would be two of them working together on it. They did everything they could, but the jury found him guilty. It was a death penalty case.

LAW: How was the death penalty determined in this area? Whether or not it’s needed or not.

EVANS: The State’s Attorney has tremendous discretion in doing that. The prosecutor.

There are, first of all, I can’t tell you the current state of the law because it’s been fifteen or twenty years since I’ve worked with it, but there are certain requirements that you have to have in order to make it a potential death penalty case. In this case, we had two deaths, we had other people shot, so clearly it was a potential death penalty case. Then it’s to the prosecutor, and completely in his discretion. If he decides no death penalty, then it isn’t considered. If he decides he wants the death penalty, then it has to be considered. Then you have to qualify the jury. Because you don’t know if the jury is going to make the decision or the judge is going to make the decision. So in addition to selecting a jury that can be fair, you have to also have jurors who do not have any religious, moral, or philosophical views that are so opposed to the death penalty that they can never use the death penalty in any circumstance and some jurors do, particularly religious reasons, that they can never do a death penalty.

LAW: Was it a challenge to find a jury?

EVANS: Yes. Yes, it took two or three days, but we moved through it pretty well and all of the attorneys involved were not people who delay. Some attorneys pick a jury more effectively than others, we'll leave it at that.

LAW: How many, would you say, capital cases were there in this circuit when you were a judge?

EVANS: Not very many. I would say fewer than five in the entire time I was on the bench, capital cases. Ramsey was one. Another one was the [Patrick] Mitchell case in Knox County, which I did fairly early on. A case between two drug dealers and the deceased lived in a home that had iron bars on the windows and the doors and nobody came in without his permission.<sup>42</sup>

LAW: Which case was this?

EVANS: Mitchell. And, the, excuse me, Mitchell was one of the names. [Larry] Johnson was the other name. I don't recall which was the defendant and which was the victim. But they knew each other. The guy with the armored house went to the door, and it was the other fella, so he let him in. The other guy knew that the deceased had received a quantity of drugs, a shipment of drugs and that's what he was there for. He shot him and killed him with a .45. Unfortunately, the guy in the house had visitation that day, that weekend with his kids. He had a thirteen year old daughter and a fifteen year old son. Our defendant came in and he shot and killed the thirteen year old daughter, shot her in the head. Shot the son in the head with the .45, thought he was dead, but he survived. He later disposed of the gun. The gun was found a year or so later. The son who survived

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<sup>42</sup> See, *Johnson v. Chrans*, 844 F. 2d 482 (7<sup>th</sup> Cir. 1988).

testified and that case was a case were the, it was up to the jury to decide whether or not there would be the death penalty. The jury found him guilty. I thought for sure the jury would impose the death penalty. This was a brutal, brutal,

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murder by one drug dealer robbing another drug dealer. I saw very few mitigating facts. The defense attorney did a superb job and convinced the jury not to impose the death penalty. So that was a natural life sentence.

LAW: Okay, I had some questions about capital punishment. So we've established that you've heard a capital case. There has been tremendous amount of change in regards to capital punishment in the last

EVANS: Fifteen years or twenty years.

LAW: Right. Okay. So, I'm curious, what was your reaction to Governor Ryan's call for the moratorium?

EVANS: I did not think it was his place to do it. I thought it should be a legislative decision and not an executive decision. Now let me be clear, I'm no great advocate of the capital punishment. I don't think it really accomplishes much.

LAW: Tell me more about that.

EVANS: Okay. It seems to me that in these capital cases, that we spend a lot more time and a lot more money if the death penalty is sought, and if in fact the judge or the jury determine the death penalty is appropriate, we then are at least twenty years ago, we then were looking at another of ten, fifteen, twenty years of appeals throughout the state

and federal court system. Time goes on and on and on, and the dollar cost is phenomenal. My thought, my philosophy, is that natural life imprisonment is fine. That takes the person out of the community, it eliminates the risk to the community, and frankly is less expensive, less cumbersome, less likely to have a retrial than if the death penalty is imposed. That's my personal view. That doesn't mean that's what I do. I have to do what the law says.

LAW: I understand. And what about in the Ramsey case, were it went through several appeals, and the ultimate result was no death penalty. Now, you could look at that, say there is no death penalty because it had been, because of something that happened, intervened or covered....

