

An Interview with Robert L. Carter
Illinois Supreme Court Historic Preservation Commission

Robert L. Carter practiced law in Ottawa, Illinois before becoming an Associate, then Circuit Judge, and later the Chief Circuit Judge, of the 13th Judicial Circuit (1979-2006). In 2006, he was assigned to the Appellate Court in the 3rd District, where he continues to serve.

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Abstract

Robert L. Carter

Biographical:

Robert L. Carter was born in Springfield, Illinois on February 25, 1946, and grew up in the village of Grandview. He graduated from the University of Illinois Urbana/Champaign in 1968, earning a Bachelor of Arts degree. After attending U.I.U.C. and prior to being drafted, Carter worked at the Illinois Department of Personnel Field Office at the Department of Children and Family Services. From 1969 to 1970 he served in the U.S. Army, and was deployed to Vietnam. Upon his return from Vietnam, Carter returned to his job at the Department of Personnel Field Office at D.C.F.S.; and beginning in 1971 attended Sangamon State University in Springfield, Illinois. He graduated from S.S.U. in 1974, with a Master's Degree in Administration. In late 1971, Carter returned to the University of Illinois Urbana/Champaign to attend law school, graduating in 1974. He clerked for Illinois Supreme Court Justice Howard Ryan from 1974-1975. Carter was engaged in the private practice of law in Ottawa, Illinois from 1975-1979. In 1979, Carter was appointed an Associate Judge in the 13th Judicial Circuit, where he would be elected a Circuit Judge in 1988. From 1993 to 2006 he served as the Chief Circuit Judge of the 13th Judicial Circuit. In 2006, he was assigned to the Appellate Court, 3rd District, where he continues to serve. Justice Carter married his wife Nancy Rink Carter while they were both attending law school in 1972, and they have two children, Mary and Matthew.

Topics Covered:

Parents and family background; growing up in Grandview in the 50's and early 60's; early jobs and education; the Cold War; attending the University of Illinois Urbana/Champaign; jobs in college; political and social outlook as a young man; conception of his generation; the draft; Vietnam; Illinois Department of Personnel Field Office at the Department of Children and Family Services; why he studied law; grandparents and mother; ethnic neighborhoods in Springfield; his wife Nancy and her family; law school at U.I.U.C.; Watergate; Nixon and Vietnam; J. Edgar Hoover; reception of Vietnam veterans at home in the 70's; law school; influential professors at law school; attending Sangamon State University; clerking for Illinois Supreme Court Justice Howard Ryan; work as a private practice attorney; getting appointed an Associate Judge; work as an Associate Judge; Cook County Traffic Court; retention; running for a Circuit Judge position; retention; work as a Circuit Court Judge; work on various committees; work as Chief Circuit Judge; mentorship; work in legal education; work on various committees; family violence; assignment to the Appellate court; work as an Appellate Court Justice; cameras in the courtroom; enhancing public awareness of what the judiciary does; bar associations; role of a judge in society; pro bono work; preserving the history of the judiciary; thoughts on the future.

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.

Justice Robert L. Carter: An Oral History, Part 1

LAW: This is an oral history interview with Justice Robert L. Carter. Today's date is April 4, 2013. This is Interview 1. The interviewer is Justin Law. Justice Carter, I thought we could start in the beginning. Where were you born?

CARTER: I was born in Springfield, Illinois, and I grew up in Springfield. In fact, the Village of Grandview, which technically is surrounded by Springfield, but it's Springfield.

LAW: Tell us about your parents, grandparents, family background.

CARTER: My father worked at a factory, then he worked in the coal mines, and then when the mines started shutting down because of the high sulfur content in Illinois, he got a job in a feed mill, where they process for farm supply, and he was the electrician and repair man at that location. He retired from that job, I think when he was 62, in 1980-81.

My mother worked at home. Before she was married, she worked at different places. In fact, during World War II she worked in a munitions place in Illiopolis, I think it was. My dad served in World War II, he was drafted before the war started. He was on a troopship going to the Philippines, a week out of Pearl Harbor, when that was bombed. He was in a field artillery unit and they suffered their first fatalities in combat in January of 1942, and so he didn't come home until I think October/November of '44, so he was there for almost three years.

LAW: And his name was Harold Eugene, Gene.

CARTER: Harold Eugene. He was called Gene.

LAW: And your mother's name was Antoinette.

CARTER: Yes, and people called her Peggy and to this day I don't know how that happened.

LAW: What do you remember about growing up in Springfield in the fifties and early sixties?

What are some of your memories?

CARTER: It's sort of a normal growing up. We had friends, we rode our -- I remember during the summers basically, when we were younger and in grade school, we came home for lunch, we went out and I guess we didn't worry about being protected or anything like that. We'd get a baseball game going or in the appropriate season a basketball game. We'd go to the little league park to play baseball, if we wanted to do that, or we'd go catch crawdads in the summer or go hiking. The Illinois State Fair, during the fair period, we always either walked or took a bus to the fair. In fact, when I was -- before I was 16, I got jobs at the fair.

LAW: What were you doing out there?

CARTER: A couple of years, I worked for a guy who was in numismatics, and I would -- and he'd have a shop set up and so I'd help him selling coins. Then when I was 16, I got a job at the Abraham Lincoln Bookstore, which was next to Lincoln's home, and it was owned by a lawyer, I can't remember his name, and a fellow by the name of [Ralph] Newman, who was a Lincoln scholar.

LAW: Where did you go to school?

CARTER: I went to grade school at St. Aloysius for one year, then St. Cabrini, and upon graduation I went to Griffin High School and then I went away to the University of Illinois.

LAW: Do you have any memories of the Cuban Missile Crisis or the [John F.] Kennedy assassination?

CARTER: I remember them talking about the Cuban Missile Crisis. I remember that we had an assembly after, when the president was killed. I remember it was unbelievable at the time.

LAW: Do you have any other memories of the Cold War during that period?

CARTER: No, just the typical thing. I remember when we were in grade school, we had some practice emergency sessions, where we were supposed to get under the desk in case of nuclear attack. (chuckles) I thought that was interesting, as interesting as when I was in the, drafted in the Army and in basic training, they had us get under our ponchos--you know that was supposed to at least help do something. I don't know what that was going to do but in case of some biological or other attacks, when you didn't have a gasmask. In the fifties people were worried about the Soviet Union, and there was the Berlin Wall, and all those things were on the forefront of the news growing up.

LAW: Why did you decide to go to the University of Illinois?

CARTER: Well first off I had a scholarship, that was important for obvious financial reasons. As a practical matter, I was interested at the time, I remember looking at some other colleges, some private colleges in Chicago, but financially, my folks couldn't afford to be sending me to a private school and I was the oldest of three children. I thought the U of I was the most practical and the best choice and of course it's an excellent school, and it certainly was back then and I believe still is.

LAW: Did you work while you attended the university?

CARTER: Yes, I always had -- when I was eight years old, I had a TV Guide route, if you could believe they had those kinds of things, and I had one of the largest routes in the city. Then, when I was old enough, as soon as I was old enough to have a paper route, I

got a paper route and we had our papers delivered by 6:00 in the morning. My brother and I, he was two and a half years younger, operated the paper route, and then finally, when I got these other jobs, I no longer did that and my brother took the whole thing over briefly. Then, I had a variety of jobs.

I remember, I think for example, at the time of my -- 1964, I think is when they moved the Circuit Clerk's office. In hindsight, that's what it was, the Circuit Clerk's office, the county office buildings and so forth, from the old capitol building, but that used to be the county building also, and they moved that, I think in '64, to a building that they've since moved away from too. But anyway, I remember having a part-time job moving file cabinets and all that kind of stuff, as a senior in high school, or maybe it was -- I think it was before I graduated, because I had a job when I graduated from [high] school.

I had a job with the Department of Waterways, where I was surveying, in Southern Illinois, near Salem, where that big lake went in. Our survey crews surveyed that whole area down there and it hadn't been surveyed for a long time and we carried rattlesnake kits, snakebite kits. There were a lot of -- in those areas, there were a lot of water moccasins around the lower streams and so forth, and some Illinois rattlesnakes down in that area. It was the old fashioned way of surveying, not like they have now with computers. I was the rod man and I carried an axe and a machete, and then we literally cut our way through so the transit man could read the numbers on the rod. I remember when our -- very briefly, because I had trigonometry, when our transit man got sick, briefly I was like the transit man. I had taken trigonometry as a senior, so at that time I knew the way to calculate some of that stuff, and it was all handwritten in a book

that they then transcribed someplace else, to do the calculations. Like I say, now you see these people, there's a little computer paper coming out of the transit. We did it the way they did surveying, probably with Washington and Lincoln.

So I worked for the Department of Waterways that summer and then I went away to college. The next summer, I think I had a job with a ground crew, and then at one point I had a ground crew job around Lincoln's home.

LAW: So you would come back to Springfield for the summers.

CARTER: During the summer. After the first year, after the first summer, I think most of my jobs -- well, then the second summer I had a job during the day, like a groundskeeper. I worked at FS Services, where my dad worked, and they would hire some of the children of some of the workers who were going to college, and I worked nights. On that job, most of it was loading the trucks, and so you'd have to catch these 25-pound bags that would be coming out of the chute as they were sewing the bags up, with the feed in them, and then you would run from truck to truck and pile them a certain way so the truck wouldn't collapse on the highway, or overturn on the highway. I did that, I guess between my junior and senior year in college.

Then when I graduated, I wanted to go to law school, was accepted at the University of Illinois Law School, which was the only state law school at the time, and it was one of the highly regarded law schools in the United States, and financially it was very affordable. But in 1968, when I graduated from college, that had been the year of the Tet Offensive, and the highest troop deployment in Vietnam was 1969. In '68, they stopped giving deferments to graduate school, and I think only in medicine; veterinary, medicine and dentistry were the only deferments, once you graduated. So they stopped

giving the deferments to go to law school and so forth, so I couldn't see starting law school, getting drafted and having my parents maybe cosign a note or something like that, to help me to go law school, so I got a job with the Department of Personnel Field Office, the Department of Children and Family Services, and I became a personnel officer and I worked there actually exactly six months to be certified, you know on your probation period, six months. That was on a Friday and on Monday I was taking two steps forward, being sworn in to the United States Army as a draftee.

LAW: Let's back up a little bit, back to the U of I. What was campus life like? What are your memories of campus life, extracurricular activities and such things?

CARTER: I joined a fraternity at the end of my sophomore year. I had a series of different roommates, some who didn't come back to the school, so I decided to, for more consistency, I joined a fraternity and I became President of the fraternity, but then my senior year I moved out of the house and into an apartment.

LAW: What was the fraternity?

CARTER: It was Alpha Sigma Phi, which is still there. I think actually, it's one of the larger fraternities at the U of I.

LAW: How did living, working, and being in Champaign compare to Springfield? Was it a big change?

CARTER: Champaign was a very different city then, because that was a college town, and Springfield, you had a lot of government places and so forth. I did work also, at the -- I remember when I was President, I think the President got half the house [bill forgiven]. One motive, I had several motives to run for President, but one was half of your house

bill was paid for the President. And then I also did pots and pans at another fraternity, you know for [meals], in addition to what I could save during the summers and so forth.

LAW: What was your political and social outlook at this time? What was kind of your world view in that regard?

CARTER: Well, in my world view, I was a Democrat, from my father's situation, and I believed in a lot of the principles and still do, where you're trying to help all Americans achieve a decent existence.

[00:15]

I thought the Vietnam War was a mistake at the time. I thought it was a mistake but I went to Vietnam because I felt as a citizen, you can't just pick and choose, say well I only serve in wars I think I would have voted for, and so I got drafted and went away to Vietnam, I did the best I can, and I think I was a pretty decent soldier. In fact, I fired expert on both my weapons, the M14 and the M16, and I spent the year of -- I spent the last part of '69 and most of 1970 in Vietnam. I was there for a year.

LAW: Did you consider yourself a part of the “baby boom” generation?

CARTER: I'm in the forefront of the baby -- they always start the “baby boomers” in 1946, and I was born in 1946, so I'm at the very beginning of the “baby boomer” generation.

LAW: At the time did you feel like you were part of a new generation, a different generation?

CARTER: Oh yes, there were always things that were sort of noticeable, because even in grade school, several classes ahead of our class in grade school were very small, you know not very many people, and yet our class was large. So I remember there were many years in grade school at St. Cabrini, where our class was divided up and so in one section, they filled some of the people up who were a year ahead of us and then another

section might have some people from a year behind, you know something like that.

There were some groupings like that on occasion and that's because -- I'm talking about we would have only people that were like a year ahead of us, sometimes in the class, because they had small classes versus ours, all of a sudden an influx of a lot of babies.

