The Court Archive:
Riding the Circuit

John A. Lupton
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In March 2025, the Illinois Supreme Court will ride the circuit and travel to Carbondale to hear oral arguments in one civil and one criminal case. For several years, the Court has held oral arguments at venues outside of Springfield. While this may seem a relatively new phenomenon in Illinois history, the tradition of circuit riding dates back centuries.

The practice originated in the thirteenth century in England, where courts of assize were established in judicial territories. Judges traveled twice each year along prescribed routes, known as circuits, to hear cases in various communities. Riding circuit in these English communities allowed citizens to have a direct interaction with the government. The American colonies and later the United States inherited most of its legal traditions from the British, including the practice of circuit riding.

When the U.S. Constitution created the Supreme Court in 1789, it stipulated that justices would ride circuit and hold trial court in addition to their appellate responsibilities. The justification was the same as in England—to give citizens a connection to the federal government, as justices could explain the new Constitution and how it affected the general population. More importantly, this practice allowed the public to recognize the legal authority of the judiciary and the Supreme Court.

At the federal level, riding the circuit remained in effect until the early twentieth century. A vestige of this remains today as each justice is assigned to oversee a circuit. Justice Amy Coney Barrett, for example, is assigned to the Seventh Circuit, which includes Illinois.

When Illinois became a state in 1818, it adopted the practice of circuit riding as well. Illinois Supreme Court justices were tasked with hearing cases at both the trial level in each of the counties and appeals at the state capital. During the first constitutional period (1818 – 1848), the state legislature alternated between creating and abolishing circuit judgeships to ease the burden of travel on Supreme Court justices. From 1819 to 1824, 1827 to 1835, and 1841 to 1848, Supreme Court justices traveled the circuit, holding court in small village county seats with limited accommodations. Often, justices would board in the same rooms as the itinerant band of lawyers accompanying them.

Under the circuit system, Illinois Supreme Court justices sometimes reviewed cases they had previously decided at the trial level. In one example, a justice wrote an opinion reversing a decision he had made in the lower court. In explaining his reasoning, he wrote that his colleagues convinced him he was wrong.

The new 1848 Constitution brought changes, establishing the circuit judge position, which permanently eliminated Illinois Supreme Court judges from riding circuit. From that point forward, the justices focused solely on their appellate duties.

The current Illinois Supreme Court does not hear trial level cases while riding the circuit. However, the purpose of traveling to different venues in the state remains the same: to reach a broader audience and to help the public better understand the purpose and function of the judicial branch.