EVANS: What Ramsey did was a terrible, terrible thing. While the case was still in Hancock County, before it moved to Knox County, the attorneys came to see me one day, this is not part of the record, and they said, "We are very close to having a negotiated plea on the Ramsey case. We have hearings at 11 o'clock this morning. Will you let us talk instead of going to that hearing?" I said, "Yes." So they talked and they talked and they talked and they would report to me about every half hour, and at noon they came in, they said, "We're still very close, would you stay over the lunch hour?" I said, "Yes I will." They continued to talk and they thought they had a negotiated plea. It would involve pleas of guilty in the murder cases in exchange for natural life. The death penalty would be taken off the table. I was fine with that, no problem with that. About 1 o'clock that afternoon, or 1:15, they came in, the attorneys were dragging in. They said, "It came apart. It's not going to work." So, Ramsey was that close, way back in '97 or whatever, before all of those years of appeals, to pleading guilty and taking natural life. And that

would have been fine because that's ultimately what happened many years later. I would be fine with that. I had the argument with fellow judges, good friends, on just the philosophical side, and they would suggest that I was a flaming liberal, which I am not, because I wasn't a strong advocate of the death penalty. Their best argument that was made by a very good friend of mine, was here's the problem: the guy goes to jail, he becomes a wonderful person, he rehabilitates, he does all this, somebody down the road pardons him and now he serves forty years instead of natural life. I said, "Well, that's a risk I'm willing to take." I don't think that probably happens very often now but there were probably cases where it did. If we go back to when I went on the bench, there was no death penalty at that time, by the way. It was reinstated. But, then if a person were sentenced to hundreds of years, didn't make any difference after eleven and 2/3 years, they were eligible for consideration for parole. They didn't get it if they did some horrible offense, but they were considered. So, I suppose in theory a person could have been sentenced to hundred years and at some point twenty-five, thirty, thirty-five years had been granted a parole, but that was under the old system. Natural life in my view meant natural life. I was satisfied with that.

LAW: Okay, okay. After the moratorium was instituted, the Governor formed this commission on capital punishment. So I wanted to ask just generally, I'm sure you're aware of some of the flaws that were identified. Did you see any of those flaws in your area?<sup>43</sup>

EVANS: In the capital punishment, no I didn't. This group identified thirteen cases where the Supreme Court reversed a position for capital punishment. One of those cases incidentally was the Ramsey case. I thought that was unfair because the Supreme Court

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<sup>43</sup> See, [http://illinoismurderindictments.law.northwestern.edu/docs/Illinois\\_Moratorium\\_Commission\\_complete-report.pdf](http://illinoismurderindictments.law.northwestern.edu/docs/Illinois_Moratorium_Commission_complete-report.pdf)

found no trial procedural error in the Ramsey case.<sup>44</sup> It was a dispute between the Legislature and Supreme Court. Are you familiar with that?

LAW: Over the insanity defense?

EVANS: The single subject rule. Right. The insanity defense had been redefined. We used the redefinition but that redefinition came as part of a broader package of legislation and therefore was determined to be unconstitutional so we had to go back to a previous insanity defense, we didn't...

LAW: You couldn't of foreseen that?

EVANS: We did not before a trial, didn't foresee it at all. So I don't think it was fair to include Ramsey in a case that was wrongfully, where he was wrongfully sentenced. But they did identify several cases where there had obviously been a problem. And what can you say? The problem existed, we didn't see it in this circuit.

LAW: Okay. Now, at the same time, roughly the same time, the Supreme Court formed the Special Committee on Capital Cases and it had some findings, some recommendations, it instituted some additional standards and rules for capital crimes attorneys. What were your thoughts at the time on those reforms?<sup>45</sup>

EVANS: I thought it was good. When I looked at those reforms and then looked back to see, for example, what did Mr. Dennis do in the Ramsey case, he complied with almost

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<sup>44</sup> See, <http://www.deathpenaltyinfo.org/innocence-list-those-freed-death-row>, and <http://www.deathpenaltyinfo.org/innoc.pdf>. Ramsey was not one of the thirteen cases, but his case was reviewed, along with all other death penalty convictions, by the Commission.

<sup>45</sup> See, <http://www.illinoiscourts.gov/Media/PressRel/2000/110100.htm>, and <http://www.illinoiscourts.gov/Media/PressRel/2001/030101.pdf>.

every one of those suggested reforms, in terms of his personal experience and in terms of the things he did as he went through the process.

LAW: You're speaking of his attorney?

