

**Annual Report to the
Illinois General Assembly
the Governor of Illinois
and the Supreme Court of Illinois**

2016

Submitted by:

The Illinois Supreme Court Historic Preservation Commission

January 2017

INTRODUCTION

The Supreme Court Historic Preservation Commission was created in 2007 by an Act of the General Assembly (705 ILCS 17) with the stated purpose to:

“...assist and advise the Court in regard to the acquisition, collection, documentation, preservation, cataloging, and related matters with respect to historic aspects of buildings, objects, artifacts, documents, and information, regardless of form, relating to the Illinois judiciary.”

The Commission fulfilled its mission in 2016 by preserving and disseminating the judicial history of Illinois to the legal community and to the public at large. The Commission partnered and collaborated with multiple institutions to facilitate the creation of entertaining and substantive programs, outreach, and publications that fostered a greater awareness and appreciation of Illinois’s legal history and the importance of the judicial branch of government. In partnering with other entities—federal, state, local, and private—the Commission maximized state resources to operate at a cost-efficient level.

ADMINISTRATIVE

Commissioners

Hon. James R. Thompson, Chair

Hon. Kirk W. Dillard

Kim B. Fox

Hon. Michael F. McClain (resigned February 15, 2016)

Pauline Montgomery

Joseph A. Power Jr.

William J. Quinlan

Jane Hayes Rader

J. William Roberts (appointed February 22, 2016)

Michael J. Tardy, *ex officio*, Director, Administrative Office of the Illinois Courts

Staff

John Lupton, Executive Director and Director of History Programs

Matt Burns, Director of Administration and Director of Outreach

Virginia Geiger, Administrative Assistant

Justin Law, Oral History

Benjamin Belzer, Collections

The Commission was unable to renew the contract for Justin Law, the Commission’s oral historian, because of budgetary reasons. The collection of oral histories, however, continues with Ben Belzer and John Lupton assuming the responsibilities of the oral historian.

Meetings

The Commission met four times in 2016 on March 7, June 20, October 17, and December 5. Agendas and Minutes are available upon request to the Executive Director.

Office

In 2014, the Commission moved to new and less expensive office space in Springfield. The staff occupies the second and third floors of the Booth-McCosker Building at Sixth and Monroe Streets. Utilization of the space includes a full library, a collections room, a conservation/preservation room, and space to exhibit artifacts.

SUPREME COURT BUILDING

The Commission has maintained a close working relationship with the Supreme Court of Illinois to preserve its history and to make that history easily accessible to the public.

The Commission has begun to work with the Court to commemorate the 200th anniversary of the state's judiciary. A bicentennial committee was formed with the intent to oversee events, commemorations, and publications relating to the judicial branch. The State of Illinois created its own Bicentennial Commission, and the two entities will coordinate to ensure the judicial branch is represented in the state's bicentennial commemorations. More information about the Court's and Commission's bicentennial activities can be found in other sections in the annual report.

During 2016, Commission staff led dignitaries on tours of the Supreme Court Building in Springfield. Most notable of these was a delegation from Mexico City, Mexico, that visited Springfield at the invitation of Illinois State Senator Martin A. Sandoval. Secretary of Health of Mexico City Dr. Armando Ahued, Secretary of Health Assessor Juan Albert Vargas Ambriz, and Foreign Affairs Ministry of Health Ana Moreno toured the Illinois Supreme Court Building led by John Lupton, who noted the similarities between Illinois's favorite son Abraham Lincoln and Mexico's favorite son Benito Juarez, who were both lawyers, served their country as president during the same time period, and are revered as heroes in their respective countries.



John Lupton leads a tour of the Supreme Court Building with Senator Martin Sandoval and dignitaries from Mexico City.

The Commission is working with the Clerk of the Supreme Court Carolyn Taft Grosboll to prepare booklets commemorating memorial services. When a member of the Court dies, the Supreme Court conducts a memorial service. In the past, the transcript of the service was published in the *Illinois Reports*, but since the *Illinois Reports* are no longer published in book form, there is no venue for memorial service transcripts. The Commission has been preparing booklets for the memorial services of Michael Bilandic, William Clark, Seymour Simon, Howard Ryan, Joseph Cunningham, Moses Harrison, Mary Ann McMorrow, John Nickels, and Thomas Fitzgerald.

