

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

**Submitted by:**

**The Illinois Supreme Court Historic Preservation Commission**

**January 2012**

## **Introduction**

The Supreme Court Historic Preservation Act provides that the Illinois Supreme Court Historic Preservation Commission (“Commission”) is to file an annual report with the Supreme Court, the Governor, and the General Assembly regarding the Commission’s fiscal and program activities. As provided by the Supreme Court Historic Preservation Act (705 ILCS 17/15), the Commission:

“...shall 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 furthered its mission in 2011 by preserving and conveying 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 and publications that fostered a greater awareness and appreciation of Illinois’s legal history and the importance of the judicial branch of government. Included among the partnerships were the University of Illinois at Urbana-Champaign, University of Illinois Springfield, Illinois State University, Abraham Lincoln Presidential Library and Museum (ALPLM), Illinois Judges Association, Illinois State Bar Association, Chicago Bar Association, and Chicago Public Library.

## **Administrative**

### **Commissioners**

John B. Simon, Chair

Kim B. Fox

Hon. Michael F. McClain

Pauline Montgomery

Joseph A. Power Jr.

William J. Quinlan

Jane Hayes Rader

Hon. James R. Thompson

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

### **Staff**

John Lupton, Acting Executive Director and Director of History Programs

Matt Burns, Acting Director of Administration and Director of Outreach

Two staff members, the former Executive Director and Director of Administration, ended their employment with the Commission in 2011. The Commission has and continues to employ part-time contractual researchers and interns.

### **Meetings**

The Commission has met in person and telephonically approximately every 3 months.

## Fiscal Matters

A fiscal overview report is included as the final page of this report.

## Events

### Award Program

The Commission established the Honorable Judge George N. Leighton Justice Award to honor an attorney or judge who has made an outstanding contribution to the profession and to those in need of *pro bono* legal representation. The Illinois Supreme Court convened as the Commission presented the inaugural award to former United States District Court Judge George N. Leighton in 2009. Additional details are available on the Commission's website:



[www.illinoiscourthistory.org/events/8](http://www.illinoiscourthistory.org/events/8).

The second annual Leighton Award was presented to former Chief Justice Benjamin Miller in 2010. Additional details are available on the Commission's website: [www.illinoiscourthistory.org/events/4](http://www.illinoiscourthistory.org/events/4).

The Commission is planning to present its third Leighton award in 2012.

### Historical Reenactment & Education Series



In September and October, the Commission, in collaboration with the ALPLM, presented two retrials of Mary Surratt, who was executed in 1865 for her role in the conspiracy to assassinate President Abraham Lincoln. These reenactments were designed to highlight the importance of due process in the justice system. The first retrial took place in Chicago at the Chicago Public Library-Harold Washington Library Center. Filling the auditorium, an audience of 385 attendees heard attorneys Dan Webb and Michael Monico prosecute Mary Surratt

while Karen Conti and Ed Genson defended her before United States District Judge James Zagel. The second retrial took place in Springfield at the ALPLM. Another audience of nearly 300 (plus another 100 watching on closed circuit television) heard attorneys Bill Davis and Carol Posegate prosecute Mary Surratt while Greg Harris and Steven Beckett defended her before Illinois Appellate Justice Thomas Appleton. Using electronic voting devices, each audience, acting as jurors, found Mary Surratt not guilty at the conclusion of each retrial.

In December, the Commission, with the sponsorship of the Illinois Judges Association and Illinois State Bar Association, presented a program before 130 attendees highlighting Myra Bradwell's attempt in 1869 to become the first woman to be licensed to practice law by the Illinois Supreme Court. Preceded by a reenactment based upon a historically accurate account researched by Commission historian John Lupton, Ms. Rachel Morse, in the role of Ms. Bradwell, recounted the events that culminated in the Court's denial of her petition for admission to the bar. This was followed by a discussion led by



former Chicago Bar Association President Terri Mascherin featuring Wisconsin Supreme Court Chief Justice Shirley S. Abrahamson, Illinois Supreme Court Chief Justice Mary Ann McMorrow (ret.), Illinois Supreme Court Justices Anne M. Burke, Rita B. Garman and Mary Jane Theis, and former Illinois Comptroller Dawn Clark Netsch. These women, who entered a legal profession long dominated by men, described their experiences as women rising to leadership positions and the future role, treatment, and advancement of women in the legal profession. Videotaped by the Illinois Channel, the program has been widely broadcast.

## Outreach

### Website

The Commission's website, [www.illinoiscourthistory.org](http://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.