EVANS: Yes, Ramsey's attorney, Mr. Dennis, yes. But I thought that they were all good. Certain minimum requirements for the attorneys, experience requirements, certain things they should do. They set up a fund for payment which previously had been just by the counties. For a small county to look at a hundred thousand dollar attorney's fee when their budget for the public defender was thirty thousand was a tough thing to do.

LAW: What was your reaction to the Governor granting blanket clemency to everyone that was on death row in 2003?<sup>46</sup>

EVANS: Again, I didn't think it was the Governor's authority. The Governor shouldn't have authority to do that. I thought that should be a Legislative decision.

LAW: Even for clemency?

EVANS: Well, okay. The Governor can grant clemency, the Governor can grant pardons, but what the Governor was doing was in effect saying, "I am announcing that there will be no more capital punishment." He was making, in my view a policy decision, that should have been a Legislative decision.

LAW: Do you think the moratorium and the reforms that the Supreme Court implemented corrected the flaws in the death penalty system? Should the moratorium have continued? And what were the legal ramifications of the moratorium?

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<sup>46</sup> See, <http://www.deathpenaltyinfo.org/ryans-words-i-must-act>

EVANS: I don't know that there were any great ramifications, except that there were some horrendous crimes that would have been punished by capital punishment before that now weren't. In terms of the reforms, I think they have probably have been effective. We have seen, every place where there is a case now that would have been a capital case, we are seeing better representation, I don't want to say that in every case, because there was a lot of good representation before, but now we are certain that we're going to have enough attorneys doing enough things and they are going to be paid properly to do those things. It gives us a lot more assurance that the cases are going to be handled as they should be.

LAW: The death penalty was subsequently abolished. Prior to the abolition of the death penalty in 2011, did you believe that the death penalty should be abolished? And should it remain abolished?

EVANS: Now you're asking that philosophical question. And I say, yes. I just don't think it accomplished. Here's what the death penalty accomplishes. It absolutely deters the person who was executed from doing any more crimes. That's the only thing that we know with certainty. But natural life in prison goes a long way towards that as well. So I just didn't think it had great benefit.

LAW: Now that this issue is behind us in some way, have you found that the concern for the wrongfully convicted has lessened in any way?

EVANS: You know I don't think so, although I would say in the last couple of years, we haven't seen the large numbers that we did for, from oh maybe 2005 through 2010, 12. And the Northwestern Innocence Project, I don't have the right name, but you know what

I'm speaking about, was uncovering wrongful convictions on a regular basis. Now those weren't all murder cases but were pretty significant cases, some long sentences on sex offender cases. A lot of the resolution of those was based on scientific evidence, DNA and other evidence. It is good that somebody looks at it and perhaps those reversals will make people more cautious. We need to take very seriously the fact that a person is innocent until proven guilty beyond a reasonable doubt.

LAW: Okay. Would you like to add anything else about capital punishment before me move on?

EVANS: I think we've worked it to death.

LAW: Okay, okay. So now I have some philosophical questions for you. First is, what are your thoughts on cameras in the courtroom, number one? And following that is, how should the judiciary relate to the media and how should the media relate to the judiciary?

EVANS: Cameras in the courtroom, I have no problem with that. In some respects, I think it is better to have cameras in the courtroom, or electronic devices, than it is to take the chance that even as good as you are at taking notes, that you miss something. In a case in the courtroom directly above us one day, I made a decision and it involved publicity for a particular case and there had been a challenge made to one of the local papers as how they covered the case and I read all the articles. I said, "I think that this reporting is the epitome of responsible journalism. It was really objectively done without trying to inflame passions or anything like that."

LAW: Was that normal?

EVANS: That paper did a good job. But to keep going with it. There were eight or ten reporters, radio, newspaper sitting in the front row. All of them got that but one. He heard, I think, “This is the epitome of irresponsible journalism.” That’s was put into his newspaper. Had there been a camera or an electronic recording, perhaps that wouldn’t of happened.

LAW: Did they ever issue a retraction?

EVANS: A newspaper?!

LAW: Or a correction?

EVANS: I suppose they might if you could dig far enough into the back end of the paper, someplace down in the want ads. In that particular case, the Chief Judge at the time became involved. He called the newspaper. He said, “This is terrible.” He was also a friend of the local newspaper editor. But it was terrible because they had done such a good job, to be castigated by saying that they were irresponsible. The guy that said irresponsible worked for the *Peoria Journal Star*. A paper with huge circulation and the article got picked up by other papers in that chain around the state. So that’s what went around. The newspaper, *Peoria Journal Star* editor, to his credit, came over and talked to the court reporter and looked at, cause he couldn’t read her notes, looked at what she wrote. Their retraction was something along this line: “Our reporter heard the word irresponsible, if that was incorrect, we certainly didn’t mean to demean one of our fellow newspapers.” Period. No more comment on that because the recorder is running and I don’t want to be...anyway...so I like the camera in the courtroom idea, now the relationship between the media and the court.

