

Illinois Supreme Court Chief Justice Mary Jane Theis
Illinois Supreme Court Commission on Professionalism

Mary Jane Theis has served at every level of the Illinois judiciary. She was an assistant public defender in Cook County, she has served as the Chief Justice of the Illinois Supreme Court. Justice Theis has also received the highest honor American Constitution Society's Legal Legends Award.

Interview Dates:
September 2025

Interview Location:
YouTube/Online

Interview Format:
Audio, Video

Interviewer:
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Transcription:
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Total Pages:
One interview

Total Time:
Interview One, 26:31

Abstract **Mary Jane Theis**

Biographical:

Mary Jane Theis was born in Chicago on February 27, 1949, where she grew up. She graduated from Loyola University in 1971 and pursued a law degree from the University of San Francisco. She returned to Chicago and served as an assistant Cook County public defender until 1983. She became a judge on July 1st, 1983, a Cook County associate judge. In 1988, she won election as a circuit judge. In 1993, was assigned to the First District Appellate Court which she was elected to in 1994 and served in that position for seventeen years. She married John T. Theis, whom she went to law school with, and the couple have two children together. Theis was appointed to the Illinois Supreme Court in 2010 and in 2012 won a full ten-year Supreme Court term, after winning an election. Theis has served as Supreme Court liaison to the Illinois Judicial College. She has been a member of the Board of Governors of the Illinois State Bar Association and the Board of Managers of the Chicago Bar Association and is a member of the Women's Bar Association of Illinois. Theis has taught at numerous judicial education programs, seminars and conferences. Justice Theis is the recipient of the American Constitution Society Legal Legend honor from the Chicago Lawyer Chapter. Theis served as Chief Justice of the Illinois Supreme Court from 2022-2025. Theis announced her retirement from the Illinois Supreme Court effective January 29, 2026.

Topics Covered:

Parents; influence of her dad being a state legislator and judge; childhood experiences; her time as an assistant public defender in Cook County; the role of a judge; trust and confidence in the court systems; the role of state courts; judicial conduct, and the importance of ethical behavior in the Illinois judiciary; the Illinois Supreme Court Building and it's role in creating a sense of unity amongst the Justices; recent turnover of Illinois Justices on the Court; current collegial atmosphere at the Illinois Supreme Court; talking points for first year law school students; balancing career and family life; becoming a judge in the early 1980s; scandal in the Cook County court system in the early 1980s; the responsibility of being a judge; importance of the independence of the Illinois Courts Commission; the Illinois Judicial College; and earning the trust of the people.

Justice Mary Jane Theis: An Oral History

BAGBY: So, you were born in Chicago to Eleanore and Kenneth Wendt. Your dad, as you were growing up, your dad served in the Illinois General Assembly and then as a Cook County Circuit Court Judge. How did this shape your view of public service?

THEIS: Well, that experience, my family life. I am an only child, so I was very, very close to my parents. And the fact that my dad always, for my entire life, was a public person, certainly has had a big impact in who I am. From the time I was little, he was a state legislator, and my mom and I would get on a train, here in Chicago, and go down to Springfield to watch what was happening. And of course, the conversation that my parents were having that I would hear when we went to Springfield were all about the important issues of the day. And at the time, the important issues of the day were civil rights. And I remember taking the train from Chicago to Springfield with other members of the legislature and then noticing that the black members left the train car at a certain place. And when we got to Springfield, all the legislators stayed in the same hotel, but the black legislators didn't stay in the same hotel. I have a very specific memory of saying to my parents, "I don't understand what is happening here?" Now, this sounds... obviously, I didn't understand at all, as a kid. As I got older, I put it all together. But it was really clear to me from that experience that what was happening, what I actually saw happening in the legislature, was that the law was being used to right wrongs. It was obvious to me, even as a little kid, what was happening. So that idea, of public service, was just my life. Later when I was in high school, my—my dad became a judge. So, I used to go to his courtroom all of the time, and it was the age of the Warren court, and

everyone, you know, casually was talking about the Fourth Amendment, the Fifth Amendment, the Sixth Amendment, the Constitution. And I'd go to my dad's court, and there it was. It was alive. It was real. And these lawyers, these wonderful lawyers, would be arguing about very weighty, complex ideas. But then also, there would be the defendant. So many of these cases were drug cases back in the day. Here was this person who was suffering terribly, and the law was having this huge impact on their lives. So today, looking back, I can say... I can see a clear path in my life. I certainly didn't know that at the time. I was just living my life with my family and going to school, and that kind of thing. But by the time I was ready to make decisions about my own life, I knew that I wanted to be part of that. I want to be part of changing the world.

