

## **An Interview with Juleann Hornyak Illinois Supreme Court Historic Preservation Commission**

Juleann Hornyak, a graduate of Chicago-Kent College of Law, began her legal career as a research attorney for the Fourth District Appellate Court in 1979. She then worked as a law clerk to Justice Harold F. Trapp of the Fourth District Appellate Court, and as Clerk to the Fourth District Appellate Court. From 1981-82 she was in private practice. Hornyak served as Clerk to the Illinois Supreme Court from 1982-2010.

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## **Abstract**

### **Juleann Hornyak**

#### **Biographical:**

Juleann Hornyak was born in Chicago, Illinois on April 2, 1948, and spent her early life in Chicago. After graduating from the Academy of Our Lady in 1966, she attended and graduated from the University of Dayton in 1970 with a B.A., and John Carroll University in 1971 with an M.A.T. Hornyak then worked for Carson, Pirie Scott in Chicago as an assistant buyer before becoming a teacher. Hornyak attended and received a law degree from Chicago-Kent College of Law in 1979, and was admitted to the bar that same year. Hornyak worked as a research attorney for the Fourth District Appellate Court in Springfield, Illinois before becoming a law clerk for Justice Harold F. Trapp of the Fourth District Appellate Court. After clerking for Justice Trapp she became the Clerk for the Fourth District Appellate Court. From 1981-82 she was engaged in the private practice of law. In 1982, Hornyak became the Clerk of the Illinois Supreme Court, serving in that position until her retirement in 2010.

#### **Topics Covered:**

Parents and family history; early education; attending college; working at Carson, Pirie, Scott and teaching; Chicago-Kent College of Law; work with Fourth District Appellate Court; work as Supreme Court Clerk; advice and legacy; enhancing the public's awareness of what the judiciary does; bar associations and the judiciary; pro bono work; law and society; preserving legal history; changes in the Clerk's office over time: technological change, personnel changes, addition of press secretary, addition of satellite office; managing capital cases; changes in routine; and help with transition of new Clerk.

#### **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.

**Dedicated to Margaret and Stephen Hornyak**

## **Juleann Hornyak: An Oral History/Memoir**

LAW: This is an oral history interview with Juleann Hornyak. Today's date is September 1st, 2011. The interviewer is Justin Law. Welcome, Juleann.

HORNYAK: Thank you, Justin.

LAW: I guess we'll get the ball rolling. We'll start with where were you born?

HORNYAK: Chicago, Illinois.

LAW: Any memories you'd like to share of your parents or grandparents or family history?

HORNYAK: Wonderful parents, Stephen and Margaret, and grandparents. In the neighborhood in which I was born, I lived within a few blocks of both sets of grandparents and also great grandparents. It was a positive experience growing up that way.

LAW: So tight knit family?

HORNYAK: Yes.

LAW: Lived very close together?

HORNYAK: Tight knit family for years, as far as living in the same neighborhood. And my parents were my lodestars. They created a secure and nurturing and happy home.

LAW: So where should we go to next? You attended high school then in Chicago?

HORNYAK: I did. The Academy of Our Lady, otherwise known as Longwood Academy.

And those were memorable years, stimulating and challenging academically. I had good friends and was very active in the drama club. Sister Dominic, the drama coach, and Sister Betina, my English teacher in junior year were inspirational and always challenging.

LAW: And then on to college?

HORNYAK: Then on to college. The University of Dayton for undergrad, John Carroll

University for a master's degree in teaching, and then a hiatus of working for several years before I started law school.

LAW: So prior to going to law school you worked for Carson Pirie Scott?

HORNYAK: Carson Pirie Scott and Company. I started with Carson's as a candidate in the executive training program and then became an assistant buyer. I eventually left Carson's to return to teaching. Carson's was another valuable learning experience, exposure to the business world, and the opportunity to work under two dedicated bosses: Charles Gore and Joan Cacavelli who, by example, taught me a lot about effective management, temperament and demeanor.

LAW: So you were a teacher as well after college?

HORNYAK: I was a teacher after college. As part of my master's program at John Carroll I received a teaching certification. Because I did not take any education courses as an undergrad, the MAT degree program was a combination of a history and teaching curriculum.

LAW: What would you say, what kind of influence has teaching had on your later life?

HORNYAK: Oh, I think teaching was probably my first management position. So it has served me well in working with people, communicating, and organizing systems.

LAW: And then at some point you decided to study law?

HORNYAK: I did.

LAW: Where did that come from?

HORNYAK: It's something that I had in the back of my mind for a number of years and then it just began to develop and the idea matured. I considered the significance of the law in our lives and the challenge of it and the variety of career opportunities that the study of law would also offer.

LAW: Positive reaction from your family to decide to study law?

HORNYAK: Oh, very much so.

LAW: Very supportive?

HORNYAK: Very supportive.

LAW: And then law school was an experience, I imagine?

HORNYAK: I enjoyed law school, Chicago-Kent College of Law, very much actually. It was certainly challenging and I relished the process. I had excellent professors.

LAW: Any particular law school experiences you would like to share?

HORNYAK: Again, the professors that I remember as particularly effective, Ralph Brill who taught torts, Howard Eglet, constitutional law, Stuart Deutsch, property law, Margaret Stuart, civil procedure, and Richard Conviser, conflicts of law. I found that their teaching styles were stimulating and very engaging. I also worked on the law review which I enjoyed. But again, the academics kept me pretty busy.

LAW: OK, so you went to law school from 1976?

HORNYAK: '76 to '79.

LAW: And then you passed the bar then in '79?

HORNYAK: I did. I took the February bar, passed and then was licensed in, I believe it was April of 1979.

LAW: So you graduated from law school, you passed the bar, what were your plans, what was the next step?