LAW: So you were drafted in 1968.

CARTER: I then sought to get the entry date extended so I could have that six month certification, which they allowed but just, on a Friday I was certified and on Monday (in February, 1969) I was taking two steps forward, being sworn in to the United States Army. The advantage of that was if you were an employee, under the -- and the federal law is the same way, if you were an employee and you were drafted, then the employer has to take you back when you come back from the service.

LAW: What were your thoughts on the draft at the time?

CARTER: Well my father was drafted and I felt politically, that a draft meant that the citizens were participating in the public policy and if the public policy was to go to war, then with citizen involvement, you'd have more thoughtfulness about whether or not to engage in a war or not. So I was not against the draft. I thought that there's nothing wrong with requiring citizens to serve their country in some capacity, and so that was my feeling then and it's my feeling now.

LAW: And you got out of the Army in 1971.

CARTER: No, I got out at the end of November [1970]. When I came back from Vietnam, I was discharged from active duty. When you got drafted back then, your commitment was supposed to be two years active duty, two years active reserve and two years inactive, but at the time, by 1970, if you came back as a Vietnam veteran, if you were

coming back from Vietnam, they weren't putting you into active reserve duty, you had four years inactive. So actually, when I came back at the end of 1970 and I had received my final discharge from the six-year -- because it was a six-year commitment, the draft, actually I had just started work here, because that was after graduation, so I had started working. I moved to Ottawa when I got the final discharge from the six-year commitment.

LAW: And you returned to the Department of -- was it Department of Personnel Field Office?

CARTER: Yeah, I was in the Department of Personnel Field Office. The Field Office was the Children and Family Services Director's Office and I don't know how it works today but back then, they would have -- they had the Department of Personnel, with the people working there, but then they also had people who were part of the Department of Personnel but they didn't work in the Department of Personnel, they worked in what they called a Field Office. That would be like the Director's Office in Children and Family Services, the Director's Office at Public Aid. They would work in these other offices as Personnel Officers. So it was sort of a subcategory of, so I never worked in the Department of Personnel, I always worked with the Department of Children and Family Services, doing personnel work, and I did a variety of different things over the -- there were like three phases in my employment with the department.

The first phase I was doing more personnel and qualification work, when I was first hired. Then, when I got drafted, I was replaced, and when I came back my replacement continued to do that work. I did mostly at that point, mostly grievances, when people were, maybe a social worker four, was grieving something against the Regional Director or somebody, the disputes between the supervisors versus employees

in the department, and I was handling that, and employment issues, when I came back after the service. When I came back a third time, because at the end of -- I applied again to law school, I was accepted to law school when I came back. So I started working immediately in December of 1970 and through August, I think, of 1971. I sought to get a leave of absence, to be able to go to professional school and they allowed me to do that.

At the end of my first year in law school, my wife and I were married, we met in law school. I then went back, and this is to get the money to survive, I went back to my employment with Children and Family Services, and I worked three months in that summer. My wife stayed in Champaign and I stayed in Springfield, and went back and forth during the weekends, and so I had that job. And then I went back to law school and resigned my position, but that last, that third time, what I call it, that summer, which was like the third time I'm coming back, I was doing projects for the Director of Children and Family Services primarily. Actually, when I left the second time, when I first went to law school, I was replaced, so I had the first replacement and then there was the second replacement, and then when I came back that summer, when I left, they had somebody doing the projects too. So there were three people, I had three different replacements. I always thought that was sort of interesting.

LAW: Why law school? Why did you decide to study law?

CARTER: I had always wanted to be a lawyer. I can remember telling people and I have no idea why, but starting in kindergarten and first grade, I would say I want to be a lawyer. And I always liked history, even when I was little. I don't know, I was always directed to go to law school. Honestly, I wondered about that when I came back from Vietnam, because that year in Vietnam seemed like a tremendously long period of time, for a

variety of reasons, and so after a year in Vietnam I thought oh gosh, three years more of school, maybe I should just start working and earning money. I mean three years seemed like a long time after a year in Vietnam. I applied to law school, was accepted again, and decided that I had always wanted to be a lawyer and so I did that.

You know, I think I forgot to -- you asked about my grandparents. Both my mother and father's father died when they were one and two years of age, or one to three, and they died during the flu epidemic. My mother was born in 1916, her father died, I think around 1918, 1919, during that flu epidemic. Although he was an Italian coal miner, and I saw something where he had black lung disease, in some little discharge paper. But anyway, my father's father worked on tenant farms as a farm worker and he died during that flu epidemic too, probably around 1920. My father was born on Armistice Day, 1918, on November 11, 1918, and his father passed away, so I never knew any of my grandfathers. My maternal grandmother died in 1960, I knew her, and she had immigrated from Italy to this country, as had her husband, who had passed away. My father's family, never remember being anyplace but in America.

LAW: Was your mother, was she bilingual? Did she speak Italian?

CARTER: When she went to school for the first time, she only spoke Italian, because they lived in the Italian section of Springfield, which is the northeastern part of Grandview. I think they called it Starnes back then, I don't know, but anyway there were Italians. There were Italians in that area and parts of Riverton. Some of the immigration came from an Italian region called Abruzzo and they were from Calascio Village, which is near L'Aquila, which was the capital of this region in Italy. You know, I think they were

farmers, shepherds, there are hills there. If you draw a line across, going east from Rome, you'll hit that province, Abruzzo.

LAW: That's interesting that you said there was an Italian part of Springfield. Were there ethnic neighborhoods?

CARTER: All I know is that I grew up, three and a half blocks away from my grandmother's house. Once I got to my grandmother's house and went further east, that's where all the Italian families were. They had been there -- my mother grew up there and she knew all the families over there, and they lived there before they built, after the war, the rest of Grandview, were post-war, the building boom, for the returning soldiers, and we lived in one of those tract houses, it was like a subdivision, or something like that I think. At one point, that's who maybe owned the property or constructed it. There were a whole series of those houses and those were -- most of those people were factory workers and had jobs like that. Well, this older section is where the Italian families lived. I guess, I never remember thinking it was an ethnic neighborhood, but I do know my friends were all of English/Scottish backgrounds or with German names, who lived around the neighborhood, and then if you go over there by my grandmother's house, there are all these Italian families and names. My grandmother actually served as, the whole time my mother was growing up, a midwife in the Italian community.

LAW: Interesting.

CARTER: Every time we turned around it seemed like there was some fellow, some Italian fellow, my grandmother had helped at his birth or her birth.

LAW: And what was her name?

CARTER: Rosa.

LAW: Rosa.

CARTER: Rosa Vespa. She was an Antonacci and married a Vespa, so Rosa Vespa.

LAW: What was your family's reaction to you deciding to study law, to go to law school?

[00:30]

CARTER: They were always encouraging, supportive. I was the first one from my father's side of the family I think, to go to college. I wasn't the first one on my mother's side, the Italian side, because I had cousins who were older, went to college. For example, Aunt Flora, who was my mother's sister, had three children. One became a bookkeeper and finished college. The next child became and is still practicing medicine. He was in the Army too, he was a doctor, an MD in the special forces actually. The third child, the other boy, was a CPA, an accountant, and he was a year older than I was and we were good friends. In fact, he just passed away a few months ago, which was a shock, of a heart attack, but we were always very close.

LAW: So you talked earlier about meeting your wife, Nancy. When did you meet her?

CARTER: She was in the same section. At law school, your first years at the University of Illinois, there were three sections. The whole class was divided into three groups and your section went from class to class. She was in my same section and we started talking, then started dating and then got married. She comes from a legal background. Her family was mostly Irish immigrants from the mid-1800s. Her grandfather was a lawyer and a Democratic politician in Rock Island, Moline.¹ In fact, I think at some point in time, in the twenties or thirties, he was Speaker of the House or maybe Deputy Whip, or Whip, in the [Illinois] House of Representatives. My wife's mother remembers going to at least one or more -- she's passed away, but Democratic conventions, maybe like in

¹ Thomas P. Sinnett

'32 and before, you know when they were nominating people to run for President. He had a successful practice in Rock Island. My father-in-law was a lawyer, a legislator and became a judge in Rock Island, Moline, which is in the 14th Judicial Circuit.² In fact, he was Chief Judge for a number of years. He retired from the bench in December of 1980, and before he became a judge he was a legislator. So my wife's family had a lot of... he was the youngest of ten children, and they grew up on a farm near Prophetstown, I think it is, their family, the Rinks.

LAW: What was it like to go to law school with your wife?

CARTER: Interesting. You know it was interesting to go to law school. There were many times we were taking the same course and other times we were taking different courses. A lot of times, we took the same course, we didn't have to get all the you know, save money on some of the books.

LAW: Let's talk a little bit about the U of I Law School at the time. This was in the early seventies. So you're attending sort of towards the end of the Vietnam War and during the Watergate era. How do you think this context affected your experience in law school or did it?

CARTER: Well you know, that was a time of turmoil in the United States so obviously it had an impact on some of your thoughts. I remember watching, the week of the bar exam was part of the Watergate hearings and I remember, here we're going to have the bar exam on Tuesday and Wednesday, and actually I was taking finals for my last course for my Masters Degree in Administration on that Friday, but here you had critical testimony in the Watergate hearings that summer, and so I remember watching part of that because

² Paul E. Rink

you had [John] Dean testifying, there was all that stuff going on and [Howard] Baker questioning people. It was a very interesting time in American history obviously.

I remember [Richard] Nixon was president and I remember getting a letter in Vietnam from my mother who wrote that Nixon said that troops are going home, and he ran the first time on a pledge that he would end the war and then four years later he ran on the same pledge. When I was serving in Vietnam, there was an article in the paper that -- I can't remember all the details, but my mother said you probably won't have to serve a whole year, in this letter, and she sent this clipping quoting the President that said he assured Congress that we have no troops in Cambodia and Laos, and that was the time period just before the "Cambodian Incursion." We also had people trying to recruit people in an outpost in Laos, at our base camp, you saw that in the paper and then you knew the reality.

LAW: Quite a contrast.

CARTER: Yes. I remember when I was in college, I had one friend who was sort of like a conspiracy guy, he always thought there were conspiracies and I'd say you know, it can't be like that, I mean this is America, it's not like that. He thought all kinds of things about [J. Edgar] Hoover for example. Now when the truth has come out it's actually far worse than he thought, you know? I mean Hoover was taping everybody. About a year ago it came out they were taping one of -- when Nixon was running for president, he was talking to Mrs. Chennault about the peace process and trying to -- so that she would talk to two... Because [Lyndon] Johnson thought it was getting close to peace, before he left the presidency, and Johnson called [Everett] Dirksen and said this was treason, but they never disclosed it, supposedly because it wasn't legal wiretapping. They were

wiretapping some of Nixon's political people's conversations with other people. Like I say, I can remember my friend thought there were conspiracies, and I would always say you're crazy, it's not like that in America, and now in hindsight we've learned a lot more about Hoover today than we did back then. Isn't that right? Interesting.

But anyway, I remember coming back from Vietnam and I experienced the same thing a lot of Vietnam veterans experienced when you came back. In fact, I remember after I became a judge in 1979, one of the first times I went up to Chicago to sit as a judge, and back then in those days, we sat three to four weeks a year in Chicago as a judge, from our circuit, from this circuit. To capture the time period, I had a lawyer, I was hearing a contested visitation dispute between a divorced couple, and the lawyer put the guy on the stand, who wanted more visitation and the lawyer said basically, "You were in Vietnam weren't you?" And he said yes, and the lawyer said basically, more or less, "No more questions." And at the beginning of the argument he said judge, I don't have to say too much to you, you heard him, he was a Vietnam veteran, we've got to have restricted visitation. I said why is that, "Well, he's a Vietnam veteran." He said, "You know what that means." I remember saying, "I think I've got a good idea what that means, I'm a Vietnam veteran," and the guy's jaw just dropped. But that was the time period you know, the seventies and so forth, and some of the attitudes people had. Not all people, but some did.

LAW: Did you experience that in law school? Did people -- how did they relate to you, with you being a veteran? Differently or did it not come up?

CARTER: I didn't go around talking about it, so probably most of them maybe didn't even know, because most of the people -- there were only a couple veterans there, most of the

people were not veterans. There were a few but not very many. There were a few veterans but I don't remember going around ever talking about veteran's issues. I was trying to finish law school. I don't remember ever really talking about that too much.

LAW: Back to law school. What kind of legal philosophy were they teaching at the U of I Law School at the time?