Future projects in the Supreme Court Building include an interactive experience in the Attorney's Room and a marker to commemorate a bust of John D. Caton, a nineteenth-century justice of the Court. Before

the Building reopened in 2014, the Commission reframed and rehung 107 portraits of former justices in the Attorney's Room. For 2017, the Commission is planning to provide an iPad station in the Attorney's Room to provide additional details about the justices and the history of the Illinois Courts. The bust of John D. Caton resides on the landing of the main staircase in the Supreme Court Building. The Commission plans to provide additional interpretation of the bust, including its history as well as information about Caton.

EVENTS

George N. Leighton Justice Award

Hon. William J. Bauer was the fifth recipient of the Commission's prestigious Honorable George N. Leighton Justice Award. The Leighton Award is given to an attorney or jurist whose career represents the highest standards of the profession and dedication to public service. Chief Justice Rita B. Garman further clarified that "[b]y honoring individuals with the Hon. George N. Leighton Award, the Illinois Supreme Court Historic Preservation Commission demonstrates that our history is not contained entirely in documents and buildings, but also in the contributions of dedicated public servants and accomplished members of the legal profession."



Hon. Anne M. Burke, Hon. Rita B. Garman, Hon. William J. Bauer, Hon. Mary Jane Theis

Judge Bauer currently serves on the U.S. Court of Appeals, Seventh Circuit. He began his career as a lawyer for Erlenborn, Bauer, & Hotte. In 1959, he was elected DuPage County State's Attorney, then judge for the 18th Judicial Circuit in 1964. In 1970, he was appointed U.S. District Attorney for the Northern District of Illinois, then appointed to the federal bench in 1971. He was appointed to the U.S. Court of Appeals in 1974, and achieved senior status in 1994.

Commission Chair, Hon. James R. Thompson introduced Judge Bauer by calling him a "pure lawyer" and "whatever job he tackles, he comes without any preconceptions or prejudices that will get in his way. When he was a prosecutor, he acted as a prosecutor. When he was a judge, he acted as a judge." Judge Bauer responded that he was "doubly pleased" to receive an award from the Commission and in the name of George Leighton, whom Judge Bauer considers a close friend.

Previous recipients were George N. Leighton, Benjamin K. Miller, John Paul Stevens, and Thomas P. Sullivan.

Albert H. Krehbiel Exhibit

The Commission partnered with the Springfield Art Association and the Krehbiel Corporation to host an exhibit of original artwork by Albert H. Krehbiel, the Park Ridge artist who painted thirteen of the murals in the Illinois Supreme Court Building. Krehbiel had a long career in art, principally as an impressionist painter of landscapes. Twenty-eight works of art were on display for a month with many art lovers visiting to examine the paintings of an Illinois artist. The Springfield Art Association also hosted two receptions at which justices of the Illinois Supreme Court attended, and Chief Justice Rita Garman made a few short remarks.

Illinois Supreme Court “Traveling the Circuit”

The Supreme Court has held oral arguments in other locations in Illinois to raise awareness of the judicial branch and of the important role the court system has in interpreting state laws. This outreach into various communities in Illinois has been a tremendous success, particularly with students, who gain a better understanding of state civics. In the past, the Court has met at Mt. Vernon in 2008 and in Ottawa in 2014.



Goodwin Hall at Benedictine University hosted the Illinois Supreme Court in May 2016.

During the May 2016 Term of the Supreme Court, the justices heard oral arguments while “traveling the circuit” in Lisle, Illinois on the campus of Benedictine University. Nearly 600 people filled the auditorium in Goodwin Hall on the campus. Much of the audience consisted of high school students from 30 high schools in DuPage County. Students praised the ability of the attorneys to argue civilly over minute but important constitutional issues.

The Commission assisted the Court with site selection, logistics, program booklets, and providing background material for visiting students and teachers.

OUTREACH

Website

The Commission’s website, www.illinoiscourthistory.org, contains considerable judicial history material that is of interest to attorneys, historians, and the general public. The Commission also has a Facebook page that is primarily used to direct users to the website, where more detailed information is available. Matt Burns monitors and updates the website and Facebook page.

The website has become one of the Commission’s primary methods of locating and communicating with persons interested in legal history. The Commission continues to add material on individual Supreme Court Justices and on county courthouses and their histories.

The Commission’s newer website, historyontrial.org, focuses on the History on Trial series and includes information about each of the retrials and presentations as well as educational materials created by the Illinois State Board of Education.