HORNYAK: Well, during my last weeks in law school I interviewed for a position in the Fourth District Appellate Court. At that time the research director, Thomas Appleton, who is now an Appellate Court justice, came up to Chicago, to Kent, to interview students. Tom was an alum of Chicago Kent. And I interviewed and then went down to Springfield for a second interview for the position of research attorney, a staff attorney, with the Appellate Court, Fourth District, here in Springfield. And I was very, very fortunate in being offered that position which I accepted.

LAW: What would a research attorney do?

HORNYAK: Basically research the law in cases that the court would be considering at oral argument or as non-oral submissions. So it was a research function and a writing function.

LAW: Now, you were also a clerk to Appellate Court Judge Harold F. Trapp.

HORNYAK: Yes. When I was on the staff as a research attorney one of his clerkships opened up and I was offered that, so I became a clerk, an elbow clerk, of Justice Trapp's.

LAW: How did those two positions differ? How are they similar?

HORNYAK: Oh, gosh, I haven't thought about that in a long time. Many similarities because the way the Fourth District research unit functioned at the time, we research attorneys still worked with judges on individual judges' cases. So I suppose the biggest difference was I was working on Judge Trapp's cases as opposed to any other judge's cases.

LAW: What are your memories of Judge Trapp? Any stand out?

HORNYAK: Well, my memories are of a scholar, a dedicated judge and a fine person. He was a wonderful man.

LAW: So research attorney probably from 1979 to about 1980?

HORNYAK: Perhaps. I haven't reviewed those dates in so long. After my clerkship with Justice Trapp I went into private practice for a short period of time, it was actually less than a year. During that time the clerk position of the Appellate Court Fourth District, the administrator of the Appellate Court Fourth District, that position opened up. The incumbent was Thomas Appleton and he was leaving to go into private practice. I interviewed for the position and, fortunately, was accepted.

LAW: Any particular memories of private practice?

HORNYAK: I suppose the highlight was when I argued a case before the Appellate Court, Fourth District, my former bosses. I remember preparing long and hard for that argument and I think it went OK and I found it to be very satisfying.

LAW: Now the administrative position, what all did that involve?

HORNYAK: The Clerk of the Appellate Court, Fourth District, in a nut-shell, is the person who maintains the records, files and seal of the court and is responsible for the orderly processing of cases that come into the court, the presentation of those cases in a timely manner to the justices, the filing of dispositions, working with parties and attorneys, and a myriad of other responsibilities associated with that entire process.

LAW: So in a way this prepared you for your next position?

HORNYAK: Oh, definitely.

LAW: And this was the Clerk to the Supreme Court.

HORNYAK: Yes, the Clerk of the Supreme Court. There was a vacancy created when the former incumbent, Clell Woods, died. And I interviewed for the position and was most fortunate to be appointed in July, 1982.

LAW: I was doing a little bit of research and I looked at the 1981-82 Blue Book and it mentioned a gentleman by the last name Russell.

HORNYAK: Yes, Wayne Russell, who was my Chief Deputy clerk for many years, served as an interim clerk.

LAW: So Clell passed away in, I think it was December of '81.

HORNYAK: December of '81, yes, and I accepted the position in July 1982.

LAW: What were your first impressions? Do you remember your first day?

HORNYAK: I do, some aspects. I remember that my mother sent me a beautiful arrangement of flowers, which was a lovely way to start the day. I recall Chief Justice Ryan administering the Clerk's oath to me in my office with my staff present. I was, I suppose, awed by the level of responsibility I was assuming and the honor of serving the Supreme Court of Illinois. And I might add that I never lost that awe or that sense of honor, being able to serve the court over 28 years.

LAW: I looked at a recent Annual Report, 2009, of the Illinois courts and it defined the clerk as the court's principle case processing and records manager who operates the office through a staff of specialized deputies and by planning, developing, and implementing policies and procedures necessary to execute the responsibilities of the office.<sup>1</sup>

HORNYAK: Yes, that is a statement of the basic responsibilities.

LAW: Sounds pretty accurate?

HORNYAK: That's it in a nutshell.

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<sup>1</sup> See, <http://www.state.il.us/court/supremecourt/annreport.asp#2009>

LAW: And it was very helpful because it broke things down in terms of case management, record management, maintenance of the roll of attorneys, preparing statistical summaries, providing information to the public and to the practicing bar, and maintaining working relationships with other courts and judicial branch offices.

HORNYAK: Yes.

LAW: I thought maybe we could maybe talk a little bit about these four different automated dockets, get a sense of what that actually means.

HORNYAK: Sure.

LAW: So the first one's the general docket unit. And that involves the majority of the cases.

HORNYAK: Yes. And first, if we could, Justin, just go back a little bit. When I came into the office in July of 1982 all the dockets were maintained manually. And in my early years we adopted an automated system. As a matter of fact, when I was Clerk of the Appellate Court, Fourth District, that office was one of the, I suppose, prototypes for mechanizing Appellate dockets in the state. And so I had the benefit of working on the automation of the Appellate Court, Fourth District, records docket before going to the Supreme Court, and working on that with the Judicial Management Information System Division of the Administrative Office of the Illinois Courts.

LAW: So it was something that you were familiar with and prepared for?

HORNYAK: Yes, and very importantly, I think, working with an effective information systems team, and that helped tremendously in the transition. Well, obviously in the design of the system and then in the transition too, because they understood our work. And importantly the cooperation and enthusiasm of the deputy clerks were invaluable to the process, as

well as the leadership in this area, and throughout the years, of Chief Deputy Clerk Wayne Russell.

LAW: So initially then the general docket unit was --

HORNYAK: It was manual.

LAW: -- maintained manually?