The website has become one of the Commission's best methods of locating and communicating with persons interested in legal history. The Commission continues to add material on county courthouses and its histories, including images obtained by the Commission from a private collector. During 2011, Matt Burns and intern Joshua Samuel Raj added significant new information profiling all 115 Illinois Supreme Court Justices, introduced a beta version of a timeline of the justices and the

districts they represented ([www.illinoiscourthistory.org/timeline](http://www.illinoiscourthistory.org/timeline)), and created a new section on counties and updated the events page.

In March, former Director of Administration Madeline Gumble was a guest lecturer at Southern Illinois University Law School in Carbondale, Illinois.

In April, John Lupton presented a paper at the Illinois History Symposium that focused on an Illinois Supreme Court case in the 1860s that declared the imprisonment of political opponents of Abraham Lincoln's administration illegal—an Illinois version of the *Ex Parte Milligan* case.

In May, the Commission gave 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 participated by creating exhibits that were then judged. Giselle Canko of Chicago won with her exhibit on Pearl Hart, a little-known but important Chicago attorney.

In June, John Lupton and intern Kelsey Stybr participated in a teacher's workshop sponsored by the Library of Congress and Eastern Illinois University. It featured tours of various sites in Springfield to promote civic education.

In September, John Lupton presented an abbreviated version of his research paper on the Illinois version of *Ex Parte Milligan* case at the American Association of State and Local History Conference in Richmond, Virginia.

Also in September, Kelsey Stybr and contractual researcher Justin Law presented papers at the Conference on Illinois History. Stybr's paper featured two Illinois Supreme Court cases in the 1910s that examined the use of blood hounds and fingerprints as evidence. Law's paper concentrated on *People v. Presser*, an important second amendment case in the 1880s.

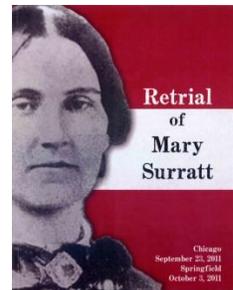
In December, John Lupton presented the keynote address on Abraham Lincoln's ethics and legal professionalism at the Association of Business Trial Lawyers Meeting in San Diego, California.

Throughout the year, the staff made presentations to various civic groups, county and regional bar associations, Inns of Court, and lifelong learning groups explaining the work of the Commission and presenting vignettes of Illinois judicial history.

## Publications

In January, John Lupton published a chapter on Abraham Lincoln's use of language in his legal documents in Roger Billings and Frank J. Williams, eds., *Abraham Lincoln, Esq., The Legal Career of America's Greatest President* (Lexington: University of Kentucky Press).

In September, the Commission and the Abraham Lincoln Presidential Library and Museum published the *Retrial of Mary Surratt*, a companion publication to the retrial events held in Chicago and Springfield. John Lupton and Kelsey Stybr provided much of the content for the publication.



In November, the Commission published *Myra Bradwell: In the Light of Experience*, a companion publication to the Myra Bradwell event. It contains transcriptions of nearly all of the documents filed by Myra Bradwell in the Illinois Supreme Court and the U.S. Supreme Court, plus a chapter from Jane M. Friedman's biography on Bradwell. John Lupton, Christina Rum, and Justin Law edited the manuscripts for the publication.

## Collections

In 2011, the Commission expanded its Library and Archives greatly by requesting and obtaining donations of a large amount of documents of historic significance. Christina Rum accessioned the artifacts for the Archives and created a collections policy. Stephanie Birch organized the Library and created a Library manual.

Lott and SuAnn Thomas donated a sizable collection that belonged to Lott Thomas's grandfather, Illinois Supreme Court Justice Lott Herrick, who served on the Court from 1933 to 1937. The materials consist of two newspaper-clipping scrapbooks and typed speeches given by Herrick.

James Dobrovolny granted permission to the Commission to digitize his large collection of courthouse post cards and to mount the images on the Commission's website.

T. David Purcell, a law clerk for 5<sup>th</sup> District Appellate Justice Bruce D. Stewart, donated to the Commission his collection of courthouse postcards, letters from the 1910s regarding court matters, vases, ash trays, and other ephemera featuring the likeness and information relating to courthouses.

John Damisch, a retired attorney from Chicago, donated his law books to the Commission, including nearly complete runs of the Illinois Reports, Illinois Appellate Reports, and Illinois Digest.

Brown, Hay & Stephens, a law firm in Springfield, Illinois, donated its law books to the Commission, including a complete run of the Illinois Statutes, partial run of the Illinois Court of Claims Reports, and various legal treatises. Two of the early Illinois Statute volumes were signed by Supreme Court Justices Thomas C. Browne and Samuel H. Treat.