History on Trial: Illinois Historic Cases Project

In preparation for the 200th anniversary of the creation of the state’s judicial system, the Commission has contacted all 102 circuit clerks in the state of Illinois for assistance in locating famous, interesting, and representative cases. Commission Advisory Board member, Appellate Justice, and former Cook County Circuit Clerk Aurelia Pucinski has assisted the project greatly with her experience as a former circuit clerk. Many clerks have responded positively to the request and are assembling committees to research court cases in their respective counties. There are three anticipated outcomes to coincide with

the state's bicentennial. First is a database of the cases with scans of the documents published on the Internet. Second is making the public aware of famous cases or cases involving significant individuals. Third, the Commission will create a guidebook for those organizations or individuals who wish to present their famous or interesting cases to a larger public audience. With four years of History on Trial as experience, the Commission is well-suited to offer assistance to a statewide and national audience.

To learn more about the preservation of court records, several members of the Commission's Advisory Board visited Washington, D.C. to visit the National Archives and Records Administration and meet with the Archivist of the United States David Ferriero. The group consisted of Chief Justice Rita Garman, Appellate Court Justice and Advisory Board Chair Joy Cunningham, Appellate Court Justice Aurelia Pucinski, Cook County Circuit Court Judge Neil Cohen, Advisory Committee Member Scott Szala, and John Lupton. The trip to the nation's capital was privately funded and included visits to the White House, the new African American History Museum, and watching oral arguments in a United States Supreme Court case that originated in Illinois.

Public Presentations

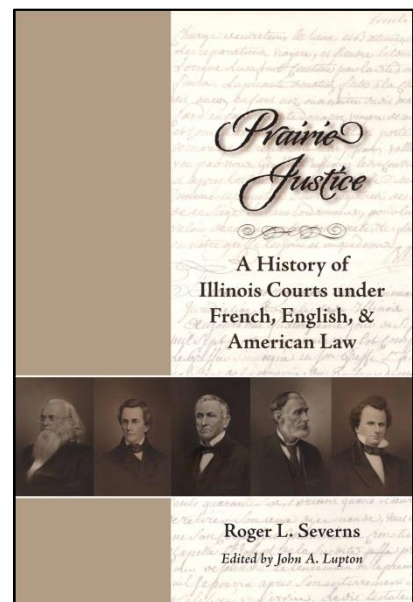
In 2016, the Commission continued to raise awareness of the history of the judiciary by offering its staff as speakers for annual dinners, monthly meetings, and school groups. Staff members spoke to bar associations, law schools, elementary and middle schools, and Road Scholar groups.

Since 2010, the Commission has given a \$100 award at the Illinois History Fair to the exhibit that best portrayed a judicial history topic. Thousands of middle and high school students statewide participated by creating exhibits that were then judged. In May 2016, Matt Burns presented the award for the most outstanding legal history exhibit to Christopher Zrazik, a 7th grader from Catherine Cook School in Chicago. Christopher's project dealt with famous Chicago attorney Clarence Darrow and his opposition to the death penalty in the famous Leopold and Loeb case.

Publications

The Illinois State Historical Society gave the Commission an Award of Superior Achievement in April 2016 for *Prairie Justice: A History of Illinois Courts under French, English, and American Law*. The Award signifies recognition of superior achievement that serves as a model for the historical profession and reaches a greater public.

Published by Southern Illinois University Press, the book is a concise legal history of Illinois, covering the region's progression from French to British to early American legal systems, resulting in a unique body of Illinois law that has influenced other jurisdictions. The publication is a culmination of sixty years of effort by the Illinois State Bar Association, the now-defunct Illinois Supreme Court Historical Society, and the Commission. Roger Severns authored the book in the 1950s, and John Lupton edited the manuscript for publication. The book sells for \$34.50 and can be purchased at <http://siupress.com/product/Prairie-Justice,6087.aspx>. Royalties from the sale of the book will be directed to the Commission.



The Commission continues to publish biographies of all 116 justices who have sat on the Illinois Supreme Court. As of the end of the year, 109 have been completed and published on the Commission's website (<http://illinoiscourthistory.org/justices>). The remaining 7 are in the process of final editing. The Commission has begun discussions with several university presses to publish the biographies into a book.

In preparation for the bicentennial, the Commission has begun preparing a number of publications to commemorate the 200th anniversary of the state's judiciary. The Commission will publish booklets on the administrative histories of the Supreme Court Clerk's office and the Supreme Court Marshal's office, both of which have important but unheralded roles with the Supreme Court. The Commission has also been working on an edited volume of Albert Krehbiel's letters, which detail his artist education in Europe. Several university presses already have expressed interest in publishing the letters. The Illinois State Bar Association asked the Commission if it could provide a bicentennial article for the *Illinois Bar Journal* to highlight the practice of law in 1818 when Illinois became a state.