HORNYAK: It was maintained manually and then eventually within a few years it was mechanized.

LAW: So what all would the general docket unit include?

HORNYAK: The general docket is the predominant docket of the court. For example, if a party is filing a petition for leave to appeal, and that's probably our most frequent type of filing, that case is placed on the general docket. It's received on the general docket. The same for notices of appeal, original action motions, etc. So when the public thinks about the work of the court, and the cases that result in opinions, those typically are general docket matters. And then we have other dockets as well.

LAW: One of which is the miscellaneous record?

HORNYAK: Yes. The miscellaneous record, the MR, and that docket is the place where, for example, attorney discipline cases, when they come to the court, are filed, after having been through the investigatory, hearing and review stages at the Attorney Registration and Disciplinary Commission, the ARDC. You see, in order for an attorney to be disciplined, or reinstated after a discipline, that is decided by the Supreme Court of Illinois, upon recommendation of the ARDC. The process is governed by Commission rules and Supreme Court Rules. The vast majority of attorney discipline cases are disposed of on the MR. On occasion the court will order further briefing in a case if it

decides that it merits further examination in view of the issues presented, and the case is transferred to the general docket under the rules for briefing and argument. But you'll also see an MR number on other types of documents in the court. For example, rule amendments are all typically filed under one MR number. The court's numerous committees are each assigned an MR number. Therefore, any of the orders that are entered respecting those matters, e.g., appointing people or issuing a charge for the committee, those would all bear MR numbers. And that's how the clerk's office categorizes these entities and keeps things organized. Bar admission matters are also accorded an MR number. In sum, there are case matters and administrative matters in the MR.

LAW: And then we also have the miscellaneous docket.

HORNYAK: Yes, the miscellaneous docket is a docket that provides a forum for incarcerated individuals who are without the benefit of counsel, that is, who are proceeding pro se, and where the issues relate generally to their incarceration, to the crime with which they were charged and convicted.

LAW: Would that docket, compared to the general docket unit, that docket would be much smaller?

HORNYAK: Yes. It is smaller. And respecting these MD cases, there's some accommodation as far as following the Supreme Court rules. The spirit of the rules is maintained, but there is some leeway given due to the status of the individual. So the Court provides a forum without compromising the integrity of the system.

LAW: Certain degree of flexibility?

HORNYAK: Yes, some flexibility.

LAW: And then we also have the proposed rule docket.

HORNYAK: Yes. And that docket is governed by Supreme Court Rule 3 which is the rule on rule making. And when Rule 3 was adopted that's when we developed the proposed rule docket. The Clerk's Office receives rule-related proposals from the Court's rules committee and a case is opened and assigned a PR number. The filing spreads the proposal of record. It's a means of tracking what's before the rules committee and the status of the matter before the committee, including whether a proposal has been considered at hearing. Eventually the matter is presented to the court.

LAW: So the adoption of Rule 3 changed things dramatically in terms of rules?

HORNYAK: I wouldn't use the word dramatically. It regularized things, it systematized the process, it gave direction.

LAW: I see. And so when you first started these are all manual and over time they become mechanized?

HORNYAK: Yes. And when I first started there was no proposed rule docket but there were the three other dockets, General, MR and MD.

LAW: Then we also have record management. The clerk maintains the court's active and closed files and permanent records including historically significant documents which are housed by agreement at the State Archives, and the operation of a micrographic unit to conserve paper documents. So one other aspect of your position was records management. Would you like to discuss that a little bit?

HORNYAK: I think that the description in the Annual Report, that narrative, pretty much sums it up. It's obviously a responsibility that any clerk would take very seriously in preserving court records, maintaining the integrity of court papers. We had the benefit,

we have the benefit of working with the archives so the Court can store, as the report mentions, historically significant records there in a climate controlled environment.

Further, when we run out of storage space in the Supreme Court building for closed cases, the archives has stored these case records for the Court. The issue of storage is one reason we started microfilming denied petitions for leave to appeal then, a year after mandate issuance, destroying the paper copies. The film stands as the authentic file under the State Records Act. The State Records Commission approved this process and we subsequently used it for other record groups, primarily matters of an administrative nature.

LAW: And then we also have maintenance of the roll of attorneys which includes the licensing process, keeping current the capital litigation trial bar rosters, registering and renewing professional service corporations and partnerships engaged in the practice of law and the filing of financial judicial disclosure statements.

HORNYAK: OK, yes, and those are all separate functions. The roll of attorneys is separate from all those other functions. And the roll of attorneys is a significant responsibility of the Clerk's office which is the official keeper of the roll. So the Clerk's office is responsible for updating the information on the roll when new lawyers are licensed, when a lawyer is disciplined etc. Since the early 90s, the Clerk's office has shared an electronic database with the Attorney Registration and Disciplinary Commission. The ARDC had an automated database for the master roll of attorneys under Supreme Court Rule 756; the clerk maintained the roll of attorneys manually. The court decided that it would be prudent to mechanize the roll of attorneys because its agency, the ARDC, already had the master roll mechanized, we worked on sharing the database, getting the systems in place for sharing that database. The Clerk's office maintains its discrete functions vis-a-vis the

roll of attorneys; for example, inscribing new names on the roll and noting discipline on the roll.

LAW: So that certainly changed over time then.

HORNYAK: Oh, it did, indeed, it did. And it made the process of maintaining the roll of attorneys more efficient. Yet we still house the former roll of attorneys with all the thousands of printed names and status information on three by five index cards. That is, I think, a treasure of a historic record. When I was clerk the bar admissions clerk had to, on occasion, consult that old roll of attorneys. Perhaps checking someone from the 19<sup>th</sup> century whose name wasn't transported to the database or double-checking an entry.