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A judge has to use some caution about how that is handled. But my practice was generally to have an open door policy and that applied to all parties. I couldn't talk to the ex parte if there was still something pending. Police officers, when a case was over and done, if a police officer didn't like what I did, or had questions about it, they were welcome to come see me and they knew that. We'd sit down and talk about. I said, "This is why I ruled." We'd either have a disagreement or not, but when we got done, we had an understanding, and I think it was good for our relationship. I did the same thing with the media. If they had a question, a member of the media had a question about what I said, or why I said it, or wanted an explanation, I gave it. I thought that was, to me, I thought that was the right thing to do. Some of my fellow judges disagreed with that. Said, "You shouldn't be talking to them at all. Let them set back there and hear what they hear." Maybe that's right, I don't know. I guess I felt compelled to have those discussions. There were some members of the media though who did not want to do that. They thought they would fall under the influence of the judge or something, I guess, and preferred not to do that. I have a brother who is an investigative reporter for the *Indianapolis Star*, and we have this discussion many, many times as to what we should do. His practice is if the judge will talk to him, he'll talk to him and learn as much as he can. But he said other members of the staff don't agree with that.

LAW: And what about the media? How should they relate to the judiciary?

EVANS: I guess if I were a member of the media, I would want to find out as much information as I could. If the judge would talk to me and explain something, for example, if I were covering a case and I heard this strange word laches thrown around all

the time: “Laches, is that more than one latch?” What are we talking about? I would want to be able to ask the judge, what is laches? And hope that the judge would tell me what laches was. If I were a member of the media.

LAW: Are you a member of any bar associations? And what is the nature of the relationship between bar associations and the judiciary?

EVANS: I either am or have been a member of many bar associations. I’ve been a member of the Hancock County Bar, Henderson, the Warren, and the McDonough County Bar Associations. Been member of each of those local bar associations. Been a member of the Illinois State Bar Association. I was, many years ago, a member of the Illinois Trial Lawyers Association; I was a member of the American Bar Association. In terms of the relationships, at the local level and these small counties, the bar association doesn’t really have a formal relationship as an entity with the courts. In a big county it might be different. I suppose in election years, some bar associations endorse judges, some don’t. Here they didn’t. It wasn’t a factor. I believed in belonging to the bar. I wanted to be involved in the discussion of what’s going on with the law in the courthouse and share as much as possible.

LAW: What is the role of the judiciary in society? And what is the role of the lawyer in society?

EVANS: The role of the judiciary is to provide a forum for a fair disposition of disputes. You probably noticed by now that I come back to the word fair. Fair is to me, is the guiding light for a judge. The role of the lawyer is to provide the best advocacy possible for citizens or entities that have matters that may go to court. Obviously an awful lot of

lawyers don't ever go to court. And a lot of cases are resolved by discussion, counseling, mediation, or arbitration. A lawyer should be prepared to look at all of the options for her or his client, in resolving disputes. And should give the best advice to his client that she or he is capable of giving.

LAW: What are the benefits of pro bono work, and have you been engaged in it or any other kind of philanthropic work as a lawyer?

EVANS: Yes, going back to the time when I practiced. I think every law firm in this town did a certain amount of pro bono work. It wasn't structured or organized, but people came in regularly with no money. You had to make a decision, can you help them or not. Everybody that I knew here regularly represented people for either a reduced fee or in many cases, no fee. Warren County, Monmouth, had a wonderfully well organized pro-bono plan, from very early on. An attorney, Ronald Tenold, later judge Tenold, later Chief Judge Tenold, was one of the early organizers of that.<sup>47</sup> They had it structured and setup so that cases were referred around the different law offices to balance that load and I thought it worked quite well. But in those days we did not have the legal aid or legal assistant organizations that then subsequently came in. As a judge you don't have the opportunity to do that. Since going off the bench I haven't practiced law, but I am a supporter of the legal assistance. We're served here by Land of Lincoln which is based out of East St. Louis area. I make it a point to provide as generous a contribution to them each year as possible. I think they do wonderful work.