The Commission also expanded its oral history collection through a partnership with Loyola University in Chicago whereby Loyola has granted to the Commission complete access to its collection of Cook County Judges oral history program in exchange for complete access to the Commissions' oral history collection.

### **Looking ahead to 2012 and beyond**



Based upon the success of the Mary Surratt retrials, the Commission will again partner with the ALPLM to present retrials of Mary Lincoln's 1875 insanity hearing. As an adjunct to that retrial, the Commission is exploring further programming focusing on the laws relating to the determination of mental impairment as they then existed and how the advancement of scientific knowledge and changes of societal norms have influenced current law on that subject. In this context, the Commission is also contemplating undertaking initial research as to the influence of Mary Lincoln's perception as an extravagant woman who spent lavishly on dinner ware, clothing, and other items to place her in perspective with the women of society in her generation to determine whether this may have unfairly influenced her insanity hearing.

The Commission has begun researching the history and experiences of African American lawyers and judges. From this the Commission will create public programs and publications.

The Commission staff continues to produce scholarly articles regarding legal history. Southern Illinois University Press is currently reviewing the manuscript edited by John Lupton of the history of the Illinois judiciary from the French period to 1900, which was originally written in the 1950s by Roger Severns for the Illinois State Bar Association and published serially in the *Chicago Daily Law Bulletin*.

Biographical treatments of all 115 Illinois Supreme Court justices are expected to be completed in 2012. The biographies will be available on the Commission's website ([www.illinoiscourthistory.org/justices](http://www.illinoiscourthistory.org/justices)). The Commission is also planning to compile the biographies into a book similar in type to Robert Howard's book, *Mostly Good and Competent Men*, which provides short biographies of all of the Governors who served Illinois.

Commission summer interns assisted in the creation of a large database of Illinois Supreme Court cases during the first Illinois Constitutional period (1818-1848). Once completed, the Commission plans to seek a grant to digitize the case files and to create a database that will be freely available to the public.

The Early Women in the Law exhibit will be at the Southern Illinois University Law School during the 2012 spring semester and, hopefully, will be moved to a Chicago law school for display in the fall. An additional exhibit, Homes of the Court, is nearly completed and will also be on display in 2012.

The Commission is collaborating with the National Surveying Museum in Springfield to produce a permanent exhibit for the Museum profiling Illinois Supreme Court cases dealing with surveying issues.

The Commission is in discussions with the Lincoln Home National Historic Site in Springfield regarding a cooperative effort to identify antebellum Illinois laws and how they describe and affected the citizenry. Also, the Chicago Metro History Education Center and the Commission are exploring co-hosting a teachers' institute in 2012 that will focus on the judiciary.

### **Conclusion**

Despite the reduction of staff from four to two, the Commission has achieved many significant accomplishments during 2011. With continued vigor and heartfelt interest in preserving the legal history of Illinois, the Commission and its staff are proud of its successes in 2011 and will continue to fulfill its mission in 2012.

**Fiscal Summary**

<b>FY 12 Expenditure Detail</b>	<b>July 1, 2011 – December 31, 2011</b>
Employee Salaries	\$72,497
Employee Benefits	\$51,794
Lease & Building	\$26,555
Professional Contracts	\$55,744
Services	\$32,120
Employee Travel	\$3,581
Printing	\$3,564
Supplies	\$3,373
Computers	\$13
Telephone	\$3,983
Misc/postage, conf fees, bldg maint.	\$4,931
<b>FY 12 Total Expenditures</b>	<b>\$258,155</b>
<hr/>	
<b>July 1, 2011 – December 31, 2011</b>	<b>Receipts Detail</b>
Donations	\$20,950
Sales	\$1,408
Refunds & Miscellaneous	\$3,905
<b>FY12 Total</b>	<b>\$26,263</b>
<hr/>	
<b>Total Expenditures per Fiscal Year</b>	<b>Totals</b>
FY09 Expenditures	\$177,318
FY10 Expenditures	\$805,392
FY11 Expenditures	\$919,817
FY12 Expenditures	\$258,155
<b>Total Expenditures</b>	<b>\$2,160,682</b>
<hr/>	
<b>Totals since 2007 inception</b>	<b>Overall</b>
GRF transfer in	\$5,000,000
Interest Deposits	\$328,059
Sales & Donations	\$40,425
Expenditures	\$2,160,682
<b>12/31/2011 End Balance</b>	<b>\$3,207,802</b>
<hr/>	