LAW: It's more almost an archive?

HORNYAK: It is definitely. And it's used as that.

LAW: So also another new development during your tenure was the establishment of the capital litigation trial bar roster, I would assume?

HORNYAK: Yes. The court created the capital litigation trial bar in order to ensure that attorneys who were trying capital cases had the qualifications to do so. And when that was adopted my office, in turn, set up the capital litigation trial bar roster which was maintained in the Clerk's office.

LAW: And then registering and renewing professional service corporations and partnerships engaged in the practice of law. So you would have to monitor these organizations?

HORNYAK: Yes, we have a program for that. We generally refer to it as the corporation program but it also takes in limited liability companies, limited liability partnerships, professional service associations. All the entities referenced in Rule 721. For example, a law firm wanting to practice in the corporate form in Illinois has to register, of course,

with the Secretary of State and then must register with the Supreme Court through the Clerk's office, subject to annual renewal.

LAW: Now, was that, that existed when you came in?

HORNYAK: That existed when I came in but it became, and it was maintained manually, then we automated the process. Further, during the course of my tenure there were certain amendments to Rule 721 and the adoption of Rule 722, and subsequent amendments, which required changes in our procedures. There was a notable increase in registrations after the adoption of Rule 722 (limited liability practice), and certainly the Clerk's office had to adjust to that change as well.

LAW: And then we also have the filing of financial judicial disclosure statements.

HORNYAK: Yes, and that is a responsibility. Every year the judges in the state of Illinois, 900 plus, are required to file under Rule 68, with the Clerk's office, statements of economic interest. Through the years a set of protocols and procedures was developed, and modified, to effectuate this responsibility. That's handled by my office, by the Clerk's office.

LAW: Was that a new development or did that exist?

HORNYAK: It existed in a different form with different provisions. Rule 68 was amended in 1986 and, among other changes, the Clerk's office became the repository for the economic statements and the statements became available to the public. So we had to develop a system for filing and recording those statements.

LAW: Could that have also come about because of a change in the rules or maybe an opinion of the court or something?

HORNYAK: Oh, it was definitely a rule change.

LAW: So it seems that throughout your tenure you were faced with not only changes in your duties but changes in the rules. How did you keep everything straight?

HORNYAK: That's a part of what administering an office involves. I preferred to standardize procedures as much as possible. Establishing a routine and sticking to it respecting, for example, court term: preparing for a term of court, going through a term of court, winding up a term of court. Well established routines allow you to deal more easily with new responsibilities that come along, and emergencies. And you can draw from prior experience in developing new systems. But one also has to look at routines with a fresh eye and make changes as necessary-do some tweaking-it is an ongoing process of evolution. And working with excellent people, it certainly helps having a great staff and cooperative colleagues in other offices and agencies. But, as far as keeping everything straight, it's just part of the job. That is what keeps it so dynamic and that is what also kept the job so interesting and so challenging. Responsibilities and technology change, rules are adopted, emergencies come in the door and so it makes the whole process very dynamic.

LAW: In terms of staff, I'm just trying to get a sense of how the office would be organized, would you delegate each one of those tasks to different people? I mean how did it work?

HORNYAK: First of all, the main office is in Springfield and the First District satellite office is in Chicago in the Bilandic Building at 160 N. La Salle St. The main office is a full service operation while the functions of the satellite office are more limited. The satellite office is staffed by two deputies and the main office by twelve. As an aside, I recall being in conference with the Court and Chief Justice Clark asking me if a branch office would be doable. The office opened in 1985 in the Daley Center, its first location. I hired a

deputy clerk, a trained paralegal, to staff and supervise the office and, later, another deputy was added. Opening a second location was aided significantly by our new technology such as the automated docket and fax machines.

So back to your question. Each deputy clerk has prescribed responsibilities, but deputies are also cross trained which promotes flexibility and ensures that duties and functions will be performed without interruption. These prescribed responsibilities correspond with the major functions of the office. For example, there is a bar admission clerk; general docket, miscellaneous record and miscellaneous docket clerk; deputies who manage corporations, Rule 68 filings and so on.

LAW: Then we also have the preparation of the statistical summary.

HORNYAK: Yes.

LAW: Maybe talk about that for a little bit.

HORNYAK: You know, obviously case statistics are important to gauge what's coming in, what's going out and when. And my office would maintain the statistics on case filings and report those every year; we would maintain the statistics, format them, prepare a narrative, an interpretation of those tables, and provide that information annually to the Administrative Office which compiles all court system related statistics in an Annual Report.

LAW: Just referring to the 2009 one, it's so comprehensive. Would you collect this data throughout the year or would it be collected at the end of the year?

HORNYAK: It's done systematically. Another beauty of a mechanized system. When I first came to the office in 1982 all the case stats were maintained manually and now we can draw on the automated case management system. The Chief Deputy clerk typically has

had statistics as a responsibility: For example, periodic reports run and evaluated throughout the calendar year to monitor how cases are tracking and to detect any discrepancies. In January of the new year the Chief Deputy would be very busy pulling together those stats for the Court's Annual Report. The various statistical tables and narratives were designed by my office which was another interesting project.

LAW: So it would appear that the Clerk's office, that position is, it appeared to me, a non-lawyer, I must include that, it appeared to me that it would be very important in the work of the court, that the judges would depend on you for a great deal of things, you know? Maybe we should talk about the relationship with the judges. Any important memories that stand out of individual judges or just as a whole generally?

HORNYAK: I can't express how privileged I was to have served in this position for over 28 years. It was a wonderful experience being able to work with each of the 24 justices that I served in my capacity as clerk. I was grateful for their cooperation, their understanding, their support through the years, and quite frankly, my job. Because I served at the pleasure of the court. And it was certainly an honor to do so and I will be forever grateful for that opportunity, to be able to serve the institution and such outstanding people. I have special memories of each justice I served.

