The Court Archive:
1958 Judicial Article

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From the 1890s to the 1940s, it became nearly impossible to amend the third Illinois Constitution (1870-1970). The passage of the Gateway Amendment in 1950 made it easier to accomplish constitutional alterations, and the Illinois General Assembly created a Judicial Article Revision Commission to make substantive changes to the judicial branch. The court system had become unruly with multiple overlapping trial-level jurisdictions, and appellate courts composed of talented, but overworked circuit judges. The first attempt to replace the judicial article occurred in 1958.

The 1958 Judicial Article would have completely overhauled the Illinois judiciary. It called for the elimination of county, justice of the peace, probate, and municipal courts to consolidate the trial-level court into one unified circuit court system. It called for the elimination of circuit judges appointed to the appellate court in order to have dedicated, elected appellate justices. It divided the state into three Supreme Court districts and four appellate districts, and a to-be-determined number of circuits.

The Supreme Court would consist of seven members with three justices elected from the First District (Cook County) and two each elected from the Second District and the Third District. The Second District would be Iroquois, Ford, McLean, Logan, Tazewell, Fulton, McDonough, Hancock, and all counties north (except Cook). The Third District would be Vermilion, Champaign, Piatt, DeWitt, Macon, Sangamon, Menard, Mason, Cass, Schuyler, Adams, and all counties south. The appellate districts would remain the same as they had been since 1877.

Judicial positions would remain popularly elected, but the new article did not specify term lengths for any of the three levels of court and left that detail for the legislature to determine. The schedule for implementation listed 9-year terms for Supreme and Appellate justices and 6 years for circuit judges. This would remain in effect until the legislature changed the terms.

Proponents of the amendment argued that integrating the court system would result in a more orderly and less expensive judicial process. The measure was supported by the Chicago Bar and Illinois State Bar Associations, Governor William Stratton, and Mayor Richard Daley, among

others. Opponents lamented Cook County getting three seats on the Supreme Court (the old system only had one justice from Cook, Lake, DuPage, Will, and Kankakee Counties) and argued that the new system would cost more to the state because local fee-based salaries would be replaced by state tax dollars.

Voters went to the polls on November 4, 1958 with the final tally voting on the amendment at 64 percent in favor and 36 percent opposed to replacing the old judicial article. Despite the overwhelming majority approving of the change, it failed to reach a majority of those voting in the general election or 2/3 of those voting on the specific amendment. The new judicial article would not go into effect on July 1, 1959.

A second attempt at replacing the judicial article went to the voters in 1962. The measure obtained 57 percent of the those voting in the general election, surpassing the threshold necessary to amend the constitution. The 1962 judicial article retained many of the proposed changes in the 1958 article, except, most notably, the number of Supreme and Appellate districts.