BAGBY: Let's talk about your time as an assistant public defender in Cook County for a moment. You have served at every level of the Illinois judiciary. But before that, you were assistant public defender in Cook County. How has that informed your perspective as a judge?

THEIS: It changed me dramatically, not just as a judge, but as a human being. Let me put it this way, I think we all see the world through our own life experience. Now, this is not news. Philosophers have been telling us that for thousands of years. So that's what we know, that's what we see. So, for example, if I might be a little light on this, I'm a Cub fan. I have lived my entire life in the shadows of Wrigley Field. Surprise, surprise, I'm a Cub fan. Now, that is not rational, history teaches, and yet that is my life experience. I have had a wonderful life; great education, wonderful family, great opportunities. Yet, as a public defender, I realized if I was going to serve those people, I had to learn to get beyond my own life, my own small view of the world. And try to understand people

whose lives are so different from mine. I think that's especially important for judges. Judges are called upon to make decisions that just intimately impact people's lives. And those people come to our courts even though they are so different, their experience is so different. I think about a case, for example, about a custody case, a child custody case. Would I give this child to this side, because they look like my family? Or can I really see what is in the best interest of this child? Now, those are hard things to do. It's hard to get beyond our own world, our own blinders. But from the beginning, when I started as a public defender, I realized that in order to be a lawyer, and certainly now to be a judge, I learned that we have to be able to understand and see people who have different lives than ours.

BAGBY: You have said that fairness is the highest ethical obligation that judges have. Well, we know that confidence in public institutions is declining. How can judges earn the public's trust?

THEIS: This is a moment of crisis in our country. There is no doubt that there has been a loss of faith in many institutions in this country. Specifically, we're here to talk about our court system, our justice system. There is no doubt that there has been a decline in trust and confidence in our court system. The National Center for State Courts does a survey every year, and they ask questions about, generally, different institutions. Whether it's the federal courts, or the federal government, or the legislature, or the state courts. How do people feel about it? And the good news is that in the most recent survey, from just last year, that survey showed that the entity...the institution with the highest level of trust and confidence are the state courts, at sixty-two percent of the people. Now think about that. If you're in school and you get sixty-two percent on your test, that's a D minus. We have

to understand this is a moment of crisis when people start to lose faith. We also know there has been a great deal of study and work asking people questions about “why do you obey laws?” “Why do you obey court orders?” And the answer to these studies that have been done for over thirty years always comes back with the same answer. People are willing to accept what happens to them in a court, win or lose, if they believe they have been treated fairly. So, what does that mean if people are questioning that? It’s frightening. It’s a challenge to our ideas about the rule of law. So, what can we do about it is your question. The National Center for State Courts actually just did a study in the last six months, where they did focus groups all around the country and asked people what they thought about the courts and got the answers that I am describing. But then they asked questions about “What would—would this change your mind about the courts if you learn certain things?” So, I think that’s kind of important to think about. One of the most important things is that people do not understand what the state courts do. It’s just, you know, they read about the United States Supreme Court. They see it as kind of abstract. But the fact is, the state courts are courts for real people, with real problems. What state courts do is protect vulnerable people, abused children, disabled adults, people whose families are breaking up, people who are in mental health crisis, people who... their lives and their families are shattered because of crime. That’s where the courts actually interact with people’s lives. I think when people understand that they could see the work in a different way. Another important piece about how we explain what the courts do is also the results we hear that people don’t trust our courts because they see it as a two-tiered system for the wealthy and for everybody else. And we know that actually in our court system right now, in over seventy percent of the civil cases, at least

one side is not represented by a lawyer, probably can't afford a lawyer. So, I think a really important part of restoring faith and confidence of our court, is our access to justice emphasis. Looking at our courts. Our courts, we always think of them as adversarial places with two lawyers arguing back-to-back. That's not what our courts look like anymore. So, how do we make courts function for the people who need our services? One of the things we learned in the pandemic was court is not a place, it's a service. How do we serve people where they are, specifically if they don't have lawyers? Those are just some of the ideas I think that are important for how judges and the court system, and lawyers, can work together to try to meet this moment of crisis of trust and confidence.

BAGBY: The Illinois Constitution requires that judges, including Justices of the Illinois Supreme Court, abide by a code of judicial conduct. Why is that important?