LAW: What kind of civic engagement have you been a part of?

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<sup>47</sup> Judge Ronald Tenold became an Associate Circuit Judge in 1987, a Circuit Judge in 1996, and was Chief Judge from 2003-06.

EVANS: I'm trying to think where to start. I have believed that it is my function as a person and my duty as a person to be involved in civic activities in the community. When I lived in this community I was a member of the Kiwanis Club, the Jaycees, I was on the board of directors of two or three organizations, civic organizations. I worked actively with the organization of the community colleges when I was in this community. It was before they were in every location. I chaired a committee to do that for Hancock County. I have been a supporter of the many local colleges through their endowment or their support groups: Carl Sandburg College, Monmouth College, Robert Morris College. I have been a member of the local school endowment group, one of the local school districts. I chaired a curriculum committee study for a local school district. Been a member of the Lions club. I have worked in fundraising for the American Cancer Society.

LAW: Where do you think this comes from?

EVANS: My Dad. My father was very community oriented. He thought that was an important thing. He said this is something we should do. The senior partner in the law firm here in town that I joined, Wilbur Capps, he said that we all have an obligation to do some sort of philanthropic work, whether it's through financial contribution or whether it's through actual service. It's an important thing to do. I continued to do that. Most recently I have been a proud member of the volunteer fire department of the Fountain Green Fire Department, I am now retired from that. I'm too old. But, I think it's important. I think the people who do that are what make these little communities work and function. You can have all of the chamber of commerce chair people and the tourism people and the economic development people in the world, but unless you have people who volunteer and go out and do these various functions and activities, the small

communities don't function well. You can see it as you go around, some have a very high level of functioning. My spouse recently made a substantial donation for installation of a fitness path around the lake out at the local hospital. She was a patient out there, and she wanted to go out and go for a walk in a wheelchair and the only place to go was on the road. She said, "This can't be, we've got to do something about that." So there is now a lovely walkway that winds around the lake. It was a good thing for her to do. Or for us to do, or whatever. Let me say in these activities, my spouse has been just as actively involved as I have, and in some things, like school functions and activities, even more so. I worked with the Boy Scouts, she worked for the Brownie Scouts and the Girl Scouts. She's worked with the music programs in the schools. It is beyond my ability to count where we both have served. We both share the belief that this is what is important and this is something we can all do and we think it makes our communities better.

LAW: After retiring from the judiciary, you practiced for just a few years with Flack, McRaven, and Stephens in Macomb. What kind of work does an of counsel lawyer do?

EVANS: Everything from running errands and covering for lawyers on first appearances to actually doing a lot of research on cases. I was associated with that office for about three years, two or three years, and a lot of what I did was consulting with the lawyers who were in the office on cases they had. They would ask me to do a brief on a case or research on a situation, or just want to come in and talk to me and say, "Here is what we have, we're going to go to court, what's the best way to approach this?" I could recall my experience to talk to them about that. That was a very, very much a part-time thing. I was also doing mediation at that time, and arbitration and that was my real goal, was to work in the mediation and arbitration.

LAW: Let's talk about that. After practicing law for a few years, you went in to the mediation, arbitration, eventually forming your own alternative disputes resolution business. What is the nature of that work? And how did your judicial experience prepare you for it? What kind of cases have you mediated in arbitration?

EVANS: I actually started that business immediately when I went off the bench and I did it at the same time that I was affiliated with Flack, McRaven and Stephens. I told the lawyers there, "I'm doing this mediation and I don't know how it will work and if I have a lot of mediation, I will leave the practice." And so I started immediately. My judicial experience was invaluable. Particularly presiding over jury trials when I was helping people find a solution to a case that would likely go to a jury. By being able, not to predict with precision in what a jury would do, but to give them some idea as to how a jury might consider the types of arguments and evidence that they were going to present. What weight the jury might give to that. To help them evaluate their own case. The types of cases: almost everything in the civil field, certainly injury cases, medical cases, malpractice cases, property disputes of every kind, will contests, the probate disputes like the *Diehl vs. Olson*. I've mediated many, many of those. Questions of easements, many, many construction cases, construction gone wrong, problems with beautiful homes or commercial buildings. Disputes within business entities. Partnerships, medical partnerships breaking up and what goes where. Some disputes with labor organizations but not very many. The labor organization cases generally go to federal mediators. But I did a few, almost all in medical facilities, disputes between staff, doctors, and owners. There's just no limit on the number or the type of cases. I didn't do very many divorce cases; I did a few but not very many. Shortly after I started, a new rule came in on