John Lupton published "Navigating the Space-Time Continuum," in *Scholarly Editing*. The article was Lupton's presidential address for the Association for Documentary Editing.

Collections

Ben Belzer has assumed responsibility for managing the Commission's small but growing collections. Belzer, a part-time staff member and former intern with the Commission began item-level cataloguing into PastPerfect, an archival content management system, which will allow for the collection to be published online, complete with photographs. Any researcher in the world will be able to access the collections simply and effectively. Belzer also continues to organize the collection physically, removing artifacts and documents from acidic containers into archival boxes for long-term preservation.

Oral History

The Commission continues to obtain oral histories of judges, lawyers, and court personnel across Illinois. Justin Law, a contractual oral historian, continued his outreach to retired judges until June 2016, when his contract was not renewed due to budgetary constraints. Ben Belzer, the Commission's collection manager, assumed responsibility for completing several oral histories. In total, the Commission has conducted 28 oral histories, comprised of four retired Illinois Supreme Court Justices (including the first woman to sit on the bench), a retired Clerk of the Supreme Court, five Appellate Justices, fourteen retired judges from various districts across the state, and six attorneys who have been practicing for fifty years.

Each subject is asked about his or her experience coming into law and what the composition of the local bar was at the time. Many of our interviewees first began practicing law in the 1960s and 70s and have noticed over the years the increased participation of minorities and women. Many of the subjects are very active in their local community and speak occasionally of the importance of pro-bono work for those



*Notes, Tapes, and Transcripts
comprise the Oral History Collection*

who need a lawyer but cannot afford one. They understand that it is their ethical duty to uphold the law for everyone.

The significance of these oral histories is not simply important cases or the evolution of the legal profession and judiciary but in the personal stories the interviewees have shared about their lived experiences. Each oral history offers personal vignettes about life and historic events in the late twentieth century from the perspective of an Illinoisan. These oral histories provide a better understanding of how our legal system works. Nearly all of the oral histories obtained by the Commission are available for research.

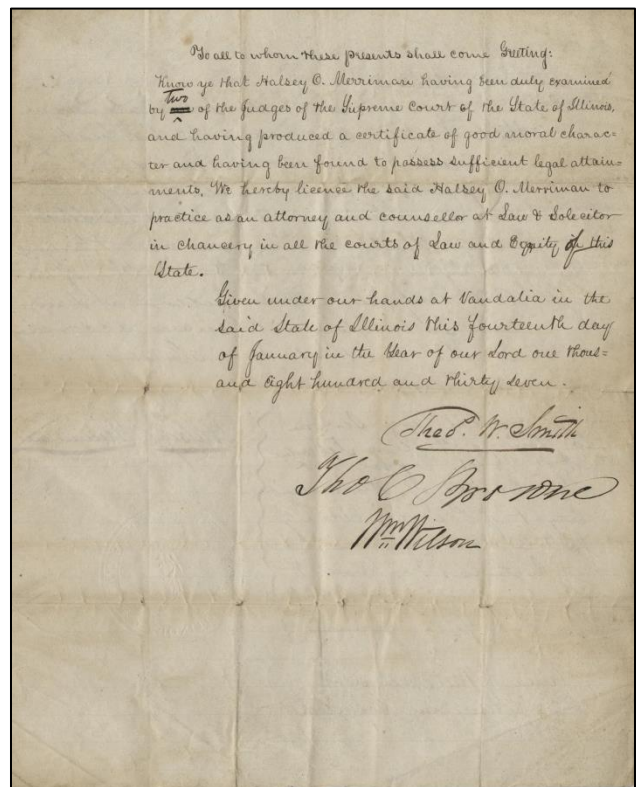
Information Source and Impact

The staff of the Commission has become experts in the fields of legal and judicial history. Outside entities frequently solicit the Commission for information on the history of courthouses, justices, the legal profession, and court cases. The Commission began monitoring inquiries in 2015, and in 2016, there were more than 130 queries about legal related topics, which translates into an inquiry nearly every other day.

The National Park Service inquired about Abraham Lincoln's law license, when he became licensed, and if his paper license remains extant. The Commission was able to provide that information and, even though Lincoln's law license is not extant, sent the Park Service a copy of a law license from January 1837 (Lincoln was licensed in September 1836) as an example of what Lincoln's license most likely would have looked like. The Park Service plans to use the 1837 license in its programming.