CARTER: Well, the law school had a set program your first year, of property, torts, contracts and so forth. It was more learning the law of property, learning the law of contracts, and so I really wouldn't say that there was a particular legal philosophy or jurisprudence that was being taught. We had different teachers who had different -- the method taught by most of them was the case law method, and there were a few exceptions. Once I started, I took every business and tax course I could take and advanced tax planning and advanced estate planning, advanced business planning, corporations. I took all those courses so it's not like there were courses on philosophy. I did take, I did audit. My last semester in law school, a course in the philosophy department taught by Frederick Will, who is the commentator's father, you know from Washington, D.C.?

LAW: George Will.

CARTER: Well, Frederick Will was a renowned philosophy professor at the University of Illinois and he wrote on induction and those kinds of things, and he actually taught a course on legal reasoning and I was the only one from the law school, and there were some people who had just gotten their PhDs in the course. I was just auditing the thing, because I thought it would be very interesting, and this was my last semester in law school. Actually, the head of the department frequently showed up. There must have only been about three or four people, it was a graduate level course, who were actually

probably taking the course. So I finished three years of law school, and I remember we were reading the legal reasoning book by Edward Levi, who at one time was the dean of University of Chicago's Law School, and then was Attorney General briefly, back in those periods, and it was about how law develops, the case law, statutory law and that kind of stuff.³ I remember when we were talking about the common law development, they were talking about -- he was describing cases in those chapters, in that particular area, the development of products liability law from these famous old cases. This small class would sit around the table, sort of like just a little bit larger than this, and they couldn't understand how they got from point A to point B to C, and after three years of law school, I couldn't figure out how they couldn't figure out how we got from A, B, to C. That was a very easy transition from my perspective, but I'd been to law school for three years. They were viewing it quite differently and we were on different railroads. I just remember thinking well this is strange, nobody here can understand. It's very clear, by analogy, how they got from this case to this case to that case. But that's on process you know.

LAW: So were you encountering at all, ideas related to legal realism, formalism or sociological jurisprudence, these different sorts of theories?

CARTER: There would be some courses that would perhaps touch on that but mostly you were studying the law, especially when you were studying business and securities law and that kind of stuff, you were studying statutory law and tax principles and financial principles and partnerships. I also took a course on evidence. All these courses have a foundation, an analytic and jurisprudential foundation, but you're studying what the rules

³ *Introduction to Legal Reasoning*, (1955).

are when you're in law school, you're not looking at some of the backgrounds. If there was any debate --

LAW: What do you think the foundation was?

CARTER: Well, partly to achieve justice, from the different concepts of justice. The law school was not teaching philosophy. I had studied philosophy courses when I was an undergraduate but it's not -- there are some courses on legal philosophy that some law schools have, but a lot of the courses I took were principles of law, you know what are the rules of evidence. In other words, when it comes down to it on evidence, it's what is allowed into evidence and what is kept out at a trial, and that has a lot to do

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with who's going to win or lose, who's going to be successful or not successful. I remember some discussions on whether -- back in those days it was whether or not you were an activist, you know and they still use some of those terms but they're misusing them now. But anyway, the activist judge, because it was the years of the Warren Court, from the writers that were talking about they should take a more conservative approach. Back then, [Felix] Frankfurter was like the -- one of the shining lights to conservatives, because he was not as activist as some of the other judges on the Supreme Court, and so there was some talk about those kinds of cases, especially when you took the history of the Supreme Court and constitutional law and you'd get more of that there.

The irony is, back in the Warren Court days, the sort of, in broad terms, conservative and liberal side of issues. Back then, when you had the Warren Court changing and applying the Fourteenth Amendment to incorporate other sections of the Bill of Rights, the liberals were saying that we should be in lockstep with the Supreme

Court. In other words, they were expanding our rights from the viewpoint of the general population and First Amendment principles, federal First Amendment principles to states. Conservatives would say no, we're a federalist system and we have to -- in a federalist system, every state can have their own ideas and they don't have to be the same, and so that's the idea of our constitutional system of federalism, of state government and federal government. Today, you have some of those same arguments, except the sides have changed. Now you have the liberals saying that we have individual ideas in the different states, you don't have to follow the Supreme Court on everything, and you've got the conservatives who say we should be in lockstep with the Supreme Court of the United States. So it's interesting, the arguments are the same but the sides have changed, making those arguments.

It's strange about activism. When I was in law school, activism was anybody who made what they considered -- and this was in the eyes of the beholder -- what they considered to be a radical change from prior law, and that was considered to be a non-conservative judge. Now you've got some of the conservative judges on the Supreme Court of the United States who are probably the most activist, so it's sort of strange how terms stay the same but their meaning and the sides have switched on some of those things, if you see what I mean.

LAW: You said you took an estate planning course.

CARTER: Yes.

LAW: Was this with Professor [John H.] McCord?

CARTER: Yes.

LAW: Any memories of him?

CARTER: He was very thoughtful. I think he's still there isn't he, at the school? He was a very thoughtful professor and I remember him being very serious. We had an assistantship with Professor [Harry D.] Krause, both my wife and I did.

LAW: He taught comparative law?

CARTER: And family law, he was an expert, an international expert on family law and comparative law. We took business planning by Professor [William H.] Painter, who wrote a book that was published the year after we graduated.⁴ Actually, he used -- and I'm saying this in a humble way, but he used, as part of his section on antitrust, part of a joint paper my wife and I completed in the course. We had a section on antitrust.

LAW: Any memories of Professor [Harry D.] Krause?

CARTER: Yes, a lot. In fact, we were honored to be asked by Professor [Harry D.] Krause, when he went on emeritus status, the Law Review, there was a contribution made by the Dean of the school, some professors who knew him and some other people, and we were honored to be asked by the professor, to do "our memory" of Professor Krause, which was published in the Illinois Law Review.⁵

LAW: A tribute to Harry D. Krause, teacher?

CARTER: Yes. Is that a copy of it? Oh, OK, you've got a copy of it.

LAW: It says, you wrote here, your initial encounter was in first year torts class.

CARTER: Yes, and he taught torts too. He taught the first year of torts, he taught family law and he taught comparative law.

LAW: Did your experiences with him, do you think that they affected you in terms of your interest in particular types of law?

⁴ *Problems and Materials in Business Planning*, (1975).

⁵ 1997 U. Ill. L. Rev. 677.

CARTER: Well, I think from a personal standpoint, I think what I've learned from Professor Krause is, try to be precise in language and try to get it right. I did, as it turns out, as a judge, I handled a lot of -- my brief time in practice and then as a judge, I've handled hundreds and hundreds of family law cases and many of the ideas, it's very interesting in hindsight, that many of the things that Professor [Harry D.] Krause talked about, that seemed to be almost science fiction back in the early 1970s, have come into reality, like the different kinds of scientific information dealing with DNA. Back then there were these blood tests that maybe could exclude someone but it didn't necessarily pinpoint people, and DNA revolutionized things. He was talking about concepts of marriage and concepts of adoption.

I remember in one of the classes we took from Professor [Harry D.] Krause, dealing with adoption law, that we had people from Europe for example, in the class; Scandinavia and Germany and so forth. At the time in American law and social work, when people got adopted, there was a barrier between the adopted child and the adopting parents versus the biological parents. In other words, it was like the door closed and you couldn't get the information and so forth. And in Europe -- when we would talk about that back then, the Europeans were astounded, because in Germany and in Scandinavia and those countries, even if you were adopted, you knew everything about your biological parents, their names, medical history, anything and everything about them. They could not believe that we had this attitude and we thought, the people who were experts thought it was the correct attitude of not allowing people to have that information. Now, as it's come about, we've gone, for many good reasons, the European route. I mean there's a lot of medical reasons for learning about that information and you find a lot of

people who were adopted want to know who their parents were. We now have statutes that deal with a process to try to find out if the other person is willing to talk to them. But early on, even when I first became a judge, if someone got adopted, they thought nobody would ever find out they were the -- you know it's over and those files were sealed and so forth. And so there's been, just in that one small area of the law, there's been a radical change in the law, and you've seen that historically. Professor [Harry D.] Krause would talk about things like that. Like I say, in hindsight, it's amazing how many things that he would talk about that have come to pass.

LAW: I think you called them in here, purely hypothetical problems at the time.

CARTER: Mm-hmm.

LAW: He was also involved in sort of establishing relationships with practicing attorneys, the law school with practicing attorneys.

CARTER: I'm not sure if he did that, but he had relationships with Europeans. We became friends with some Japanese who were at our law school. He had a reach out program and the people outside of the United States that would come were many times practicing lawyers from Europe and from Japan and Australia. We've got a very good friend, family, the O'Connors from Australia, he's a judge now, and we've kept in touch with him ever since we graduated. In fact, when my first child was born, my daughter, he was coming through, doing a study at the time, and he saw the baby at the hospital. So we've had lifelong friendships as a result of our association with Professor [Harry D.] Krause.

LAW: I think I might have been thinking of Professor [John H.] McCord. I read that he was involved in CLE.⁶

CARTER: That could be the case.

⁶ Continuing Legal Education.

LAW: Did you experience that as a law student? Prior to taking the bar, did you have any sort of relationship with practicing attorneys to get a better idea of more practical issues, practical problems, as opposed to academic approaches to the law I guess, or was there no difference?

CARTER: No, I did not, and part of it is because of a lot of the courses I was taking. I took evidence for example, but I was taking a lot of the business oriented type of legal casework.

LAW: Now why is that?

CARTER: I sort of became -- you know, I sort of got interested in it when I was in law school. How that happened, it became interesting to me.

LAW: Now you also attended Sangamon State University.

CARTER: Mm-hmm.

LAW: Should we talk about that a little bit?

CARTER: All right. When I first came back home and I applied for law school, I worked full-time and I thought to maximize the money and all, you know I wasn't sure what I was going to do. You're sort of -- I have to get accepted to law school and so forth, and so I went to school full-time at night, and Sangamon State was on the quarter system, so before I started law school, I ended up getting three full quarters towards a masters degree in administration.

LAW: Is this spring of '71?

CARTER: No. I started in, I guess it would have been the winter. I started in December [1970], I think it was. I remember it started right after I came back from Vietnam, the classes started, so I enrolled, took the first quarter, then the next quarter, and the third

quarter ended maybe some time in August or just before. I was able to get three quarters in and then I started law school.

LAW: So that's the first year that they accepted students. What were your impressions of the university, it was very new at the time.

CARTER: Well part of my impression was it's very new. There were some growing pains but also there was an excitement, because you know the professors were coming there excited because it was new. Part of it is that some of them had a new approach about it, some people didn't have to have grades if they didn't want to, I mean there was a pass/fail thing.

LAW: Yes, yes.

CARTER: I think initially, I took all grades, until maybe -- I think I took all grades until the last quarter. The last quarter was when I talked about coming back that summer, between the first and second year of law school. When I was working full-time with the state, I went to school full-time at night for the masters program again, and those two courses, I took pass/fail, but all the other courses I took for a grade. You know it was a work in progress and any time you have a new school starting up, there was a lot of excitement. Some of the people were leaving other schools because they thought it was too restrictive, and so there were a lot of -- I remember, I had Professor Batson.

LAW: Bob Batson.

CARTER: Yes. He had a very good reputation in government, political science and so forth, and he was one of the professors I had. In fact, when I got the -- to get the masters program, you had to go through like an oral discussion or exam at the end, when you had all your coursework done, before you get your masters degree, and [Professor] Batson

and another professor were the ones who were asking me questions. I had a lot of respect for him, I took a couple courses from Professor Batson. That led to taking the courses for the masters degree and going from the masters program to law, then back to the masters program, then back to law, and by that time, when I came back the second time, we had a fellowship, and so that meant the fellowship paid a little bit more than my Vietnam veterans scholarship, so I didn't use the veterans scholarship, that

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is for the state school. I got veterans benefits, which were like two hundred dollars a month, it's not a huge amount, and I transferred then, back to law.

Then, we went to -- I had the fellowship and went to law school that summer. I took a couple courses and estate planning was one of the courses I took that summer, because we were working with Professor [Harry D.] Krause. I remember the time I graduated and had gotten my JD degree and I'm studying for the bar exam and we needed money to survive, and we had some savings and so forth, but I realized that I had like a half a month on the veterans benefits. But if you had a half a month or a month left and you started a semester, they'll allow you to -- they'll pay you through the end of that semester. So I realized if I took courses that summer, while I was studying for the bar exam and taking the bar review course and studying for the bar exam, if I took courses that summer, I could get paid for both months. So I transferred again from law to the masters program, and the Veterans Administration denied the request.

So then I appealed and I had to drive to Peoria and talk to people and explain to them, because they thought, we can't let you do something unless you're going to complete the course, and you've transferred like one, two, three times. And I explained to

them that here's my law degree and all I need are two courses for the masters degree, and so in other words, I will have succeeded if you allow me to do this, to have a law degree and a masters degree. So I am complying with the regulations and I know I've transferred back and forth, but it's to get both degrees, it's not, not knowing what to do, because they just took it for granted, like here's a guy who's transferred three times, he's not sure what he wants to do. And so I was able to -- they allowed me to do that and so then I took those two courses, but I didn't take them at Springfield, I took them at Champaign, and that's why on Monday and Tuesday, I took the bar exam and on Friday I took two final exams in graduate programs to get the masters degree.