LAW: When you were in law school did you ever think that this was what you would do?

HORNYAK: No. I thought about becoming a judicial law clerk but certainly not serving in an administrative capacity. Although once I was employed at the Appellate Court, Fourth District, I was impressed by the caliber of the judges that I served, the caliber of their support staff, that it probably made me very receptive and very open to considering a job with a court other than that of a law clerk. So when the opportunity arose to serve as the

Clerk of the Appellate Court, Fourth District, I jumped at it. It was a great job, an enriching experience, I learned a lot. It enhanced my appreciation of the work the Appellate judges do, and all of that was just heightened when I had the honor of being appointed Clerk of the Supreme Court.

LAW: So if you had to do it all over again would you do anything different?

HORNYAK: As far as my career? No. As far as what I did within these various jobs, hopefully I recognized what I should have done differently and changed course when I was in the position. And I made mistakes. But certainly I would do this job, Clerk of the Supreme Court of Illinois, again in a heartbeat. It was the best.

LAW: Any advice for...?

HORNYAK: For my successor? I would never presume to give advice to such an experienced and talented lawyer as Carolyn Taft Grosboll, but I would just say I hope that she finds the job as fulfilling and challenging as I did.

LAW: What do you want to be remembered for? What is your legacy as the Illinois Supreme Court Clerk?

HORNYAK: That I served the court, the bar and the public to the best of my ability in managing an efficient, responsive, progressive and professional office staffed by exemplary deputy clerks, and that we inspired the confidence of the court, the bar and the public.

LAW: The rest of our questions are rather general questions, some may even say philosophical, I'm not sure, but what are the best means to enhance the public's awareness of the judiciary and what the judiciary does?

HORNYAK: Education, certainly. For example, emphasizing the judicial function within the social studies curriculum.

LAW: I read an article recently in the *Illinois Issues* and it said that, if I have this correct, that fourth graders have better grades in civics classes than seniors. I thought that was an interesting statistic. In some ways the hopes of civic society is in the hands of our fourth graders.<sup>2</sup> But I think that's definitely true, encouraging education in this matter. Another one is what are your thoughts on cameras in the courtroom? I know the court experimented with it for a year in the 1980s.

HORNYAK: The experiment became permanent. The court permits cameras in the Appellate and Supreme Court rooms in the state of Illinois and it appears to work well and it certainly, from the perspective of the clerk, was never problematic.

LAW: Throughout your career how have you interacted with the various bar associations?

HORNYAK: Primarily by hopefully serving their members well when they call the Clerk's office for information or in the processing of their cases. And, indeed, I hope that that applies to all attorneys or pro se litigants who are doing business with the Clerk's office.

LAW: I read in your, in the *State Journal Register's* article upon your retirement that you were wanting to do some pro bono work now, now that you have the opportunity.<sup>3</sup>

HORNYAK: Yes.

LAW: What are your thoughts on the benefits of pro bono work? And what do you have in mind?

HORNYAK: Pro bono work is admirable and necessary. Personally I feel, and regardless of what that pro bono work consists of, a responsibility to do work for the public good, for

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<sup>2</sup> See, <http://illinoisissues.uis.edu/archives/2011/09/sadstate.html>

<sup>3</sup> See, <http://www.sj-r.com/top-stories/x1733658107/Supreme-Court-clerk-to-retire-after-28-years>

my community, on some level. Since my retirement I've become involved in non-legal volunteer work.

LAW: This is perhaps the grandest question of them all. What role does the law play in society, first, and then maybe perhaps more difficult, how did your office and your work fit into this role? Maybe we should --

HORNYAK: Do you want to pause a moment? Because I think I [break in audio]. So your question, Justin, is what role the law plays in society and how the Clerk's office fits into that role. I think the law promotes equity, certainty, order and justice within the realm of human intercourse. And bringing it down to a practical level in the Clerk's office, when the office handles filings, for instance, with dispatch, making sure cases stay on track, litigants follow the rules, that matters get into the court's hand at the appropriate time, then I think we're making some small contribution to maintaining that order and promoting that justice even if it is on that administrative level.

LAW: This is a personal question, I guess, but what role do you think our commission can play in preserving the history of the courts in Illinois? What advice would you have for our commission in that task?

HORNYAK: Oh boy. Again, I would not presume to render advice to the commission on fulfilling its noble goals. But I think that the commission is going to help people realize the value and importance of the judiciary in our lives and in the history of this state.

LAW: What does the future of the office hold?

HORNYAK: Of the Clerk's office?

LAW: Mm-hmm.

HORNYAK: It's going to be a bright future of challenges and opportunities as the office fulfills its responsibilities in the 21<sup>st</sup> century.

LAW: Juleann, that's all I have unless there is anything else you would like to add.

HORNYAK: No, I don't think so, Justin. I thank you very much.

LAW: Thank you and we'll stop here.

[Total Running Time: 01:06:03]

**END OF INTERVIEW ONE**

## BEGINNING OF INTERVIEW TWO

LAW: This is an oral history interview with Juleann Hornyak. Today's date is October 2, 2013.

This is interview two. [The Interviewer is Justin Law.] Juleann, I thought today we might start with a discussion of change over time in the office.