THEIS: If I could go back to the focus groups I told you about from the National Center of State Courts, when they ask people, "You say you don't have faith and trust in the court system, in the state courts, if I told you that every single judge in the state is accountable because of the high standard of the ethical conduct rules, would that change your opinion?" And that was the number one, number one issue that changed people's understanding about the court system. When you think about how our courts work, it's not me, but Alexander Hamilton, back in *Federalist No. 78*, talked about where does the power of the courts come from? What he said was, "The courts have neither the power of the sword nor the power of the purse." The way he talked about it was that he said it comes from the court's judgment. Today, when we talk about where does the court's authority come from, we say, the trust and confidence of the people. So, how do we establish that trust and confidence? From what we've learned, understanding that every

single judge is bound by a high, high standard of ethical behavior is a very important piece to it. My sense has always been that judges have the opportunity to make hard decisions, important decisions, impactful decisions, only because people believe that they are acting impartially and with integrity and are following the rules of conduct. My own sense is that judicial independence and judicial ethics are either side of the same coin. And that's why, throughout my career, I have been devoted to speaking out and working to improve and to communicate about who we are and what ethical behavior means in the Illinois judiciary.

BAGBY: You have a reputation for leadership and collaboration. How do you instill a sense of unity and respect among the Justices of the Supreme Court, especially when you disagree?

THEIS: Since the Supreme Court Building was built in Springfield, in the 1900s, there are seven rooms on the third floor, above the Courtroom where each of the Justices live. So, I have a desk and a couch, and my bed, and a bathroom and a closet. And we have a communal dining table. We have breakfast, lunch, and dinner together. That's a lot of togetherness. So, when we're on term, we are spending many, many hours not only talking about our cases but literally living together, drinking coffee in the morning. And my own experience is that, while that can sound kind of abstract and all, it's real. You know, if I disagree on a case and first, I say, "Oh, by the way, how was your daughter's soccer tournament... you know, I have a problem with this part of the opinion," it changes the dynamic. It changes the dynamic, and it's real, I've seen that happen. Right now, in our Court, in the last few years, there's been a huge turnover of people. I came on the Court in 2010, and I was junior person, number seven, for eight years, and in the next four

years, I became number one. It was a huge turnover number of people on the Court, and I've really focused on how to build that kind of relationship with all these new people. How do you build collegiality? We've talked a lot about how, among ourselves, about how, the Court has its traditions and rules and procedures and that kind of thing. But I always go back and say, "This is our Court now. How do you want it to function? All of the new members of the court, what do you see? How can we make this better?" And I will, I'm very pleased to report that of all the years I've been on the Court, although I've—it's always been a collegial Court, but right now, there's a very strong sense of collegiality among our Court. It's a very happy place. Not that long ago, we were working until about a quarter-to-six, and we live above the store. So, I said, enough, enough, enough, we're done, let's go upstairs and have dinner. And one of the Justices said, "But we enjoy each other's company so much. Can't we keep working?" So, right now, we're in a real good place.

BAGBY: Wonderful. You speak to first-year law students every year for law school orientation.

During your talk, you emphasized the

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importance of civility, professionalism, and the pursuit of justice throughout their careers.

Why are these principles important for lawyers?

THEIS: I'd say two different pieces that I always want to talk about with new lawyers. It's always such a great event. These are, you know, kids who've been in school since they were three years old, and they just went from class to class, from school to school. And all of the sudden, there they are and we're saying, "This is different. Being a lawyer is different". And you could just see them, you know, suddenly sit up straighter. We ask

them to stand and take an oath of professionalism. There's a visual change in who they are. But I think in that moment, the very first day of law school, that it's just a perfect time to have them start thinking about what it is that lawyers do. We don't just sell widgets. They don't know what widgets are yet. That's a term that you learn in law school, but we're there to do some incredible things as lawyers. A quote I often share with law students is from Ruth Bader Ginsburg, that I find so important. She talked about how lawyers have a monopoly on certain skills. And so, because of that, we have obligations in response to that monopoly. One is to provide legal services to people who cannot afford a lawyer. Then she talks about how lawyers need to reach out beyond their own interests. Ultimately, she says, lawyers have an obligation to heal the tears in their communities. And that's an idea that I want to share with the law students on their very first day. When you become a lawyer, even on your first day of law school, you take on a different role in our communities. People look up to you; people look to you for answers. And so therefore, it's not just going to school one more day, it's not just doing another job. You're taking on a very important role in society and democracy. And here is another thing I always want to touch back on, for the lawyer, for the new law students. Being a lawyer is really hard. It's hard work, it's emotionally hard work. The hours out of your life are hard. It's demanding. It's stressful. But I always say to the young lawyers, "I bet one of the reasons, the most important reason, you decided to become a lawyer, is somewhere, you decided to use your skills to make the world a better place, to work for justice." And I think that kind of idea that inspired all of us, I think we need to touch back into that from time to time. When we really get worn down by what we do, whether it's billable hours or making payroll, or for me, having twenty-four-hour

arguments every couple of weeks. To get back to, why are we doing this? And so, especially for first-day law students, I want them to hold on to those principles, those dreams, and inspiration that brought them there for the first time.