LAW: Was there any kind of internship component in the masters degree or public affairs?

Anything focused on that?

CARTER: No, I had the coursework and then this oral exam with the professors back then.

Although when you talk about internship and so forth, my --

LAW: Applied studies or something to that effect.

CARTER: Mind you, I had already served as a personnel officer for periods of time and worked for a law professor at the law school and then upon graduation, I was hired by Howard Ryan, to clerk for a Supreme Court Justice.

LAW: Let's talk about that. How did that clerkship come about? How did that clerkship with Justice Howard Ryan come about?

CARTER: It's not like today where you have all this computerized information about job openings and so forth. Back then the law school had notices they would post, that law firms and judges looking for clerkships, would post a notice that a clerkship was available and to apply and send your information. We'd send it by mail, and so posted

was information that there was a clerkship available in Howard Ryan's office. I took the information down from the board, sent the information to Judge Ryan, was very happy to get an interview. I also interviewed with an Appellate Court judge, but before I had a chance to talk to him again, I was supposed to talk to him again, but by that time Judge Ryan had called and I was hired. So I was hired, you know at the end of the year I knew I was going to be clerking, but it wasn't going to start until October. In other words, it wasn't going to start until after I got the bar results, which even though you took the test in July, back in those days you didn't get it until October. Actually, our friends got it Friday, or Thursday or Friday, and we didn't get ours until the following week because we moved from Champaign to Ottawa. The mail was you know, the address they had was the Champaign address, so they had to forward it then, back to Ottawa.

LAW: So the clerkship was based in Ottawa.

CARTER: His office was just a couple blocks away from here. He lived in Tonic, Illinois, but his office was in Ottawa, Illinois. Judge Ryan was a Circuit Judge, Chief Judge here in this judicial circuit, and he normally sat here in Ottawa, at the downtown courthouse, and then he was an Appellate Court Judge for a couple of years, before he went on the Supreme Court. So he sat across from here as an Appellate Court Justice and then he went on the Supreme Court in 1970 and served for 20 years on that court.

LAW: What were your first impressions of Justice Ryan?

CARTER: Well, I've always been very thankful I've had a chance to work with him, and I was always very impressed with his wisdom and his experience. He was a World War II vet, he served in the Army Air Corps., but he had been a Trial Judge, a County Judge, Circuit Judge, Chief Judge, an Appellate Court Judge and a Supreme Court Judge, and he

had tried a lot of different cases, so I learned a lot. I'll tell you, that year I worked for him, I learned a tremendous amount that gave me, I think insight, that was a benefit to my practice and career, for the rest of my career, having had a chance to work with someone like Howard Ryan.

LAW: What would he have you -- what were your duties for him as a clerk?

CARTER: What we did in Howard Ryan's office, and he hired clerks for a year. Some people hired people for two years and now, I think most of the Supreme Court, like my clerks, I hire, I don't have a time period. Back then, I think Justice [Joseph H.] Goldenhersh had one permanent clerk and the other one maybe was two years or something like that. Justice Ryan would hire clerks for one year at a time, although he had one for two years because of other circumstances. Judge [Daniel P.] Ward, I think hired people... I think he might have had one permanent clerk and then he hired another person for two years, or maybe both were two years. Justice [Walter V.] Schaefer, I think hired people alternating the two year kind of thing. The Supreme Court Judges at that time had one secretary and two clerks working for them. Now they have a secretary, three clerks and an administrative assistant, and they also have a research department that helps them with the petitions for leave to appeal, but when I was clerking, we had our assignment where you did research on the pending cases that were orally argued. We did written memorandums on every petition for leave to appeal to the Supreme Court, and we did any other research that he wanted and would draft things, you know draft positions and so forth, on the cases, like preliminary drafts of the work on a case. We also did the memorandums for all the petitions for leave to appeal, so by the time the year was up,

you know I could tell you what all the hot button issues were in Illinois, because you saw them coming through the office.

LAW: So you said you learned things working for him that stuck with you throughout the rest of your life. What would be an example of something that you learned from him?

CARTER: Well, it's the approach, sort of just a calm approach to legal problems. Like the sign says on the Supreme Court Building as the judges are facing the people who are arguing the case, over the door there's a sign in Latin that says, "Listen to the other side." And one of the things you learn is, is you can't just jump to the conclusion. Everything is sometimes simple and yet complex, and you should be thoughtful when you're considering these legal issues. I remember Justice Ryan would -- and this is some of the process. I remember he would, on occasion, change a word or a sentence, not to get the fourth vote, but to get the seventh vote, and be very concerned about the language in the opinion because you might not realize that loose language could lead to some mischief in the future if you're not careful, because you're not thinking through. You know, you shouldn't be too expansive because it could lead to some mischief that you did not intend but that if read a different way, could lead to different results, unintended different results. So I learned all of a sudden that it mattered about how precise you are on these things, and you can always try to be precise so things can't be misread or misinterpreted. You're not always successful but... And also, he had a way -- everybody has a different judicial philosophy about that. He tried to encourage people to reach consensus. Now, many times you couldn't. He would dissent when he felt it was necessary and so forth, and others would dissent sometimes from his positions, but he did make an effort to try to reach consensus if possible, which I always respected. I always thought that when you

got a consensus of a whole court, those opinions probably counted for more, because you got what was left in that decision was something that all seven agreed to or all six out of seven agreed to. That seemed to me to be a stronger opinion than a four-to-three decision.

LAW: So when the court would be in session in Springfield, would you move to Springfield temporarily or would you just travel down there? How did that work?

CARTER: Mind you, when I married into my wife's family, all of a sudden there were lawyers, but I didn't know any lawyers beforehand. To me it was a big honor and I still think it was a big honor to be able to go down to Springfield when they were in session, and as a law clerk on the fourth floor at that time, on the fourth -- and they still have chambers up there and bedrooms up there. So when they're in Springfield, they dine together or at least in my day they all dined together, and they were upstairs, and they each have assigned rooms. There were additional bedrooms that maybe theoretically were for the Appellate Court, that was in the same building at the time, but those rooms were available, and so in each session, you got to go there at least once. I'd drive to Springfield and I'd stay at the Supreme Court Building, and you can imagine a long -- you know, here you are a recent law graduate and here you are at the Supreme Court, and if they didn't have a lot of guests, you'd sit there in the dining room with them, listening to their conversations. So for a person who's just a recent law graduate and you are sitting at the table with the Supreme Court of Illinois, I thought that was a fantastic experience, and to hear conversations back and forth about these legal principles from the seven, it was very interesting.

I can also remember being in the library at 11:30 at night with Justice Ryan, working on a case. And when I say with him, he's here at the table, at the library table, reading a case and I'm looking at the cases too, we're working on a problem. That's the kind of person he was. So it was very interesting historically, and I remember the Reporter of Decisions at the time was a guy by the name of [Edwin H.] Cooke, who had been Deputy Reporter in maybe the twenties and thirties, and he would tell stories sometimes. I remember one story was the Supreme Court, they would sit at that time, maybe in the twenties and thirties, the Reporter or the Deputy Reporter would sit when the judges were in conference, after an oral argument, and he said one argument in his early days, when he was a Deputy Reporter, it was so heated that one judge threw an inkwell at another. That was interesting, needless to say. I don't remember any disputes like that ever going on when I was clerking, but that must have been a heated discussion back then. And you see his name, they used to put the Reporter's name on the binder of the book, before Illinois Second, you'll see Cooke's name.

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I think the Clerk of the Court was, I think a guy by the name of [Justin] Taft [Jr.], I think, and maybe he was the last elected Supreme Court Clerk of the Court. On the stairs, from the fourth floor down to the courtroom, it sort of winds down, and midway on the balcony there, there's a bust of John Caton, and John Caton was a Supreme Court Justice from Ottawa. Down the street from here is a house that was built in 1842, where T. Lyle Dickey lived, and Dickey was a Justice in the 1870s. So Howard Ryan was the third judge from LaSalle County to serve on the Supreme Court of Illinois.

LAW: How do you think the living arrangements affected the workings of the court?

CARTER: Thinking about that historically, John Marshall started to have -- encouraged the Justices on the Supreme Court of the United States to stay in the same place or at least try to dine together, and the idea was you might not always agree but you would have more civility and a better working relationship if people dined together. They're less likely to have sort of misunderstandings if they're dining together. You might disagree but it's still going to be on a friendly, civil, with civility, and I think there's something to that. I think it's hard to -- you might disagree with someone but I think it's hard to be really mad at somebody when you're dining with them on a frequent basis, and that's the historical view of what John Marshall did, and perhaps that's the view of the -- when they built the Supreme Court Buildings at the turn of that century. Maybe that's the sort of background behind the idea of having the quarters upstairs.

LAW: Did Justice Ryan have any particular Justices that he was especially close to?

CARTER: Well there were many.

LAW: While you were there.

CARTER: While I was there, he and Judge [Joseph H.] Goldenhersh, they had very different judicial philosophies but they were very good friends. He was very close to Justice [Robert C.] Underwood, who was the longest serving Chief Justice in Illinois Supreme Court history, who was from Bloomington. I remember at the time I was with the court, he had very good relations that I remember, with everyone. Now I will say that the Justice from the Second District, [Charles H.] Davis, shortly after I started to clerk he suffered a stroke and really was sort of absent most of that year because he had suffered a

stroke. And then at the end of the year, I think it was at the end of that year he passed away and Justice [Thomas J.] Moran was elected to the court.⁷

LAW: Did you find that the justices from Chicago were different in any way, from the justices from downstate or the collar counties?

CARTER: You mean a downstate, Chicago, I don't think a downstate, Chicago difference. Each justice has his own personality. When I was clerking, Walter Schaefer was on the court, he had been an academic at Northwestern, had a national reputation, had been on the court since the late 1940s, like '48 maybe or '49. Well, this will tell you when. Walter Schaefer, 1951 to '76.

LAW: He was sort of the conscience of the court?

CARTER: Well I don't know if -- he was very thoughtful. I guess from my perspective, [Robert C.] Underwood was sort of the conscience of the court. [Robert C.] Underwood, he was Chief Justice when they had the scandal in 1969/70, and you had two judges resign from the court, [Roy] Solfisburg and [Ray] Klingbiel, and Justice [Robert C.] Underwood very quickly tried to establish the principles. Of course, the 1970 Constitution was being adopted, so that had an impact on like the court's commission of things in the constitution, but because of [Robert C.] Underwood's leadership, I think the court really did not lose the respect that people had for it, and a lot of that was, I think as a result of -- in my humble opinion, as a result of [Robert C.] Underwood's leadership back in those days.

LAW: So what were some of the big cases being argued and decided at the time, do you recall?

⁷ Justice Thomas J. Moran was elected to the Illinois Supreme Court from the Second District in 1976. Justice Caswell J. Crebs served as Justice from the 2nd District, upon Justice Davis retirement in 1975, until Justice Moran was elected in 1976.

CARTER: Well, there were a lot of -- I'm not going to go into specific things, but there were a lot of constitutional issues. In 1974/75, there were Illinois constitutional issues, and home rule issues. Home rule was new at that time and the constitution was brand new, so there were a lot of issues about interpreting the constitution and things of that nature. A lot of those things were coming up to the court because we had a new constitution, which is not unusual. We had some things change in the Judicial Article of 1964 but really, that really just changed a partial reform of the judiciary as far as how it was divided from county courts, probate courts and that kind of stuff, to a unified court system, starting with the Judicial Article of 1964, and then really formalized in the 1970 Constitution. But there were a lot of constitutional issues back then that were coming up in many cases, because it was brand new, and so those sections were interpreted for the first time.

LAW: Any other memories of working for Justice Ryan?

CARTER: Oh gosh, there are a lot of memories. I've always found it was a very important part of my career development, working for him. Well, I guess I -- in what context are you talking about now?

LAW: Well, I guess it could be related to your working relationship, it could be related to maybe stories he shared with you. Any memories that have stuck with you over time.

CARTER: There are a lot of memories that have stuck with me and when something causes me to recall that, I recall some of the stories. Like I told you earlier in this conversation, Justice Ryan had served as a Trial Judge for a long time and had been a Chief Judge. So when he would see a case and deal with the appellate case, he could really explain to you, not from an academic standpoint but as a practical matter, really what was going on, that sometimes really what's going on here, the lawyer is trying to keep this other evidence

out, he's doing this, and that's why he's making this argument. It becomes very clear when you put it in the context of an actual trial, but he had actual trials, so he could put it in that context, where you didn't really see it because you didn't have that trial experience that he did, and all of a sudden oh, that makes sense.