custody cases, required certain training and I let, I shouldn't say I let, a good friend of mine in Macomb wanted to do those, and that's all he wanted to do, so he did those and I didn't do them. But any kind of civil dispute that was out there that they called me about, I would do. I ended up doing I think about seven hundred and fifty mediations. I did probably fifty to eighty arbitrations. Arbitrations you're actually sitting as a private judge, and hearing evidence and making a ruling. Mediations you're working with people, trying to help them find a place where they could agree. The mediation was probably my better skill. I also did consulting in that business. I'd be hired by law firms to look at their case, analyze their positions and their evidence and make suggestions to them about what would be the best way to present this to a judge or a jury. I enjoyed that part of it too.

LAW: Let's hold here so Ben can put in a fresh tape. So, I've had attorneys tell me that the courts need more mediation and arbitration. I know in some ways, you're a little bias, having been involved in it. But can you speak to that; do you think it would be helpful to the judiciary to have more of it?

EVANS: I think it has been and I think it will continue to be a helpful thing. There are some circuits in Illinois, including downstate, that have mandatory arbitration and mandatory mediation. Mandatory arbitration, for example in Rock Island County

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in the Fourteenth Circuit, settles something like sixty to seventy percent of the cases without going to court. So, that's a good thing. Mandatory mediation, I am less inclined to be supportive there. The words mandatory and mediation trouble me. If you two

gentlemen have a dispute and I order you to mediate the dispute, is your reaction going to be, “Oh, yeah, let’s try to get this settled.” Or is it going to be, “That blankety, blank judge is making us incur a bunch more expenses to do this and we want to fight this out.” I like mediation where it’s voluntary. If I conduct a mediation and I have people traveling in here from Peoria and Springfield and St. Louis and Chicago and wherever, they have a certain commitment by making that effort to try to get the case resolved. I like that. It gives me a good start. Plus I’m an optimist. That probably helps. When I was on the bench, mediation was extremely rare. I recall a case in Henderson County being mediated by mediators from Des Moines, Iowa. Nobody locally was doing mediation. Sometimes, the judges would be asked to mediate a case. That request generally came from lawyers in Chicago where judges, who were on the bench, try very hard to conduct settlement conferences that result in settlements. Downstate, that was much less common. I did a few but not very many, and when I did do a mediation it was generally as I think I told you before, there’s a case where I would be willing to do the mediation as a judge but I wasn’t going to hear the case, another judge was going to hear the case. I didn’t want to be suggesting to a litigant that this is how I thought a case should be resolved, and then have that litigant disagree with me, and have to come in to my court. So, I’m an advocate of mediation. Now there are quite a number of people doing mediation, lawyers and retired judges around the state. Many, many cases go to mediation. I’ve had some local judges tell me, “We’re not getting any trials, because you are mediating all of the cases.” I don’t know if that’s accurate or not, but it is a good way to try to resolve cases.

LAW: What are your memories of teaching Constitutional Law at WIU? How did your judicial experience inform your teaching? And how was your teaching experience different or similar to your earlier experiences of teaching?

EVANS: That's a very good question. I was a much better teacher after having twenty-seven years as a judge than I was in the beginning. I tried very hard to be a good teacher in the beginning. I tried very hard to be well prepared, and it went well the first round. By the second round I had so much experience that helped me convey what I wanted to pass on to my students. I still had to do a lot of detailed preparation, or at least I felt that I did, for my classes. I had also dealt with so many of the constitutional questions in my practice, had been briefed to me, and argued to me by very good lawyers and given me an opportunity to think about it. The depth of my ability to teach was much better.

LAW: I am just curious how the student body had changed in that thirty year period?

EVANS: I would say on the whole, my students were much more conservative in the second round. Now that first round remember was in 1971 and 1972. College campuses were not exactly a hotbed of conservatism during that time. The second round in 2001, certainly students generally would be more liberal than the community I think, but on the whole it seemed to me my students were quite conservative. Perhaps much more conservative than their professor. Maybe that says something about the times as well, I don't know.

LAW: Interesting. Do you recall when I asked you in the first interview of the composition of the local bar?

EVANS: I recall we discussed that.

LAW: Okay, so how has the composition in the local bar in this area changed since you were first an attorney?