HORNYAK: Yes. Through the years, from 1982, when I assumed the office, through my retirement in December of 2010, there were certainly changes that affected the clerk's office. Perhaps the most pronounced would have been technology. When I assumed the clerkship, we were using carbon paper, rotary dial phones, and opinions were delivered from Bloomington by the Greyhound bus. Adopting technology changed and touched every function in the Clerk's office. We've already discussed, Justin, the automated docket. And by the time I left the office, all of our dockets had been automated, and all of our major functions had been automated. So that was a tremendous change, the development of technology. And, of course, we had the help, the guidance, of JMIS with all those changes, a very cooperative and eager staff who were willing to embrace the changes. These changes made a lot of things possible. More efficient processing of information, quicker communication, and obviously time saving for us. If I may engage in an anecdote. The processing of these semiannual law classes...I've already made reference to the fact that the bar exam is administered twice a year to large groups of individuals, to candidates. When I first came to the office in 1982, the office was using a form of word processing on something called the MTST machine to assist in the processing of the law class. The Board of Admissions of the Bar was not using technology at the time and we would receive the list of successful examinees, hundreds

of names from the board, and we in turn would have to re-keystroke all those names into our system in order to do our part in processing, to effectuate the licensing process. Needless to say this was very time consuming. Lot of clerk hours involved in that. But there is something that I was always surprised, and perhaps delighted with, the degree of accuracy, despite the fact that the Clerk's office had to work with all those names, those hundreds of names, keystroke that information, proof it, and then proof it again. The degree of accuracy was remarkably high, because the clerks, the people at the Board were so very careful with the information. And the Clerk's office, the deputy clerks who worked on the process, were equally vigilant to ensure the integrity of the information. But by the time I left the office, of course, the Board of Admissions was completely mechanized and my office was completely mechanized, automated in that respect, and our systems communicated with one another. So, again, a great timesaver. So technology was... adopting the technology, the court moving forward in that area, made a big difference. It impacted the office.

Also, the court, through the years added personnel to perform functions for the court. One of those positions, the internal auditor, impacted our office in a very positive way. Prior to the creation of the position of internal auditor, for the court, my office, the other managers, were basically on their own in dealing with the external audits, which went well, and I had my Chief Deputy clerk, the Chief Deputy clerk who worked in the office for years, Wayne Russell, usually led the charge on that. He did an outstanding job. But having the presence of an internal auditor to whom he could go with questions concerning the appropriateness of certain processes, if we were doing something correctly, accountability, that was a great resource for us.

Also, the court hired a Press Secretary. Sometime...I believe it was in the later part of the '80s, but I am not totally certain on that. The first Press Secretary was John Madigan, who had a background in news and journalism and then he was succeeded by Joe Tybor. Prior to the Press Secretary working for the court, the clerk, myself and my predecessors, dealt with the press and dealt with the press questions and getting information to the press.<sup>4</sup> So the Press Secretary was a great help to us. We certainly still had a relationship with the press, provided information to them on opinion filing day and so on. But having the Press Secretary as an intermediary, as being the official spokesperson for the court, was a great benefit to the Clerk's office.

Another change that affected the Clerk's office through the years was the opening of the satellite office in the Daley Center in 1985. That's been referenced earlier in the interview. And then subsequently, the move of that office from Daley Center to 160 North LaSalle Street. So those were changes that, as I said, impacted us. And the institution of that office was a benefit to the Clerk's office and created a very positive division of labor and it was helpful, for me, to have a presence in the First District, the most populous district of the five judicial districts. I'm trying to think of some of the changes. And maybe we can go back to that later, Justin, if something else occurs to me. But those were the primary forces at play.

LAW: I think one other issue we were wanting to discuss was the management of capital cases.

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<sup>4</sup> For examples, see, *Chicago Tribune*, Dec. 9, 1982, pg. A1, "Legal Process for full recount begins, Illinois Supreme Court meets, but little is known of what comes next," *Chicago Tribune*, Jan. 25, 1983, pg. A12, "Scott seeks to regain license," *Chicago Tribune*, Mar. 12, 1984, pg. A8, "Hallowed Chambers, Behind the bench at the Illinois Supreme Court," *Chicago Tribune*, Apr. 5, 1985, News section, pg. 3, "High Court to review lawmakers' raises," *Chicago Tribune*, Sept. 20, 1986, News section, pg. 5, "Election Ruling an 'emergency', High Court told," *Chicago Tribune*, Nov. 18, 1986, Chicagoland section, pg. 3, "Lawyers fire at a 'travesty' group aims to block new judge," *Chicago Tribune*, Jun. 7, 1987, News section, pg. 1, "High Court stalls property-tax sale," *Chicago Tribune*, Sept. 7, 1987, Du Page section, pg. 4, "Disbarment sought by ex-Gov. Walker," *Chicago Tribune*, Sept. 18, 1988, Chicagoland section, pg. 1, "Bloom set to join Field in the race for Mayor," *Chicago Tribune*, May 30, 1990, Du Page section, pg. 6, "Recycled paper gets judicial nod."

HORNYAK: Yes. Not long after I assumed the position of clerk, the court started to look to the management of capital cases, because by that time a statute had been passed, a statute had been passed, put it this way... Can we stop here? Can we go back over that and...

(Break in audio)

LAW: Juleann, in the 1970s the United States Supreme Court, for a short period of time, abolished the death penalty. However, it was re-instituted in the latter part of the 1970s. How did this change affect the management of capital cases?