Sometimes I view it as analogous to, in the study of mathematics. You know in law school you learn the rules and you learn these rules, and you can repeat the rules and so forth, and you might have -- you might know them, but knowing a rule is different than totally understanding it. There are a lot of people who can know the math rules but they don't know how to apply it. In a simplistic way, that's the difference between knowing something and understanding something, you know when you understand what was happening. He could put it in the context of what was going on at the trial, you know they're asking this and that. It was very interesting as a young lawyer to learn that.

Also, as an aside, you also learn that the judges are doing the best they can to come up with the correct decision based on the law and the facts. Many times at seminars, you'll see academics, or at legal seminars, you'll see people say well the court's going in this direction or going in that direction. They're not going in some direction, they're just trying to rule on each case as it comes up. Now, over a course of time there's a pattern that develops, but it's not like back then they're starting at point A and saying here's where we want to be 20 years from now, I mean they're ruling on one case at a time as it develops in the common law methodology.

LAW: This is kind of moving ahead a little bit but as an Appellate Court Judge, have you approached it in the same way, looking at the case from the trial judge's point of view, like Justice Ryan.

CARTER: I want to correct you. I'm not saying that he looked at it from the trial judge's point of view.

LAW: Not in the interpretation but in the understanding.

CARTER: He understood it as -- and obviously, I was a trial judge over 27 years. I'm coming from that kind of approach too and I think there's a place on the Appellate Court and on the Supreme Court, for people from different backgrounds, but I also think it's important and helpful to have at least one person who has that trial perspective. I think it's important to have different views. We're all trying to do the right thing under the law and the facts, and there's only one law and there's one set of, once the facts have been established, and when you get it on appeal, basically you have a jury or a judge deciding on the facts, and unless that's against the manifest weight of the evidence, those are the facts, unless it's contrary, like against the manifest weight of the evidence, whatever the standard of review is in any given case. I think it's a good perspective to have.

LAW: Now, why did you decide to go into private practice when you were done with your clerkship?

CARTER: I was clerking for Ryan and the lawyer who owned the building where Ryan's chambers were located lived on the other side of the building, was one of those duplex kind of things; Ryan's office was here, the lawyer was here. I met that lawyer and given all the courses I took, I thought after my clerkship, I would go to Chicago. As it turns out, I didn't even try to go to Chicago. I met this lawyer and started to practice with him, and so from studying all that business and tax and so forth, I started doing trial work, a general practice.

LAW: This was the firm?

CARTER: It was Wolslegel and Armstrong, and then it became Armstrong and Carter.

LAW: Who was the attorney?

CARTER: Craig Armstrong was my friend. Wolslegel left about a year and a half into the practice, his wife had died of cancer, and then Craig took it over and then we became Armstrong and Carter. I started working with him in November of 1975 and I left July 1, 1979.

LAW: What kind of cases were you trying?

CARTER: Back in those days we had a general practice. We did family law cases, misdemeanors, felony cases, civil jury trials. We did defense work, plaintiffs work, and I also did real estate closings. I even did a couple of abstracts and nobody does that anymore, you go and get the title insurance now, but we had title insurance, sometimes you'd go to title insurance, sometimes I actually did a couple abstracts, which was the old fashioned way. You see these sheets of paper, from the land grant all the way to the present. Most people do title insurance now, they don't do that. There was an old treatise, "Ward on Titles," was the sort of handbook on that.

LAW: So in many ways your training at the U of I was for a general practice?

CARTER: No, in many ways my training, a lot of the courses I

[01:30]

took with U of I was in a specialized area for corporate business and tax work.

LAW: OK, so that being the case, how did you respond to this?

CARTER: But I also took -- a lot of the other courses. I took federal courts, to study how that works, in law school, I took the evidence course, I took real estate, real property, in addition to property, real estate financing. I had taken torts, I took family law. So I had

taken all those courses but in my second and third year in law school, I started taking a lot of the business and tax courses.

LAW: But was there an element of on the job training, so to speak?

CARTER: Oh yeah, it's true for everybody that's in a practice.

LAW: Any memorable cases from that period, or experiences I should say.

CARTER: Well, the surprises when you start practice are the clients. I can remember being told by a client, this is how it went and this is beforehand, you prepare. In a jury trial case, if it's a lot of money, you're taking depositions, and sometimes you have a client that tells one story and then when you're going over to the courthouse, all of a sudden he is telling you a different story. And of course you can't have him lie on the stand, you've got to have him telling the truth; otherwise you've got a problem as a lawyer. There are always surprises, not only from the other side during a trial, but there are surprises from what your own clients are saying during the trial, once they get on the stand. And of course all the pretrial work and discovery work you do beforehand, is to prevent you from having those surprises, so that you know everything about the case when you start the trial.

LAW: Did you feel like you've had to -- did you feel like you had to think that your client was innocent to represent him? I mean how did you -- how do you approach that, if he's not innocent based on what he's told you?

CARTER: Everybody is entitled to a defense, I mean this is -- everybody's entitled to a defense. You can't allow a client to -- you can't be part of perjury or something like that, but there are different approaches to cases. In some cases, the best approach you have is a resolution. If your guy is arrested in the middle of the building with a bag of stuff that

he was stealing what are you going to say, some alien put him in the middle of the building with a bag of stolen goods? In that kind of case, the most you can do to represent him is to try to negotiate with the State's Attorney about how bad it's going to be. It depends. Defending someone, there's guilt and innocence and then there's what's the reckoning going to be if there's guilt. So when you defend someone, sometimes the defense is the best hearing and mitigation that you can have at sentencing. Do you understand what I mean? So there are people who you represent who are pleading innocent and pleading not guilty, and you're trying the case about guilt or innocence. There are other people you're really pleading on the sentencing stage, in criminal cases.

LAW: Which type of cases did you enjoy working on the most?

CARTER: Mostly what we did, we handled some criminal, but most of what we did was civil. I don't know, we did -- we had a general practice and we really did have a general practice. We tried all kinds of different things.

LAW: So you didn't really have a preference one way or the other?

CARTER: I was trying to develop a practice, so I was very busy. You're trying to develop a clientele and so forth, and then when there were openings that came up on the bench, I was encouraged by my spouse to apply.

LAW: Was practicing law, finally practicing law, was it what you thought it was going to be when you were in law school?

CARTER: I guess when I was in law school, I never totally was sure what it was going to be, because I didn't have any experience with lawyers. My wife probably had a better idea and actually, when I clerked for Ryan, my wife started to practice with a local firm, and then she went with the State's Attorney's office, and so when I first came to the

courthouse, after working for Ryan for a year and then starting in practice, I was frequently introduced as Nancy Carter's husband, at the courthouse, because that was the appropriate thing. She had already been in practice for about a year and a half, and so they knew her and they didn't know me.

LAW: This is the end of Interview 1.

[Total Running Time: 01:35]

END OF INTERVIEW 1

Justice Robert L. Carter: An Oral History, Part 2

LAW: This is an oral history interview with Justice Robert L. Carter. This is interview number two.⁸ The interviewer is Justin Law. Justice Carter, I think last time when we stopped, you were just talking about how Nancy was encouraging you to run to be a judge. Would you like to tell us a little bit more about that?

CARTER: In 1979, there were two, and then three, openings, for Associate Circuit Judge in the 13th Judicial Circuit. Traditionally, one Associate Judge sat with a Circuit Judge in Grundy County, one sat with a Circuit Judge in Bureau County, and the remaining Associate Judges were assigned to LaSalle County. And so in essence, at that time period, given the nature of the assignments, there were two vacancies first, that would primarily sit in LaSalle County, but you could sit anywhere in the circuit or actually, if upon assignment by the Supreme Court, anywhere in the state. Then, about a month later, before they picked anybody, the person who was the Associate Judge in Grundy County became the Circuit Judge, so there were three vacancies.

So at that time I applied for an Associate Judgeship and I was fortunate in being selected. I was one of three. The other two were in their early fifties, and I had just turned 33 when I went on the bench. I remember, I found out there was a vote, there were two of us who were selected and there was a runoff between the third person, and we all took office the beginning of July of 1979.

LAW: Now, was this something that you, yourself, wanted to pursue, or was this...

CARTER: Oh, I wanted to. You know, I mean my wife encouraged me to do it. I had not been in practice a long time and I was not from this area originally, but I thought it would

⁸ Interview 2 took place on May 10th, 2013.

be something that I would like to do and could make a contribution. I obviously was in favor of it, I did it, but my wife is the one who encouraged me to apply. Our daughter had been born the prior September and, you have a little bit more time as a judge, with your family, than you would in a practice.⁹ When I stayed in court until 5:30 or 6:00, the lawyers would say, "Thank you, Judge, for staying and hearing the witness." If I got home at 6:30 or 7:00, in practice, that was, a normal kind of thing, that was usual, and sometimes it was much later. So you had more opportunity to be with your family, on their activities, in a judicial career, and at the same time make a contribution to your town, to your city and to your community.

LAW: Now, as an Associate Judge, you focused on family law, probate, small claims, law and municipal cases?

CARTER: At the time, the primary responsibility for the Associate Judges in LaSalle County is they did all the family law cases. At that time, they also did all the probate, both administrative and contested probate. In addition to that, we did the law municipal cases, the LM cases, which at the time were under \$15,000. We also did all the small claims and they had traffic, although that was in a different -- eventually all that was in a different building. The county board made the north courthouse, so there was the downtown courthouse, which was primarily civil matters, and the one off Etna Road, off of Route 80, the north courthouse, which was next to the jail, were the criminal cases, both felonies, misdemeanors, ordinance violations and matters like that. So, during my time as an Associate Judge, from 1979 until I was elected a Circuit Judge in November of 1988, I heard primarily those matters up on the fourth floor of the downtown old courthouse.

⁹ Justice Carter has two children, Mary and Matthew.

LAW: Now, also in your first or second week of service, you went to Cook County, to work in their traffic court?

CARTER: Actually, no. At the beginning, we did so many weeks a year in Cook County. Initially, an Associate Judge in our circuit would do three weeks and the Circuit Judges were doing two weeks, or sometimes three or four weeks, we would do, I can't remember exactly. Most downstate circuits served so many weeks a year, they were assigned so many weeks a year to help out in Chicago, and so for a number of years we did that. In fact, it was when I was Chief Judge, I was finally able to get rid of that assignment. Some of my colleagues were happy with me, some were not, because they enjoyed going up to Chicago, but administratively, we were doing, at the time, 27 weeks in Chicago, and so avoiding that assignment, really in essence, gave us half a judge back, because we had lost -- when Justice Heiple was on the court, we had lost one judge, one Associate Judgeship, one spot.

But anyway, I was assigned and downstate judges were typically assigned to Chicago for so many weeks a year. I also was assigned by the Supreme Court to hear a case in DuPage County. You could be assigned as a judge anywhere in the state by the Supreme Court, so over the years I've heard cases in DuPage County, Peoria, several cases in Will County, in addition to Cook County and everywhere in the three counties in our circuit.

LAW: What were your impressions of the traffic court? I know this is right before Operation Greylord.

CARTER: It was a whole different kind of experience from the traffic court down here. I rarely sat in traffic court down in my circuit, but the few times I did, it was very different

in Cook County. They had a specialized room for just certain specialized cases, and I remember -- actually, I remember meeting the fellow who was undercover for the FBI, the judge from down in Southern Illinois.

LAW: Lockwood.

CARTER: Lockwood.¹⁰ I remember thinking, I did everything possible to avoid what I considered the Siberian traffic court up there, and he enjoyed it and I was always amazed, I wondered why he enjoyed that so much. I remember my first week there, LeFevour¹¹ was the Presiding Judge in the traffic court, and the second day I was in traffic court, the Chief Deputy came in with a group of Japanese visitors, and I said, "Well I think you made a mistake, I'm a downstate judge." And he said, "No, the Presiding Judge said to have them come in here and watch this court." At the time, I thought well that's unusual, you didn't send them into a Cook County [judge's] court. Like I say, a lot of times when I was in Chicago, I would volunteer to hear divorce cases and volunteer to hear other things because I just preferred to do that, rather than the traffic court. But it was during that time period, in '79, '80, and '81, where the scandal with regard to Greylord, occurred, and so I really didn't sit in traffic very often but I did a few times.

One of the questions the clerk asked me, the first time I went to traffic court, was "Judge, are you a fast judge or a slow judge?" And I said, "I'm not sure what -- I don't understand what you're asking," and she said, "Well, will I be out of here by 3:00 or not?" One of the deputies asked me that question. I thought that was sort of odd.