EVANS: The most notable change has been the tremendous increase in the number of women who are practicing law. There are still a very limited number of racial minorities practicing. I cannot give you the number of African Americans or Hispanic practitioners. I believe there are a few, but we have a large number of women now involved in the practice of law. We have seemingly fewer young lawyers in rural counties. It is difficult to convince a young family in some instances to move to say, a small town like Springfield or Peoria. If that's difficult think what it is to talk them into Macomb or Carthage. That has been an obstacle for law firms and hiring new young people. When I think about the age of the bar I don't see nearly the number of young lawyers in these rural counties that I did forty years ago. The bar is aging.

LAW: What about the practice of law? Are most lawyers here still general?

EVANS: Yes, in a county like Hancock the general practice is still the norm. You see some greater specialization in Knox County, a larger county. There are attorneys there who do exclusively divorce cases or family law cases. There are very few lawyers who specialize in criminal law. I really can only think of a couple in the circuit who do criminal law, and it's not exclusively criminal law but do a large percentage of criminal law practice. There is some specialization, but mostly it's a general practice in the small towns.

LAW: Has there been any great changes in the staffing of the State's Attorneys' offices? Has it stayed the same or grown or shrunk?

EVANS: It has grown, not hugely, but it has grown. Most of the counties, this county, has one assistant. I guess that's been the case pretty much for a long time. McDonough County, I think has maybe three assistants; Knox County has three or four assistants. Those are both growth aspects of staffing. Several of the State's Attorneys' offices, in addition secretarial staff, a managing office person, also many of them have a victim advocacy person in the office. Those are major changes from what we saw forty years ago.

LAW: Any other great changes that we need to take note of?

EVANS: I don't think so in the staffing. We talked before about domestic violence, and that's been a huge, huge change for the better. Another staffing, court house staffing is probation. We call it court services, but it's probation officers, both in adult and juvenile. We have gone from the point of having just a few people in the circuit to having quite a large number. It's been a real budget issue too. That's primarily a state budget issue. I know that the chief judges have struggled with keeping salaries where they want them and having a sufficient staffing. Another area we dealt with is detention, juvenile detention facilities. Those have expanded a great deal and have become a major expense for the counties to detain juveniles where there is no place else to put them.

LAW: What has drawn you to bicycling and flying?

EVANS: (Loud laugh) Well, bicycling started about the seventh grade. When it was common in a small town for kids to ride bicycles about every place they went. I had a friend who said, "Why don't we ride to the nearest large town?" It was fourteen miles, unheard of. I said, "Well one reason is my parents would never let me." So he laid out,

maybe this influenced me as a lawyer too, he came to my mother and he had a written proposal as to what we would do and when we would do it and exactly where we would be. To my shock my mother said, "Okay." I started riding a bike and riding to the little towns around. I spent then about four months in Holland as an exchange student. We rode bikes everywhere, everybody in the family rode and I enjoyed it and after coming back here I would do riding. When we were in Carthage, one of the things we did civically was organized a bicycle club. The bicycle club then helped raise money for senior citizens and the historical society. We enjoyed the bicycling. I stayed with it, got involved in racing a little bit in the late 70s. My kids both raced bikes as well and both had a lot of success with it. Even in recent years, I have been known to enter a race or two, foolishly, but I still enjoy it. Flying- I had three uncles who were pilots. Two from WWII and it just always intrigued me. About 1980 we refinanced a home and I borrowed a couple of thousand dollars extra and I went out to the airport and negotiated flying lessons and a plane rental and obtained my license. In about 1992 I added an instrument license to that. I enjoyed flying immensely around the Midwest. I have not flown much in recent years because I don't fly enough to keep current on my instruments. So my flying is mostly to go out and fly over the fields and look at things and I don't own a plane. It's very expensive. I also ride horses. That's my wife's fault.

LAW: What role do you think our commission can play in preserving the history of the courts in Illinois? Do you have any advice for the commission on how the courts and the commission can work together to preserve records, collect oral histories or develop memorials? So what I'm looking for here is do you have any advice on how we can reserve the history of the Illinois judiciary?