HORNYAK: Well, we had to start managing the capital cases. And the court obviously wanted to move in that direction. And there are many aspects to this. But I suppose... Let's just concentrate on the role of the Clerk's office in that, assisting the court in managing those cases and tracking those cases. The Clerk's office developed a system of keeping very close track of the cases. Once the death penalty was affirmed by the Illinois Supreme Court we began to do the rigorous tracking of the case as it went through its various collateral, as the conviction went through its various collateral procedures. First, in the Illinois courts, through the post-conviction proceedings, and then federal jurisdiction, of the federal court, and through habeas. Some of the cases were involved in the legal proceedings, the subsequent challenges would take years. So it was necessary for my office to track those cases to make sure that nothing slipped through the cracks and we did that by means of looking at each case prior to every term of court and then presenting a report to the court on every case. Needless to say, those reports eventually found their way into a notebook, that was a very comprehensive notebook, including indices, of the different defendants who were at issue. So in that way we could also prepare for what, when the case might come back to the court, when a case was reaching its termination

point in the collateral proceedings, and so nothing was unexpected. And that was the point of that aspect of the management of those cases by the Clerk's office in that particular way. And it created a very helpful record and that was updated for the court each of the five terms. So they had the most accurate information on the status of each of those cases.

Another aspect of management would have been when a capital case was coming to its close, where the conviction was upheld in the various forums and we were facing an execution.

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During the years, during my tenure, I believe there were 12 defendants who were executed. And when it looked like there would be an execution, the first execution in a number of years, on the horizon, the court asked me to establish some -- let's, shall we call them, communication protocols, for those days and hours leading up to an execution. Through the years, those protocols were refined but the principle behind them and the purpose behind them of course remained the same. Ease of communication, maintaining the credibility of chains of communication, the lines of communication, between the Clerk's office and the Department of Corrections, the Clerk's office and defendant's counsel and the state and the court. The clerk and the court. But the line of communication between the court and Clerk's office, of course, and the Department of Corrections. So, as I said, protocols were established and one interesting aspect of that, and, again, this was in the time prior to a lot more sophisticated telecommunication, I suppose, with cell phones at the ready and so on, it was thought advisable that the Clerk's office would be staffed 24 hours prior to an execution, to handle any emergency filings

that would come in, so people would be able -- the players, the key players, would be able to communicate with us. And so they're in the Clerk's office. I was always there for an execution, as was my Chief Deputy and typically another staff person or two. In addition to communicating with the Department of Corrections to see how things were moving and communicating with the Illinois Supreme Court, my office touched base days before, and typically weeks before, to just set down the procedures, to refresh ourselves of the procedures. I would be making contact with the Clerk of the United States Supreme Court, the Clerk of the Court of Appeals, the Federal Court of Appeals in the district at issue and, of course, that would have been the Seventh Circuit. The Clerk of the Federal District Court at issue, and I've already mentioned, of course, the lawyers involved in the case. Interestingly, I also had a phone in my office that was dedicated solely for communication during this critical period of the days and hours before a scheduled execution and that phone would only be used by myself in communicating with the Chief Justice of the Illinois Supreme Court, the Department of Corrections, and other various federal courts and the lawyers. And we always gave the lawyers involved in the case our -- my direct line at the office. Not the line dedicated, not the dedicated line, but my personal line at the office, my home phone, and so on, so they could keep in touch with me if need be. During...executions were always scheduled for a time in which the court would be in Springfield. And that really assisted with communication, knowing that the Chief Justice, the other Justices, were on the third floor of the building waiting to take a call, waiting to address a question. And so that was definitely part of the protocol for managing the execution cases in the weeks and days before a scheduled execution. Myself and my staff would be in my office until the execution took place, until after the

execution took place, when I would receive a call from my contact at the Department of Corrections. I'm trying to think of anything else, Justin, that might be of historic interest in that regard... But I think those protocols worked well. There was never any glitch or miscommunication during those critical hours. And I think that the...I think that they worked well.

LAW: So, Juleann, the office was fully staffed twenty-four hours prior to an execution?

HORNYAK: It wasn't fully staffed. It was staffed, Justin, initially for the first several executions. The thought, Justin, as I have already mentioned, would that it would be best to have myself and one or two staff members in the office in view, in case there were any emergency filings, people wanting to get -- the players wanting to get in touch with us. But after several executions we realized that we did not have to spend the night before, overnight, in the office sleeping there basically. I recall still quite vividly that I would use the couch in my private office to spend the night before and the dedicated Chief Deputy Wayne Russell would be on the couch in the Appellate Court Clerk's private office and that's where we would be until the office opened the next morning, and that would be actually the day before the execution. So Wayne and I would rush home for a short period of time, freshen up, come back to the office, put in a full day, a full court day in the office, and then after five o'clock, when the office officially closed, we would be there again, up through the execution. Now, as I've already mentioned a couple of times, after several executions it was, we determined that it wasn't necessary to keep the office opened continuously or keep the office staffed continuously for 24 hours prior to an execution and the court agreed with that. And so the procedure changed to: once the office closed at five o'clock, there would be a skeleton crew on duty, including me,

including the Chief Deputy, to handle any business, to effectuate the necessary communications, after the close of business through the execution. And I've mentioned earlier that I would receive a call on my dedicated line from my contact at the Department of Corrections who would notify me that the execution had taken place, and I in turn would call the Chief Justice to let him or her know the situation. And it was always a very sobering evening, those evenings before an execution.

LAW: I imagine those are phone calls that you don't forget.

HORNYAK: Those are phone calls you don't forget. Not at all. But that's the way it was.

And something just occurred to me now as far as being staffed. I recall a time when an execution was moving forward, our office was staffed after hours, and a change took place. The defendant, up to that point, decided, had decided, that he did not want to take any collateral appeals from the conviction and the sentence of death. And during the course of the evening he changed his mind. I believe Chief Justice Miller was the Chief Justice at that time. And he came down to my office, used my desk. The attorneys who had a presence in the building came and the attorney presented the motion on behalf of his client and the execution was halted. This was several hours before it would have taken place. The communication was made to all the appropriate persons and so that was a time when it was very important, certainly, that we were there and that the court's order could be communicated to the Department of Corrections, to the lower courts, to the federal courts, and certainly to the United States Supreme Court, because the United States Supreme Court always has someone on duty on execution nights. And that person could always be reached. So they were always on the line of communications when there were developments, and we always tried to keep those lines of communication open, and

I know that the other courts, the U.S. Supreme Court, the lower federal courts, did the same. Also I think it's probably of interest that during those hours prior to an execution, counsel was always invited to have a presence in the Clerk's office, in the Supreme Court building, the Clerk's office, wherever they wanted to hang out, so to speak, so last minute matters could be taken up if necessary, problems could be dealt with with more dispatch if there was a presence there. Sometimes, if I recall correctly, a side in the matter, whether it was state or defendant, may not have had someone present. But then they were always reachable by phone and they certainly would always get an option of having a presence in the building the night before the execution.