LAW: Now, you were retained in 1983. What is that process like?

¹⁰ Brocton Lockwood. For more on Lockwood, see, Brocton Lockwood and Harlan H. Mendenhall, *Operation Greylord: Brocton Lockwood's Story* (Southern Illinois University Press: 1989).

¹¹ Richard F. LeFevour.

CARTER: Retention is required for all the sitting judges in the state, so what that means for Associate Judges, who are appointed, is they're elected by the majority of Circuit Judges within their circuit, under the constitution. To be retained, you need 60 percent of the vote. So, in LaSalle County there were seven Circuit Judges at the time, so that meant to be elected you needed at least four votes to be elected for the first time as an Associate Judge. To be retained, you needed five approval votes, and what happens is the Supreme Court sends ballots to the Circuit Judges and they vote retention or not, yes or no on retention. When you're a Circuit Judge, you run for retention every six years. An Associate Judge runs for retention every four years and it's always the same period of time. For example, if you were just elected Associate Judge, six months before the normal retention time for Associate Judges, you would be up for retention again then, so all of them were up for retention at the same time period. The Circuit Judges were up every six years from their election, and the Appellate Court and Supreme Court every 10 years, and of course those are by 60 percent of the vote of the people and it's the people voting.

LAW: Now a few years later, you decided to run for the Circuit Court Judgeship, this is in 1986, but you lost. Would you like to discuss that experience?

CARTER: Well, I've won and I've lost, and I enjoyed winning more than losing. But it was a very different experience for me because I had never been involved in politics before, but I wanted to advance in the judiciary and that required running. So, basically, when I campaigned, the approach I took was to give educational talks about the court system, when I went out and talked to the people and to different groups. Initially, I ran for a circuit wide position in 1986, and I lost that election by just a little over -- I think by

about 1,300 votes or 1,200 votes. I can't remember exactly now, but it was a close election in three counties. Actually, because of the support I had, I won in LaSalle County, but the other two counties made the difference in the election, LaSalle County being the largest population wise. Following the 1986 election, there was an opening because of the death of Frank Yackley. And so I immediately announced I was running for his spot and I was successful running for his vacancy, and that was in 1988.

LAW: Now, the Illinois Constitution of 1970 made judgeships a partisan, electable position. The process of picking judges became part of a partisan political process, i.e., by primary...¹²

CARTER: Actually, it was before that. I think it was under, maybe the 1848 Constitution, when we first started electing judges, I think, and then in 1870 it was continued on and then in the 1962 Amendment to the 1870 Constitution, they changed the format from county judges and probate judges, to at that time, I think in the 1962 or '64 Amendments to the 1870 Constitution, they streamlined the system to have Circuit Judges, Associate Circuit Judges and Magistrates, I think it was. Then, in the 1970 Constitution is when we have the format now, the Supreme Court, the Appellate court. The Appellate Court Judges were first elected in 1964, and so you had the Appellate Court and Supreme Court elections, and then the Circuit Judge Elections, and Associate Judges were selected by the Circuit Judges. And actually, that went up to vote in the 1970 Constitution, so the people voted to maintain an electoral system. Initially, when we became a state in 1818, the

¹² Judges were first elected in Illinois via party convention or primary under the Judicial Article of 1962. Under the 1970 Constitution, Supreme, Appellate, and Circuit Judges, are nominated for election by primary or by petition, see, George Fielder, *The Illinois Law Courts in Three Centuries, 1673-1973, A Documentary History* (1973), pg. 264, 285.

judges were appointed, and it was part of the Jacksonian reforms that we established the election of judges.

LAW: How were you affected by this political process in becoming a judge?

CARTER: You meet a lot of nice people and interesting people, and you meet people who have -- you learn a lot when you are out there and talking to different people and trying to explain the... Like in the approach I took, trying to explain the court system to the people, you learn a lot from the questions. I think actually, it helped to make me a better judge and have more understanding, because when you see the -- and you realize the depths of sometimes the misunderstanding that people have of the judicial system; at the same time how critically important it is, because directly and indirectly, we have an impact on so

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many lives. When you're running and talking to people and telling them about the court system and you're fielding the questions they ask, you realize, in many ways, that we should do a better job in letting people know about the judicial system, since it's the third branch of government and like I say, there's a lot of misunderstandings about it.

LAW: Now, how does the political process work in regards to the particular parties' involvements? Do local party organizations select candidates? How does that all work?

CARTER: Well, I had announced that I was running for the spot and I had never been involved in politics before. I mean I always voted, I voted in the primaries and general elections and so forth, but I had not been -- and I did not grow up in this area. So, the first question a lot of people would ask, even -- and I ran as a Democrat. One of the first questions some people would ask, including Democrats, is, "Who are you, where do you come from?" That was a fair question. But I think what you're asking, the specifics, I

think a lot has to do with the area you're from. Are you talking about an election in Cook County, in DuPage County, or are you talking about East St. Louis, St. Clair, or are you talking about Madison County, are you talking about Peoria? I mean, there's a lot of different -- how do you want to style it -- folk ways and political ways in the different areas.

When I ran in 1986, for example, I was running against a person who had been from a well-known family in this area. His father had been a lawyer and their firm had been well-known, and a lot of people in the three counties knew who he was and so forth, and here I am, sort of a stranger, not only to the system but to the public at large, not having people from high school or not having people that I grew up with from around here. To answer your question, it depends on what area you're from. Here, I just announced I was running and I ran, and I think because I was running as a Democrat, nobody was running in the primary against me. At the time I ran in 1986 and in 1988, there had been a Democrat who won a Circuit Judgeship once, before the Civil War. The next time a Democrat won that I'm aware of, I think was in 1932, when FDR won. Then, in 1978, when the Republican lost the primary, ran as an Independent, and then they changed the law so you couldn't do that afterwards, but the Democrat won by between 400 and 500 votes, in 1978. So at the time, there weren't a lot of Democrats who won elections, running for judge, in our circuit. That's changed dramatically over the years as far as, who's winning the elections, but that was the history at the time I was running.

LAW: Was there resistance to your being elected?

CARTER: There were people who voted for my opponent and people who voted for me.

LAW: Well, I mean by the Republican Party, the local Republican Party.

CARTER: Well they didn't have any say in it because I was running as a Democrat. Oh, they had -- I always had an opponent of course, and I think the reason I probably didn't have an opponent in the primary the second time I ran is because I had run, and won, in LaSalle County, and so I was able to not have an opponent in the primary.

LAW: Now, you were retained in 1994 and again in 2000. How was running for retention on the Circuit Court different than getting elected to the court?

CARTER: Actually, I really didn't do any campaigning at all, neither year when I was running for retention. Typically, the day of the election, sometimes I wondered, maybe I should have done something, but I didn't, and I was just hoping that, by reputation for fairness and hopefully for competence, that the majority of people who were voting on the retention would vote for me. So much of it would have nothing to do with your qualifications or what you have done as a judge. Let me give you an example. When I ran in, I think it was 1994, for retention, that was the year that Gingrich -- it was the "Gingrich Revolution" I believe, and if you recall then, one of the big things was term limits. So, everybody was talking about term limits and here you are on the ballot, running for retention, about asking people to retain you in office, and the big thing on the political agenda is about term limits.

In 2000, when I was running for retention in the 13th Judicial Circuit, there was a scandal in Will County, the 12th Judicial Circuit, with regard to one judge and there was some criticism of the Chief Judge at the time, and so there was a lot of press about that, both in the Chicago papers and the Will County papers. That had an overflow to the retention in Grundy County, on my circuit for example. In that year, there were two of us on the ballot, an Appellate Court Justice and myself, and I think I achieved about 80

percent or so in LaSalle and Bureau County, and the Appellate Court Justice was getting about five points below, like about 75 percent, roughly, I can't remember the exact figures. All of a sudden in Grundy County, which is right next to Will County, the numbers were going down into the low seventies, and what I discovered afterwards, I think it was in the townships that bordered Will County, which was getting all the adverse press against the judges in Will County, those were coming in at 60 percent or 61 percent. In other words, that criticism of the other judges, from a different circuit altogether, was having an impact obviously, in our race within this circuit.

(break in audio)

LAW: What kind of cases did you work on as a Circuit Court Judge?

CARTER: As a Circuit Court Judge, I had chancery cases and law cases that would be a law jury or non-jury. I would have contested probate cases, will contests, medical malpractice, personal injury cases, injunction cases, land disputes. Anything that was possible to have on the civil side I would have, and then when I was a felony judge, I did felonies, jury and non-jury, misdemeanors and ordinance violations. So one time or another, I've heard or tried almost everything possible that you could hear or try as a judge, which is very unusual for my colleagues from Cook County or DuPage, where you have a lot more judges, where they tend to specialize in one area throughout most of their career. When you start coming downstate, you get people who end up doing everything at one time or another.

Also, I heard divorce cases, family law cases, custody issues. Typically, in a paternity case, when the DNA evidence came out, typically there aren't contests like there used to be when I first became a judge, in 1979, or when the blood tests weren't as

sophisticated. Now, when a test comes back that's 98 percent chance you're the father, there's not a contest about it anymore. And in fact, one of the early DNA tests that I had a person take, I said to him, "Do you want to say anything before I enter the judgment?" He says, "Yes, Judge, I would like to say something," and I said, "Well what's that?" He said, "I just want you to know, this is the highest test score I ever received on any test." That was his DNA test.

LAW: Now you were also, as an Associate Judge, -- we'll go back a little bit -- you were involved in a couple committees. What was the nature of your work with the Associate Judges Seminar Coordinating Committee and Conference?

CARTER: Back in those days, in the '70s and '80s, there would be every year, an annual educational conference for the Associate Judges, and I was on that committee for a number of years. I was chairman for two years. That committee would run the seminar for all the Associate Judges in the state. I was the chair of the committee for two years. We would plan a three-day seminar. For many years, I taught every year, sometimes two or three times a year. Until about 1991 I was also on the Education Committee during that time period. The Educational Committee for the Supreme Court planned the new judge seminar and also planned regional seminars across the state.

LAW: You were also involved with the Ad Hoc Committee to Study the Organization and Function of the Illinois Judicial Conference?

CARTER: That was a committee that was started in, I think in -- it started like in December of 1990. We were directed to have a report done in two months, which we did, and we recommended, pursuant to the mandate of the 1970 Constitution, that there should be changes to the judicial conference which had been an annual educational conference. A

couple of years later they adopted some of our recommendations, which broadened the purpose of the conference. That's when the Supreme Court established what is now the Illinois Judicial Conference, which has a meeting once a year.

LAW: Now, also around about 1986, you became involved with the Study Committee on Complex Litigation.

CARTER: I've just recently been reappointed to that committee by the Supreme Court as part of the Judicial Conference. In the past, our committee recommended some rule changes and other things of that nature, some of which got adopted, for handling mass tort cases, asbestos cases, and things of that nature. Then we started preparing two manuals, the first manuals for judges, one for civil and one for criminal cases. We went through several editions. The Supreme Court updates these manuals, although now, because the educational conference has specific books in a lot of different areas, the manuals aren't as large as they used to be. That's one of the old volumes (points to bookshelf), the *Illinois Manual on Complex Cases, Criminal Litigation*. So they're still doing it, but it doesn't need to be as large, because there's another separate book on civil procedure and so forth, and another separate book, a bench book for judges on criminal procedure. But anyway, that's still a committee.

LAW: How did you become the Chief Circuit Judge in 1993, and what were your added responsibilities?

CARTER: Pursuant to the 1970 Constitution, the Chief Judge is elected by the Circuit Judges in your circuit, and so I was elected by the Circuit Judges, and I was Chief Judge for maybe a month or so short of 13 years.

LAW: What were your added responsibilities as Chief Judge?

CARTER: Well, the Chief Judge has the administrative duties and assignment authority over the judges and over the court reporters, the probation department, the bailiffs, for example, in LaSalle County. So it's the sort of day-to-day operations in the courts in the circuit. I maintained a full caseload as well as becoming Chief Judge.

LAW: Did you enjoy that position?

CARTER: Yes, it was interesting. I sought to become the Chief Judge because I wanted to implement some reforms on the judicial assignments and so forth. I initiated that Circuit Judges would hear divorces, and other changes,

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when I became the Chief Judge. The reason I wanted to become a Chief Judge is I thought there's a lot of things that are very important to do that make the system more efficient, and encourage everyone to be on the same page, and provide transparency and justice for the people. This involves management and administrative issues as well. I mean, so many times that's forgotten in the professions of medicine or law. In fact, I taught a few times on management and administration for Chief Judges and Presiding Judges, and when I became the chair of the Conference of Chief Judges (I was elected chair three times for the Conference of Chief Judges) I encouraged that we have a management expert, at that time from the University of Michigan, come and talk to us. That's when we established the mission statement for the Chief Judges Conference. We also had several seminars with a professor from the University of Nevada, in Reno, to help teach management skills to judges, Yvonne Stedham.