BAGBY: You have achieved the highest rank in the Illinois legal profession, and you've received countless prestigious awards, including the American Constitution Society's Legal Legends Award. However, you have said that your proudest achievement is your family: your husband, your two children, and your seven grandchildren. How have you balanced your career and family?

THEIS: Well, first of all, I do have to harken back for a moment to my father. My father had a title, my entire life, and I think I learned from him that, you know, he was my dad. The title, it's a wonderful honor. It's a wonderful honor to have the opportunity to do this work, but that's not who I am. I have been extraordinarily fortunate to have lived a life with my family. My husband, John T. Theis, is my rock and my anchor. As I said, we went to law school together. He spent most of his career as a criminal defense lawyer, doing federal work, very often doing federal death penalty work. And what I think about is somehow, we held each other up. We both had extraordinarily stressful jobs, and we held each other up. And part of it was, of course, he was the king of the carpool. He moved the kids around all the time and did so many things like that when I was not able to do that. But I will be honest to say that through those years, those difficult years of having small children, as well as working at a high level, it was really, really hard. I cried often. I had tears. I was not being the best judge I could be. I wish I had more time. I was not being the best mom I could be. I wish I had more time. The good news is our two children are wonderful, strong adults with great value systems who have had wisdom

in choosing partners. When I think about those seven grandchildren, I think they are my reward for all those tears.

BAGBY: What are you most proud of accomplishing during your time as Chief Justice?

THEIS: I'm going to broaden your question a little bit, Laura. The work that I have done throughout my career, but specifically on the Supreme Court. Let me start at the beginning of my judicial career. I became a judge on July 1st, 1983, and it was thrilling and exciting and my mom was proud of me. A month later, the Greylord scandal broke. Twenty-two judges went to jail for bribery. Out and out bribery. The court system in Illinois, specifically in Cook County, was a national disgrace. It was terrible. I was a brand-new judge; I had just taken this oath. People were angry, judges were angry at each other. It was a terrible, terrible time. But there were leaders that stepped forward and said, "None of us took bribes, but it's our institution. We've got to heal; we've got to reform. We've got to make changes." And the way that that path was set was that we as the judiciary, ourselves had to embrace the most, highest level of ethical behavior, and we had to do that through transformative judicial education. So, in other words, we've always had classes about the latest cases or something like that, but the idea was that we needed to have transformative judicial education. So, when someone becomes a judge, they understand that this is not just another job, it's an awesome responsibility, a responsibility to the people. That's been my passion since the very beginning. Since I have been on the Court, our code of judicial conduct has been rewritten. I think one of the most important parts of that change are the comments. These comments were added to not only help judges understand the rules and live up to these high standards, but also to inform the public as to why we have these rules. The second piece that I am really,

really proud of is that in Illinois we have the most independent, robust judicial discipline system in the country. I know that people don't understand that, they don't know that, but they should. We're the only state in the country where a judge can be removed from office, having been elected, by an independent body whose decision cannot be reviewed by the Supreme Court. Under our constitution, the Illinois Courts Commission is independent from the Supreme Court. We're the only state in the country like that. Now, it happens, in the constitution it also says that the legislature is to provide appropriations for the Courts Commission. And over the years, that's just never happened. The Courts Commission, this really important independent body, was kind of ad hoc, and I was concerned about that. And so, in the last years while I've been on the Court, the legislature has now funded the Illinois Courts Commission. There is a website. Anyone in the community can go to the website. You can look at all of the ethical rules, you can look at all of the cases that have gone before. There are all sorts of information about judicial ethics from around the country. That it's a stronger body and it's, again, a very robust part of this commitment to the enforcement of judicial ethics, and as I spoke to before, that to me, that's the key to enhancing public trust and confidence. And the third piece, that I am particularly proud of, is this idea that you can't just put on a robe and be a great judge. Or even understand the ethical obligations of a judge. It takes time. It takes a great deal of support. And the Illinois Judicial College has matured in the last few years so much, and in so many different ways, both in the depth of the programming as well as expanding judicial education beyond just judges but to all the justice departments. So that when people come into our courthouses, they will be met by a clerk of the court that has had the same kind of training. When I say the

same kind of training, what I mean is transformative education. This is not just about knowing how to do your job. It's how to serve and serve at the highest level. I'm extraordinarily proud of those three things that have happened while I've been on the Court. You've mentioned this before, and I will admit that I often say this, but I will say it one more time. The code of judicial conduct, canon number one, says this, "A judge must act, at all times, in a manner that promotes the public's trust and confidence in the integrity, impartiality, and independence of the judiciary." That is the number one ethical obligation for every judge in our state. And as I sit here today, looking back at my career and the questions you have asked me, I think about this, I try to work every day to earn the people's trust.

[Total Running Time: 26:22]

End of Interview