

**Illinois Supreme Court Justice Thomas R. Fitzgerald  
IL Supreme Court Commission on Professionalism**

Thomas R. Fitzgerald began his law career as a prosecutor in the office of the Cook County State's Attorney. In 1976, Fitzgerald won election as the county's youngest circuit judge. Later, as a Supervising Judge of the Traffic Court he worked on the famous Operation Greylord; helping clean the court up in the aftermath. He later returned to the Criminal Division as Presiding Judge of both Cook County Criminal Court and Illinois's first statewide grand jury. In 2000, he won election to the Illinois Supreme Court, where he would serve until his retirement in 2010. In 2009, Fitzgerald was the first Illinois Chief Justice to preside over the impeachment trial of a sitting governor.

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## **Justice Thomas R. Fitzgerald: An Oral History**

REARDON: What did you like most about being a judge?

FITZGERALD: It was a great seat for the game. The process is wonderful. The moments of a popular case passing through the system... is so clean and supported, and of value.

REARDON: You were called upon, and to use your reverence, for process, to go to the Traffic Court and to clean that court up in the wake of Operation Greylord...

FITZGERALD: Most fun I ever had.

REARDON: Tell me about that.

FITZGERALD: It was a terrible disgrace that we experienced in our court. With a few people, in the numbers. They didn't understand that they had to change everything. They couldn't go at it the same way, or we'd be right back where we began, and I understood that. I was able to start all over again with a fresh, a fresh group of people. And when I got to Traffic Court, we were at the point where there was an election for new associate judges in the circuit court. They were new to the business, and they they were taught that the way they should proceed is like a judge is supposed to proceed, which is to call the case, hear the evidence, and make a decision based upon the law and the facts, based upon that evidence. People would say, "well we can't- we don't have enough time to do that". We discovered that the court could deal with that if it had the proper use of a diversion program to hear all of the cases, and this great group of judges went out and did it.

REARDON: And you took some of those changes back to the criminal courts, right? After your time in traffic court?

FITZGERALD: We, for a year or so, had trial courts operate not only during the day but into the night.

The cases that were disposed of were cases that were ripe for people who had low amounts of criminality in their crime, whether the amount of controlled substance was considered. There were cases that involved an amount of cocaine or heroin that was minuscule and the question to me was, “Well, are we getting the best use of our limited resources?” and, “Is it a fair thing to do to have this diversion program at night?” And I think it was because it reduced the case load in the criminal court enough to keep going and gave us a chance to do it the right way and it was the Fitz’s 13 that was, came back, many of them came back and began their criminal judicial careers when we went into the night court and they disposed a lot of cases. One of the judges to the diversion program at the night court was Judge John Brady, and John went to this seminar and came to me, and he said look and he said, “I’m a smoker and that’s legal” but it’s addictive and it’s an addictive substance matter and it no different than in many places where it’s the drug itself is maybe given a disposition that wasn’t really necessary in that case. And John came to me and said, “I’m going to quit smoking because I don’t think it would be anything but a fraud if I was convicting people of the same action that they were, and I am—so I am going to quit smoking before I put anybody in jail.”

REARDON: And did he?

FITZGERALD: He did, and he did immediately, that day.

REARDON: What achievement do you think you will be most remembered for?

FITZGERALD: I suspect it will be as presiding judge at the impeachment trial...

REARDON: Oh, the impeachment trial, tell me about that experience.

FITZGERALD: Well, it was again remarkable to be involved in the process of the impeachment trial, was one that went with a failure of the governor to attend; it was his choice. It was again a sense of history involved in that case, like any other that I have ever been involved in or ever will be involved in. I hope it's something that we remember, individually, so that we don't repeat it. I think that the senate doesn't always get accolades, but in this one they certainly deserved them. They went about that process with great seriousness, proceeded with civility, and were struck with the seriousness of the business that was involved. It was a historic event and then and one that will top anything else I do, I know that.

REARDON: And what accomplishment as a Supreme Court Justice, or as the Chief, do you look to that gives you the most source of pride?

FITZGERALD: Well I, and my colleagues, worked very hard on civility. And you know Bob Thomas was so involved in the operation of the commission. It was a terrific thing the Court did in accepting the concept of having an administrative arm of that particular organization that has become so well used at this time.

REARDON: I would have to agree with you.

FITZGERALD: I figured you would.

REARDON: Yes, I know you have spoken to young lawyers, new law students, about the importance of civility or professionalism.

FITZGERALD: Over the years, I've talked about an experience I had when I was teaching. One of those students had been really out of line in something he did one day in class. And the next day said to the students, "I want to tell you a story about Walter Payton. Every time he ever ran with the ball that he was hit, after the whistle was blown, he would jump up and offer his hand to the

man that he had just knocked to the ground and help him up. And that respect is what a professional does.”

REARDON: That’s a good lesson. Did the student get it?

FITZGERALD: No, but I think a lot of other people did.

REARDON: Do you have any words of wisdom that you would like to pass along to younger lawyers?

FITZGERALD: Understand that you have a responsibility to the process to get the matters decided cleanly, and with adherence to the rules, and with honesty and with pride. I think if you are a lawyer, you’re joining a profession which includes, at the top of its list, Abraham Lincoln, and he was a pretty good lawyer, a pretty good Illinois lawyer. And I think that it’s just great to be able to be the professional colleague of Abraham Lincoln.