I think it's critically important to be aware of management skills and talents. I promoted the establishment of an expanded manual for Chief Judges, which it turned out

was the first manual, that any state ever had specifically for Chief Judges. You don't always have to reinvent the wheel, when there's past practices that you can rely on. So that manual, as I understand, is still provided to new Chief Judges and it is updated constantly. We had a lot of committees for management and administrative purposes, looking at our jury systems, looking at different things that are done in the circuits, specialty courts. There were a number of things that I encouraged our conference of Chief Judges to look into, and they did. I think that helped make the court system a better one. The Supreme Court, under the leadership of Justice Kilbride, has a Strategic Planning Committee, and the whole idea behind that is what we can do to make this an even better system.

LAW: As the Chairman of the Conference on Chief Judges, you were chair of the Mentorship Committee and a member of the Legislative Committee. Would you like to talk about that a little bit?

CARTER: The Legislative Committee was a committee that the Supreme Court established to look at legislation that would have an impact on the courts, and sometimes, regrettably, people don't realize that if certain legislation passed, it could have a very adverse impact and could have costs that they don't realize they're imposing. So, sometimes it's helpful for the judges to look at some of the pending legislation and say, you know, this would be a very costly proposition. For example, there was proposed once, some legislation where you could appeal the selection of a panel on a jury. In other words, you'd have to hold a jury in abeyance, a jury trial in abeyance, while they're appealing the selection of one of the panels. Well, that would be costly and not very efficient, to have jury trials conducted like that. That's an example of something of that nature. Sometimes they

don't realize that maybe it's -- it won't cost the state anything but it might cost the county a lot of money. The way our system operates in Illinois, the trial court is funded through the county boards and, you know, some counties are in a lot worse shape financially than other counties, and these expenditures have a big impact on what you can do. So it's very important to look at all the details and so the Legislative Committee looked at some of those things.

As Vice Chair and then as Chair of the Conference of Chief Judges, I chaired the Mentorship Committee, and that's the one where we approved judges as mentors and approved what they needed to do to become a mentor and some of the mentoring requirements. At the time, new judges, under the Supreme Court rules, were provided a mentor, which is a very wise thing to do. Later, Tim Evans in Chicago, in sort of an ad hoc manner, would assign a mentor to a judge who was having some problems. I think that was a wise move and the court now has adopted that procedure. Thus a Chief Judge can assign a mentor to an experienced judge, if there's some problems.

LAW: Earlier in your career, did you have any mentors when you first came on the bench?

CARTER: They didn't have that then.

LAW: Did you have any kind of not official mentor but unofficial?

CARTER: Yes. You know, my experience with Howard Ryan, I would view as a model of the way you should be as a judge, and to strive for excellence. I had a lot of respect for him and the way he performed his tasks, both on the Supreme Court, and as I understand it, when he was a trial judge, Chief Judge, here in this circuit. And then, I read a lot of books about the law and lawyers and judges.

LAW: I had one other question about mentoring, I wrote down here. Why did you decide to help implement the Supreme Court's judicial mentoring program in 1998? What is the nature of the program and how does it help other judges?

CARTER: Well, it helps other judges, talking to an experienced judge. You're stepping into a totally different role when you become a judge, and it's helpful, I think, for a new judge, to have someone they can go to and talk to and feel comfortable talking to. The idea is you try to pair people with a mentor they'd feel comfortable with. Today, in this day and age, I think mentoring is considered a preferred method for a lot of people in new careers, to have a mentor to help them. In fact, it's encouraged for people, if they want to advance in their career, to have a mentor, and I think that's true in every field and every profession, and so it's no different with the judiciary. It's helpful to get people who can encourage you to strive for excellence.

LAW: Now, what was the nature of your work with the Illinois Judges Association?

CARTER: The Illinois Judges Association is an association of judges who are interested in promoting the justice system in the state of Illinois and also promoting the welfare of the judges in the state of Illinois, and so I was active on the Board of Directors and also became an officer and the President of the organization. In 1995, I was President.

LAW: So here's kind of a big question. As a judge, you've been involved in a number of ways, with legal education. Why, and how has this work influenced your work as a judge?

CARTER: Well, I've been involved in legal education. Primarily I've lectured at a lot of judicial conferences over the years, being involved in the judicial education program for the state of Illinois, actually being chair at one point, on that committee, teaching early in my career. Many times, I taught three to four times a year. I'm still active, for example,

in the George Mason Judicial Education Program, from George Mason Law School. I'm on its advisory board about programs for judges. I'm an elected member of the American Law Institute, the organization that does the restatements. I've just become a member of the advisory board for Restatement Third on Intentional Torts, I've been on the faculty at the National Judicial College at University of Nevada at Reno, as well as teaching, for example, evidence, which requires a lot of work. You don't want to embarrass yourself, so you really prepare when you're going to make a presentation to lawyers or judges. I think it just makes you a better judge. Also, I've always believed that in a profession, you should give back to the profession, and one of the ways you can give back to the profession is not only to try to keep current on your skills as a judge and knowledge about the law and so forth, but also to help promote that knowledge and skills in others, and you can do that through education.

For sixteen years, as what I thought of as a community service, I taught business law at the local community college. That was a wonderful experience.¹³ About half the class were younger people, half the class were older people who wanted to take it because they were in business or they wanted to learn about legal principles. As in all my teaching experience, I've learned a lot by doing that. So I've taught a variety of things, from jury trials, how to conduct jury trials, both in civil and criminal, evidence, domestic relations. The first thing I taught when I went to my first seminar, the new judge seminar, actually I was teaching at that seminar. I was teaching contempt and we did a skit where I was Judge Newbie, and that was in December of, I think 1980. So I've taught a variety of things and like I say, I'm still active.

¹³ Illinois Valley Community College

I was on the old Supreme Court Evidence Committee, and the Supreme Court just recently adopted the Rules of Evidence for the state of Illinois, and I'm now on the new reconstituted Evidence Committee, and that's been one of the great experiences of my career, having a chance to develop, based on the present case law in Illinois, the rules of evidence for the state. That was a remarkable experience and I'm very happy I had a chance to participate in that endeavor.

LAW: Now, you've also been involved with the Supreme Court Judicial Conference and with its Executive Committee. What is the nature of your work with that?

CARTER: That proposes to set up, in general, the format of the presentation of the various subcommittees. For example, there are different kinds of Supreme Court committees and Strategic Planning is part of the Judicial Conference, and that's to try to implement -- we just had a conference on that. Try to implement recommended changes to make our system even better, you know, a better system. There's the Complex Litigation Committee, which is developing updates on the manuals for criminal and civil matters. The Executive Committee sort of is the committee that sets the format for the conference that is held once a year. There are other committees that aren't part of the judicial conference. For example, the Education Committee, which is part of the Conference, has subcommittees putting the manuals together for judges, and I'm, for example, I'm a peer reviewer for the Civil Bench Book Committee. I'm also on the -- which is a standalone committee, the Supreme Court Child Custody Committee, which came up with the rules about expediting appeals and other things with child custody matters, both at the trial and the appellate level.

LAW: What about the Special Committee on Court Reporting?

CARTER: I was on that committee and its variations, on the Chief Judges Conference, and that was to promote efficient administration dealing with court reporters and so forth. And then when the legislature took the court reporters away from the Supreme Court and created a whole different setup, -- I won't go into all the technical differences now -- and really made it like one of the smallest agencies of the state controlled by Chief Judges, and the state was divided legislatively into three different groups; Cook County and then the surrounding collar counties and then the rest of

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the state, I, with other Chief Judges, urged that we have a unified approach, which they still have, to manage the court reporters, and that's still going on, to try to have an official court reporting system, with the help of the professional court reporters. So I was active in that in the past. I haven't been, since I've left the Chief Judges Conference, involved in that.

LAW: I believe I have just one more committee, the Illinois Criminal Pattern Jury Instruction Committee?

CARTER: In the 1950s, the Supreme Court of Illinois set up two separate committees; one on civil jury instructions, one on criminal jury instructions. The mandate was that in every jury trial, instructions are given to the jurors about what the law is, and when they judge the facts in the case, pursuant to what framework the law is, those instructions tell them what the law is and how to judge the facts, based on what they determine to be the facts in the case. I'm the chair of the Criminal Jury Instruction Committee and we draft proposed instructions that are submitted and published on the Supreme Court's website. The Supreme Court does not adopt them. The different districts of the Appellate Court

and the Supreme Court can look at those instructions, say if they feel that they're in accordance with the law or not, but the basic principle is that a trial judge should use the instructions unless there's a very good reason not to; otherwise, you are supposed to use the jury instructions. There's a counterpart, there's one on civil, one on criminal, and that's that committee.

LAW: It appears that throughout your career, you've been involved on various committees consistently. Why do you think that is?

CARTER: I guess maybe one of the reasons is I can't say no, but the other thing is, I just think it makes you a better judge, the more you work at this and the more you learn and the more you are involved in teaching. It just makes you a better judge and makes you a better professional. I'm also one of the advanced science and technology resource judges.¹⁴ There were 12 of us originally and I think there's about 30 now going through the program. At one time it had been funded by the Justice Department, the Federal Justice Department, and there are judges from I think almost every state in the union, who are part of that program, and it's to – considering technology and science.

LAW: As a judge, you've been focused on family violence issues. Why, and how has that work informed your career?

CARTER: Well, as Chief Judge, I set up the first council in this area, in this circuit, and helped get the organization started within the rules of judicial ethics. There are only some things that a judge can and can't do, but we pulled people together.

LAW: This is the Illinois Family Violence Coordinating Council?

CARTER: Yes. We pulled people together to address a problem that existed in the past and still exists in so many ways, in domestic violence, to educate people, to have the different

¹⁴ Justice Carter is a Fellow with the Advanced Science & Technology Adjudication Resource Center.

kinds of groups and entities that would be involved in domestic violence, maybe coordinate better. You've got sheriff's departments, you've got hospitals, you've got all kinds of different groups out there, to have a better understanding of what domestic violence does to families and how it hurts families. I think there's been a sea change in the attitudes about people in domestic violence over the last years, and I think those councils across the state have had a part in that. Years ago, when Ben Miller was on the court¹⁵, he felt very strongly about this and was an advocate about encouraging setting up some of these symposia and setting up these programs and these councils. He set up an ethics committee to set out the ethical guidelines of what judges could or couldn't do if they're going to participate, and I was on that first committee and I've been chair of the committee for many years now, where we set ethical guidelines for Chief Judges and for judges, in those programs. I think that's important work because like I say, I think it's very different today because of the work of those people out there against domestic violence.

The picture is very different today than it was 20 years ago or 30 years ago, when I first became a judge, and I think there's been a positive change. That doesn't mean there's not still a lot of problems. There are still a lot of problems with domestic violence, elder abuse, children's neglect and dependency, but I think our society has to take an active role in trying to stamp that out and to do what you can to protect people and to help people in those situations, and it's a multi-layered problem, you know, it's economic, it's social, psychological. Like I say, Ben Miller, when I think he was still Chief Judge, he got involved in all this, and that is when I was asked to be part of the original ethics committee.

¹⁵ Illinois Supreme Court

LAW: Switch gears a little bit here. Now, in 2006, you were appointed to the Appellate Court.

Would you like to talk a little bit about that?

CARTER: That's been a wonderful experience for me. It's sort of like coming full circle after clerking for a Supreme Court judge and then coming back to the appellate level. All of a sudden now I am in an office where you see few people, if, in contrast to when I was at the trial level, with a number of cases going on every day, people coming in and out constantly. Now it's a much more quiet environment. Here at this building, few people even know I'm upstairs, I think?¹⁶ I have more of a chance to consider matters that are up for review. Most of what an Appellate Court does is what's called error correction, where an error was made below, and the assumption is, based on the standard of review, it's very difficult to reverse what happened at the trial level, given the standard of review, depending on what kind of case it is and whether there's an appeal. It's very interesting work and it's very legal, because the facts are already determined when you get the record, when you get the fact finding, either by a jury or a judge, you give a lot of deference to the fact finding below. So now the question is, based on those facts, what should be the correct legal outcome.

LAW: Prior to becoming an Appellate Court judge, you had many years of judicial experience.

Do you believe this experience was an advantage or a disadvantage in your work as an Appellate Court Justice?