LAW: Juleann, we've been discussing change over time in the office and the effect of technology on the office and the management of capital cases. You've discussed a little bit sort of the processes or the routines that you had in place. What were some of the other changes in routine that you experienced throughout your tenure?

HORNYAK: Well, you know, maybe at this point, I'm not sure that

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these were... subtle changes in routine. But when the court was in session in Springfield our routine, the office's routine changed in different respects. And my personal routine certainly changed. For instance, the court would consider motions every morning during the term. Either those motions would be presented to them, where one judge could dispose of the matter, and also there were full court motions, where under the rule or under tradition and practice, a disposition, a full court disposition would be required. So every morning when the court was present, if there were motions to be presented, and most usually there were, it would be exceptional not to have them, ready for presentation,

I would go up to the third floor, the justices quarters with the research director and we would present motions to the judges. For instance, if there was a motion pending, ready for presentation from the Fourth District, motion or motions, plural, we would notify Justice Garman, the night before, that she had some motions to consider and we would meet, the research director, Doug Smith, the incumbent, and I, would meet with Justice Garman for disposition on the motion or motions. The same with the justices from the other districts. And so that certainly was a routine unique to the term of the court. After the justices, after we conducted business with the justices on the third floor, then my office, I would prepare the order for processing and the Clerk's office would process the order. It would appear in the court's official announcement and we would notify counsel and parties. Interestingly, when I first became clerk, the clerk and the research director would go to the third floor to present motions but they were all presented to the Chief Justice and that changed over time and it probably changed fairly early in my tenure. I'm not sure if it was -- Justice Ryan was the Chief Justice when I took my oath of office as clerk and he may have precipitated that change, that each judge should consider the motions from his district as he did when the court was not in session. And, of course, for those full court matters that were presented, the research director would prepare a memoranda, memorandum, memorandum on each of the full court motions and the court would take those up later in the day in conference.

As far as other changes in routine, when the court was in session I would have responsibility, I had responsibility, for presenting to the court each term all the attorney disciplinary cases on the miscellaneous record that were ready for disposition. And through time a system developed where I would prepare a memo on each case. Those

memos would be given to the justices in advance of a conference, a designated conference day, so they could review the cases, and then during the term I would have a conference day, or for a lot of the cases, sometimes it would go to another day. where the court would consider each of the cases, the attorney discipline cases ready for disposition, in conference, case by case. Initially when I first became clerk, and I was told of the responsibility of presenting attorney discipline cases, the procedure at that time was to take up the files, let the court know what cases were ready for disposition, and then sit at the conference table with each file and review the file with the court. It wasn't long after my first round of that, that I suggested the possibility of preparing memoranda in advance, for the court's consideration during the conference. And that process grew and developed and it worked. From my perspective it worked well. We were able to get through many cases during the term. Anything that was ready for consideration was presented. And, of course, I had, in addition to, I prepared the memoranda, and then a new position was added to the office in, perhaps it was 1994 or 1995, I recall that Justice Bilandic was the Chief Justice, and I was given authority to hire an assistant clerk and one of the primary responsibilities of that assistant clerk was to help with the attorney discipline docket and in preparing these memoranda for the court. And so that was a big change in routine because, a big change in my routine during the court, making sure that the notebooks got up to the court, and then presenting the material to the court in conference and then drafting the resulting orders. Now, in addition to the help in later years, the invaluable help of assistant clerks, there were people on the clerk's staff who worked tirelessly on that effort. The transcription of the memoranda, the organizing of the books, of the notebooks for the justices, the creation of the indices, they did splendid

work. Those deputies did splendid work. It wouldn't have been possible without them. So that was always kind of a highlight of the court term for me. Getting that work done and then presenting it to the justices and preparing it for the presentation, because I would review every case, case by case, of the matters that were going to be presented orally to the court. Where I would be doing a personal presentation of the cases. I would review those so that when the court took up the matters in conference they could be disposed of. We could go through them effectively and efficiently.

LAW: I believe since we've last spoke, the supreme court building has gone through a number of renovations. And it's my understanding that you were associated with helping the clerk's office during the renovation?

HORNYAK: No. No. You mean the renovation that's going on now? Justin, no.

LAW: OK.

HORNYAK: No, that's...

LAW: No?

HORNYAK: No. Because that all started... I mean, the renovation of the office, of the supreme court building, the renovation of that office historically, mechanically, those plans were discussed for a number of years prior to the court moving out of the building.

LAW: I understand.

HORNYAK: Yes.

LAW: I understand. I thought that you had gone back to the Clerk's office to help out.

HORNYAK: Oh. What I did, I went back to the Clerk's office to... After I had retired in December of 2010 I went back to the Clerk's office to work on the transition, to be there just for the transition where the new clerk was assuming responsibilities. So I was there

for a short period of time and did some work in that transition period.

LAW: Okay. Juleann, if there's nothing else you'd like to add, I think we can close here.

HORNYAK: Okay, Justin, thank you very much.

LAW: Thank you.

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**END OF INTERVIEW TWO**

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