The Commission continues to have an impact with its History on Trial program as new programs continue to illustrate the public's interest in legal history. New Salem's Theater in the Park hosted "Mrs. Lincoln Fights Back," a play regarding Mary Lincoln's insanity case and based heavily on the Commission's History on Trial: The Insanity Retrial of Mary Todd Lincoln.

At the 2016 Illinois State Bar Association Mid-Year Meeting, the ISBA showed a video of the History on Trial: Alton School Cases presentation for Continuing Legal Education credit. The Alton School Cases concerned the efforts of Scott Bibb to desegregate Alton schools and led to seven jury trials and five appeals to the Illinois Supreme Court. After the video, Scott Szala, a Commission Advisory Board Member, led a discussion to provide modern context for the 100-year old case. Additionally, Lewis & Clark Community College, which co-sponsored the Alton School Cases presentations with the Commission, recently renamed its community center for Scott Bibb and is leading



Law License of Halsey O. Merriman, January 1837.

Image courtesy of James Dobrovolny

an effort to have a historical marker erected in Alton to commemorate Bibb's efforts on behalf of his children.

John Lupton continues to serve on the Executive Committee of the Court and Legal History Affinity Group of the American Association for State and Local History (AASLH). The Court and Legal History Affinity Group serves those working to preserve and promote legal and court history around the nation. It is composed of historians and librarians at state and federal courts. At the 2016 AASLH meeting, Lupton gave a presentation on the Commission's History on Trial program then had the audience volunteer for parts to read the Insanity Trial of Mary Lincoln as an example of what local historical societies can do with retrials. Lupton also authored a Technical Leaflet for the AASLH on how to use court records. The Leaflet will be published in the spring of 2017.

Exhibits

Planning for a large exhibit for the bicentennial has been a primary focus of the Commission. Therefore, the Commission hosted no exhibits in 2016. The bicentennial exhibit is expected to incorporate most of the seven law schools in Illinois, community colleges, and universities. The planned exhibit will highlight how the judicial system operates in Illinois, a history of the Supreme Court, and an examination of important cases that arose from the Illinois judicial system. The exhibit is planned to start touring the state in 2018 and continue into 2019.

CONCLUSION

The Commission continues to fulfill its mission to preserve and disseminate information concerning the Illinois judiciary with publications, events, and presentations. The products created by the Commission have permanent value to the citizens of Illinois and beyond the state's borders. Its efforts to use historical court cases, personalities, and events to illustrate modern issues that affect everyday citizens have been enormously successful. The Commission will continue to build upon that success in 2017 by continuing to build partnerships with other entities in working towards commemorating the bicentennial of the Illinois judiciary in 2018.

FISCAL SUMMARY

Cash Balance

Item	Debit	Credit	Balance
FY07 Lump Sum Transfer		\$5,000,000	\$5,000,000
FY08 Interest and Receipts		\$136,757	\$5,136,757
FY09 Expenditures	\$177,318		\$4,959,439
FY09 Interest and Receipts		\$129,162	\$5,088,601
FY10 Expenditures	\$805,392		\$4,283,209
FY10 Interest and Receipts		\$45,899	\$4,329,108
FY11 Expenditures	\$919,817		\$3,409,291
FY11 Interest and Receipts		\$37,403	\$3,446,694
FY12 Expenditures	\$579,341		\$2,867,353
FY12 Interest and Receipts		\$45,572	\$2,912,925
FY13 Expenditures	\$628,790		\$2,284,135
FY13 Interest and Receipts		\$12,926	\$2,297,061
FY14 Expenditures	\$598,148		\$1,698,913
FY14 Interest and Receipts		\$30,007	\$1,728,920
FY15 Expenditures	\$643,103		\$1,085,817
FY15 Interest and Receipts		\$46,043	\$1,131,860
FY16 Expenditures	\$556,135		\$575,725
FY16 Interest and Receipts		\$5,109	\$580,834
FY17 Expenditures (Estimated)	\$525,000		\$55,834
FY17 Interest and Receipts (Estimate)		\$10,000	\$65,834

FY16 Expenditure Detail (July 1, 2015-June 30, 2016)

Regular Positions	\$240,084
Benefits	\$201,233
Professional Services	\$41,862
Lease	\$34,124
Contractual Services	\$15,226
Travel	\$6,283
Telecommunications	\$5,854
Commodities	\$5,250
Office and Library Supplies	\$5,102
Printing	\$822
Building Maintenance	\$294
Total	\$556,135