CARTER: I think it's helpful. I think on every Appellate Court panel, there should be people from different -- who've had different experiences. I think there should be at least one person who has, as a trial attorney or a trial judge, experience at that level. You sit in panels of three, and I think each person, from his or her background and experience,

¹⁶ Justice Carter's chambers is located at the same location as a local bank in Ottawa.

brings something to the table that's helpful, because you're trying to do justice, according to law, based on the facts, and you're trying to do the best you can and having three sets of eyes look at the matter, having three people look at, coming from -- and again, you're trying to do it based on the best understanding you have of what the law is and the legal principles, given the facts, in any given appeal.

LAW: I just wanted to discuss one other committee that you were involved in. In April of 1999, the Supreme Court formed the Special Committee on Capital Cases, and I believe in 2001, you became a member of that committee.

CARTER: Yes.

LAW: Memories about serving on that particular committee?

CARTER: Well, that was a very interesting committee. Before I got on the committee, the court had set up the special committee to address problems that existed in capital cases. The concern was whether people were being represented fairly in those cases, and the people who were involved in those cases, the defense lawyers and such, were skilled and competent to handle those cases. So the committee set up guidelines, and some of the work was done before I got on the committee, and then other things were done when I was participating on the committee. It's that committee that recommended certain guidelines of the court, about what skills were necessary for lawyers to try capital cases. We would constantly monitor what courses would be approved, because to maintain ones status as a capital case attorney, one had to have continuing education in that area, and our committee is the one that approved those things. To become a member of the capital bar, there were subcommittees that set guidelines for those groups. I think it had a very positive impact on the quality of representation. Obviously, since we no longer have the

death penalty, we no longer need the committee. In fact, I was part of the committee that drafted the historical report that we submitted to the Supreme Court, about that committee and the work of that committee over the years and the lessons learned.

LAW: Just some broad questions. What are your thoughts on cameras in the courtroom? How should the judiciary relate to the media?

CARTER: I have no problems with cameras in the courtroom, as long as they're not interfering with the justice system. In other words, I don't think you should be able to push a camera into witness's faces and scare or intimidate them, but I think transparency is important. I mean, there are many states that have had cameras in the courtroom for a long time, and our Supreme Court now has approved that, with certain guidelines. I see no problem with it. I think it's part of the -- I'm in favor of transparency. But again, at the same time, you don't want to interfere with justice itself and one of the concerns is you want to make it so it's not intrusive. It's frightening enough for a lot of people to be in the courtroom, so will someone be more frightened because of the cameras? I think it has to do with the location, what you do and so forth, so you don't make it uncomfortable for the participants and you don't interfere with the trial process. But states have been doing it for a long time and they're able to do that.

In fact, when I was Presiding Justice a couple of years ago, at the Appellate Court, I think we were the first Appellate Court, pursuant to the Supreme Court rules, to have televised one of our oral arguments. We might still be the only one to have done that, I think. I talked to my two colleagues on the case, there were three of us on the case, and I talked to my two colleagues and they were OK with it. We had our clerk of the court, deal with the media, but they wanted to know if they could move cameras around. I think

we said no to that. You don't want a circus atmosphere, you want a professional atmosphere, but there's nothing wrong with having a camera in the courtroom. Now, I think there are some cases where it would be inappropriate to have a camera in the courtroom. Certain cases dealing with children, juvenile cases, you wouldn't want a camera in there because of the sensitivity, the sensitive nature of some of those cases. That, you would have to be careful about, but I think it's something that's been happening in many states for a long time. Illinois has approved it and I don't think there's anything to worry about, as long as you handle it judicially.

LAW: Now, as a judge, speaking as a judge, what are the best means to enhance the public's awareness of the judiciary and what the judiciary does?

CARTER: Well, I think part of it is education, you know, I've talked about education. I think that's true in everything. I think it's harder to have differences of opinion if people are really educated about the way the system works. Rational people can disagree on some things but if people have a better understanding of the system, that's a good thing. I know over the years, I've lectured at a number of different venues, from organizations like the Rotary clubs, Kiwanis clubs, and veterans organizations, although many of

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my veteran's speeches are veteran's speeches as a Vietnam veteran. But I also talked at many veterans locations about the court system. What I have found over the years is people are hungry for that information, they were always interested in that information, they're not bored by it. I think this is such an essential part of a thriving democracy and it's not something that people can have no knowledge of and need to know more about, not less about.

LAW: As a lawyer and a judge, you are a member of various bar associations. What is the nature of the relationship between bar associations and the judiciary?

CARTER: I guess I'd have to ask you in what context do you mean? There's a lot of programs that the -- there's a lot of programs, for example, bar associations would put on, where they might have a judge speaking or something of that nature. It's an organization of the bar, to try to promote professionalism and more skills. For example, the Illinois Bar Association and the Chicago Bar Association and the other bar associations, have a lot of programs to enhance the skills of the people who belong to those organizations. Likewise, the Illinois Judges Association has programs like that, and also for retired judges, and they also have programs to reach out about drunk driving and other things that they've promoted across the state. So, all those organizations are trying to increase the competence of its members and to also give education to the lay community outside the legal community, about a lot of problems. For example, the judges association has been involved in programs dealing with, against drunk driving, and a lot of other matters, to try to help the communities in areas of concern.

LAW: So, you would say the relationship is one of working together to educate the community.

CARTER: In part, yes.

LAW: OK. This is probably the broadest question of the interview and maybe perhaps too philosophical, but what do you believe is the role of a judge in society?

CARTER: Well, your primary role as a judge, and what you're paid to do, is to decide, and decide sometimes very difficult issues in people's lives, that's your primary role according to the law, and to do the best you can in doing that. If you do that fairly and impartially, you not only help people resolve their dispute, but you also make it a better

system of government. When people have a feeling and a trust that they have a system in place in this country, where they can go and receive justice, based on the facts and the law, and that's, I think the broad role of the judges in our society, to do justice. You think about it, in some of the countries where they have tyrannies or other systems, why do they look to the United States, with all our problems, most countries still look to us for our system of justice as a fair and impartial system, even with, you know, we're human, we have flaws, but we still have one of the best systems in the world and people still look at our system. For example, when Eastern Europe overthrew the long years of communism, what country did they go to primarily, to look for systems of justice? They went to the United States. I mean, they went to some European countries, but they went to the United States, and there were a lot of advisors from the United States who went to those Eastern European countries to try to help out and to set up justice systems.

LAW: You may not have had a whole lot of opportunity to do this but what are your thoughts on the benefits of doing pro bono work?

CARTER: I think that's essential and I think the Supreme Court is very active in that, especially now. The present Chief Justice, Kilbride, one of the initiatives he set up, among others, as well as strategic planning, is the one dealing with access to justice. I just attended a conference within the last two weeks, for the district, on the access to justice, and we were talking about Legal Aid and trying to help in domestic violence and elder abuse cases and nursing home cases, and there is really, a strong need for people to be represented or to have ideas of how to represent themselves if they're not going to be represented. So there are a lot of things, and I think part of the recent Strategic Planning Committee, a meeting that took place in the suburbs, part of that was about access to

justice and about what can you do, and there's a whole progression. It's not just pro bono representation. What can you do to make it easier for someone who walks into the courtroom, to know where to go? And that's simple things like signage maybe, and maybe in different languages. What can you do when they get to the clerk's office, to make it more understandable? If they're representing themselves, what can you do with regard to forms that would be available to help them start a process that's not that complicated maybe, like small claims or some things that aren't real complicated. What can you do with regard to bar associations, to help them do so many hours of pro bono work?

There's a lot more self-representation today than there ever was. It was rare, for example, in family law cases, to see someone coming in unrepresented, when I first became a judge in 1979. Now, large percentages of people represent themselves, and does that mean they know more about the system -- the divorce law? No. It's just that given the economy and everything else, that's the reality that courts face today. Should courts be concerned about it? Of course, because we're still talking about the justice system. Lawyers have to be concerned about it and they are concerned about it. When I first became a judge, the Legal Aid Department and the funding for the Legal Aid Department in this area, was more than it is today, and that was in 1979. There were cutbacks during the Reagan Administration. They have fewer lawyers today than they had when I became a judge, when they first started the groups here. I mean what does that say? That's about funding for Legal Aid, and so much of the Legal Aid funding is by donations from lawyers and bar groups and groups like that. So they've tried to reach out and have tried to represent as many people as possible. Is there a need out there?

There's a big need. You've got not only family cases, you've got elderly cases, you've got all kinds of areas.

Foreclosures. Look at the number of foreclosures we have today and how many people are unrepresented. Sometimes people, when they come in the court are frightened, they've never been in this situation before. Just think of an elderly couple in a foreclosure case. They've never been in -- it's like deer in the headlights, and they might not even know who to talk to because the mortgage has been transferred to two or three different banks. I mean these are real problems and I know our Supreme Court is concerned about it and looking at things. That's why they're setting up a special commission, on access to justice, for that very reason.

I didn't know you were going to ask that question, but I mean that's one of the important tasks, I think today. It was always important but even more important today. And you know, I've found, as a trial judge here, the local bar has always been very giving in coming forward and representing people and doing part of that, at least a percentage of that. Obviously, they're in business and they need to be concerned about their own families and their financial well-being, but they've always given of themselves both in time and in other ways, to try to help people in the justice system.

LAW: We've been looking back but looking forward, what do you think the future of the profession holds?

CARTER: I think the profession will always try to be what it always has been. It's the profession, the group that speaks for everyone, even the people who have the least amount of money and who can't necessarily speak for themselves. The legal system is, there's someone to speak for them and to be an advocate for them, even the people in

very dire circumstances, and that's what the system -- you know, Illinois, we have Abraham Lincoln as one of our model lawyers, who was a model lawyer. In his eulogy -- by the way, after he died, they had a eulogy for him in the Supreme Court of Illinois that took place in that building that we're looking across the way at, the Appellate Court Building, at the time, where the Supreme Court sat in 1865, and they talked about how fair Lincoln was to everyone, which is an interesting way to put it. They also talked about his melancholy but they talked about how fair he was.¹⁷

LAW: If you had to do it all over again, would you do anything different?

CARTER: Well, I'm very human and I'm sure I've made my mistakes, but hopefully, I haven't made a huge number. I don't know, I think I chose the right profession to get into, it's been very fulfilling, and there are many days where I feel that by the work we do in our court system and the work as a judge, you've made a difference in a positive way. When you think of careers, what could make you happier than having a career where you can really do, many days, make a difference, and where you can enjoy getting up in the morning and going to work. That doesn't mean there aren't a lot of cases that are very sad, because the court system is about a lot of sad things. Most things you do in the court system, it's about something that happened in the past, and there's nothing you can do about what happened in the past. It's whether or not somebody's responsible or they should be held responsible for something that happened. But some of the things I've been concerned about -- pardon?

(break in recording)

¹⁷ See, 37 Ill. 7.

CARTER: OK, ready.

LAW: Ready?

CARTER: So where were we? We were talking about...?

LAW: We switched gears a little bit. You've told me that you've always been interested in history. As a judge and speaking for judges, what can judges do to help preserve the history of the judiciary?

CARTER: I suppose things like this, the oral history, and working with people like you, historians. Was it Santayana who said that, "Those who forget history are forced to repeat it?" Or something along those lines, I think. I think that's true. So many times we lose sight of important historical matters that have happened, that have had a big impact on American society, and yet if we forget that lesson we're doomed to repeat the scar tissue, and I think programs like this help for a better understanding. You know, to understand where we are today in the law, you have to understand what happened in the past. I believe that. I don't think you can -- it's not like a mathematical formula, where you just pick up on a math formula and you don't need to know the background or who came up with it, to have the formula work. I think to understand legal principles, sometimes it's helpful to understand how it got there. In many things in our society, the great advances, there was a lot of scar tissue too, a lot of suffering, before we reached a certain point, and it would be a tragedy to forget, you know, the people who made so many sacrifices to be able to put us where we are today as a society and as a justice system.

LAW: So, Justice Carter, what's next? What's next for you?

CARTER: I hope to continue to work and to do the best job I can, with the Appellate Court.

I had a friend recently, because I'll soon be into my 35th year as a judge, and

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someone said that they didn't think I was going to retire, and I mean, there will be a time I will retire. So the pension system loves me, I guess, because I'm not on the -- I haven't retired yet. One friend said, "You know what's going to be on your tombstone? I just wanted a few more days." That's what he said he's going to put on my tombstone. But I know there's a time where you retire, and I certainly don't want to overstay my welcome. You know, sometimes you've seen people who should have retired and they didn't retire, and it's unfortunate because, they should have, but I don't think I've reached that point yet, at least I don't feel I've reached that point yet. I hope to continue to do a good job.

LAW: Do you have anything else you'd like to add?

CARTER: I probably have talked too much already.

LAW: No, no, sir, thank you, thank you so much. This is the end of interview two, thank you.

[Total Running Time: 01:16]

END OF INTERVIEW 2