EVANS: I think what you're doing, if you do it in different locations, is to provide a resource, for people who become interested and want to say, what did we do in the eighties? What did we do in the seventies? And now where would you go to find that? Unless you stumbled upon somebody old and asked them questions; and those of us who are old may, well we may not be here. We will not be here forever. How do you get it out there? I think you let people know through the bar associations and through the judicial associations that we have done this and we have this information and if you want to look at it, here's where it is. That's preserving generally the history. Records are another issue. We are overwhelmed with paper records in the court system. The more those records can be transferred to electronic media, and the sooner the better. We talked about that before with the archivists issues. I still feel strongly that we need to get all those paper records into electronic records that are easily accessible and easily searchable. To go over and search through paper files in those little boxes in the clerk's office is nearly an impossible task. If we get them in the electronic format that makes it a little easier. If we do it in a way that is word searchable, better yet.

LAW: What does the future of the profession hold?

EVANS: The profession being law generally, it's really up in the air. There are a lot of interesting things going on, not the least of which is the fact that any one of us can go online and find forms for our will, our trust, our divorce, our lawsuit, whatever. I think those products are improving but they don't take the place of the advice of an attorney. I can tell you in my mediation more than once I was in a case where trusts and wills had been done from online forms and they weren't adequate to resolve problems. But we're going to see more and more of that. We're going to see more work with other

groups, insurance groups, real estate groups, providing what was traditionally legal assistance. I still think there will be a future for lawyers but it will be a different one.

Fifty years ago,

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becoming a lawyer if you wanted to be diligent, was going to be the path to a great deal of financial success or had the potential to be, not for everybody but for a lot of people. I think that it will be more difficult to earn an extraordinarily high income as a lawyer in the future than perhaps it was forty years ago, relative to what other people were doing. But I still think there will be a place.

LAW: I'm curious if you think the practice of law has become less a profession and more of a business?

EVANS: I think it has

LAW: Why?

EVANS: I think in part for lawyers to do well, particularly in larger communities, that they have to do volume. As they do a volume there is less legal analysis and more of an effort to establish forms and procedures that allow work to be done in volume. Advertising for example. Think how much lawyer advertising we see now. When I was practicing law, lawyer advertising was illegal. So that takes us into more of a business mode as opposed to a professional mode. A little picky thing I suppose of mine is, if we go into the law offices today, how many people will you see wearing a suit and tie? Now that goes back to Wilbur Capps, my first employer here. To go into that office without a suit and tie

would have been meant being sent home and get one on. But it's a more relaxed atmosphere with younger people coming in.

LAW: Is the suit and tie sort of an unofficial uniform for the practice of law?

EVANS: No, it's an unofficial uniform for Steve Evans, but not necessarily the practice of law. I believe it was 1978 we were having an energy crisis in this country. President Carter directed that public buildings turn down the heat and turn up the air conditioning, or turn down the air conditioning I guess, so that many of the courts said all right, were going to waive the wearing of jackets in the courtroom during the summertime cause it's so darn hot in here. That faded away. I would expect that if you go up to the courtroom here and watch that litigation you wouldn't see lawyers who are very informally dressed here. I don't know in other areas.

LAW: If you had to do it all over again, would you do anything different? Speaking of your legal career?

EVANS: (Loud laugh) You're not going to tell my spouse here. Not in a big way. I enjoyed teaching. I enjoyed practicing and I really enjoyed being on the bench. I loved mediation and arbitration. So for me I was doing the right kinds of things. I think I probably told you before a high school teacher told me when I was a sophomore or junior in high school I shouldn't be a veterinarian. I was working part time for the local veterinarian, I liked animals. This is what I am going to do. This high school teacher said Steve, you don't want to be a veterinarian. You need to be a lawyer. She might of suggested that I was argumentative in class, I'm sure that's not the case. But she was right. That was the first click, well maybe I will look into this lawyer thing. But I think for me it was

absolutely the right way to go professionally. One might make a little difference here or there. I might make a different decision on doing something or type of employment but on the whole no, it's been a good thing for me.

LAW: What do you want to be remembered for? What is your legacy as a judge and an attorney?

EVANS: I suppose that I think primarily as a judge I hope people would say, "he was fair." That would satisfy me. And into that go a lot of elements. Patience. Letting people speak their piece, listening to them, giving serious consideration to everybody no matter who they were, where they were from or what their background was. Really listening to them and ultimately rendering a decision that was fair. Even though a litigant or a party might disagree, I think they can tell if a judge is really striving to be fair: "Well judge we wish you would have decided a different but we understand why you did that, and we believe you were trying to be fair."

LAW: Judge Evans that's all I have for you. Thank you, sir.

EVANS: Good enough. Thank you!

[Total Running Time: 01:49:41]

**END OF INTERVIEW THREE**

**END OF ORAL HISTORY**