

## Rita B. Garman 2001 – Present

© Illinois Supreme Court Historic Preservation Commission  
Image courtesy of the Illinois Supreme Court

Rita Bell Garman was born in Aurora, Illinois, on November 19, 1943, the youngest of three children of Dr. Sheldon Bell and Ellen Bell. She grew up in Oswego, where Dr. Bell had a dental practice and Mrs. Bell, a homemaker, also served as his business manager. She recalls that her parents encouraged all three children equally and that her father, in particular, “saw absolutely no reason why his daughters couldn’t achieve as much as his son.”<sup>1</sup>

Rita Bell was valedictorian of her high school class, and attended the University of Illinois. Although she was interested in a career in law, her undergraduate advisor steered her away from enrolling in a joint degree



program in law and commerce, suggesting that as a young woman, she might not be admitted to the law school portion of the program. Thus, she majored in economics and graduated in 1965 with highest honors. While at the University of Illinois, she met Gill Garman of Urbana.<sup>2</sup>

Both attended the University of Iowa College of Law, where she was one of only eight women in the entering class. She recalls some professors being overtly hostile to women law students, remarking that they were taking up spaces that belonged to men who would need to support their families, or accusing the women of attending law school only to meet a future

husband. Rita, however, had already met her future husband. She and Gill married after their second year of law school.<sup>3</sup>

They graduated in 1968 and passed the Illinois bar examination. When they were sworn in on the same day, their photograph appeared in the *Illinois Bar Journal* with the caption “Mr. and Mrs. Gill Garman.”<sup>4</sup> Dr. Bell was perhaps even more perturbed than his daughter that she was not identified as “Rita Bell Garman.” The couple moved to Danville, Illinois, where Gill began the private practice of law, but jobs for a young woman lawyer were scarce in 1968. She was told by one firm that “no one wants to talk to a woman. No business person is going to come in here and share business issues with a woman. We don’t know how we could possibly use you in this firm.”<sup>5</sup>

An opportunity did arise when the attorney who had been running the local legal aid office retired and she was offered a temporary position at the Vermilion County Legal Aid Society – just to “keep the doors open.” “That’s how I learned to practice law,” she recalls. “The clients of Legal Aid didn’t care that I was young, and they certainly didn’t care that I was a woman. They were happy to see me.”<sup>6</sup> A year later, she was hired to handle family law cases in the State’s Attorney’s Office, and, in 1973, she joined the firm of Sebat, Swanson, Banks, Lessen & Garman.

When an associate judge position in Vermilion County became open in 1974, she was encouraged by several judges and colleagues to apply. When she was appointed associate judge, she became the first female judge in the Fifth Judicial Circuit – the first time, but not the last, that she would break new ground. After twelve years as an associate judge, she was elected Circuit Judge in 1986, again being the first woman to hold the position. She remained on the

circuit court until 1995 and was Presiding Judge in Vermilion County for most of her tenure. Upon the retirement of Justice Carl Lund, Judge Rita Garman was assigned to the Fourth District Appellate Court and was then elected in 1996 to her own term. She was the Fourth District's first female justice.<sup>7</sup>

When Justice Garman was appointed to the Illinois Supreme Court in 2001 to fill the vacancy created by the retirement of Justice Ben Miller, she was not the first woman in the room. Justice MaryAnn McMorrow had joined the court in 1992. Garman was elected to a ten-year term on the court in 2002 and retained for a second term in 2012. She served as Chief Justice from 2013-2016, becoming Illinois' second woman Chief Justice, after Justice McMorrow. Following her installation ceremony, the new Chief Justice remarked: "The courts are where the people meet the promise of this nation. The four goals that I have set out – civility and professionalism, prompt decision-making, increased use of technology, and judicial education – all serve to make our courts more able to meet that promise."<sup>8</sup>

Garman has served at every level of the Illinois judiciary and is the first chief justice to have done so: associate judge, circuit judge, presiding circuit judge, appellate justice, presiding appellate justice, supreme court justice, and chief justice. At present, she is the second longest serving judge in Illinois and the longest serving female judge.

Shortly after her arrival at the Supreme Court, she proposed the establishment of a Special Committee on Child Custody Issues to give priority to cases involving the custody, adoption, abuse and neglect of children, and the rights of parents. As a result of the committee's efforts, the Court has also adopted new procedural rules to expedite appellate review of such cases. While running for retention in 2012, she remarked that "Early in my tenure on the

Supreme Court, I successfully urged the court to study and address the handling of juvenile cases in our court system. . . . We cannot afford to allow a child to grow up while the courts deliberate these issues.”<sup>9</sup>

During her tenure as Chief Justice, the Court established the Illinois Judicial College to elevate the professional education opportunities for Illinois judges and staff members of the court system; implemented mandatory electronic filing of court documents to reduce costs and increase efficiency of the court system; completed a pilot project on the use of media cameras in courtrooms and extended the program throughout the state; and created uniform standards and a certification process for problem-solving courts to bring uniformity, accountability, and administrative oversights to drug courts, mental health courts, and veterans courts throughout the state.

Also during her tenure as Chief Justice, Justice Garman and her colleagues twice invited the governor and the entire state legislature to attend special evening sessions of oral arguments. For the first time in over a century, the Supreme Court held proceedings in the evening to enable members of the other two branches of state government to, in her words, have “a window into the work that the Court performs for the people we all serve.”

Of the many opinions she has authored, two milestone cases – one civil and one criminal – illustrate Justice Garman’s scholarly, analytical, and disciplined approach to judicial decision making. The Illinois Supreme Court initially affirmed the conviction of Roy Caballes for cannabis trafficking, with Justice Garman and two other justices dissenting. During a routine traffic stop for speeding, a dog sniff of the vehicle had revealed the presence of marijuana. Although the sniff did not prolong the duration of the stop, the majority held that the canine sniff

was not justified and that it impermissibly broadened the scope of the traffic stop, turning it into a drug investigation and violating the fourth amendment to the United States Constitution.<sup>10</sup> The State of Illinois appealed to the United States Supreme Court, which held that the dog sniff was not a “search” and, thus, did not violate the fourth amendment.<sup>11</sup>

When the case returned to the Illinois Supreme Court in 2006, Justice Garman wrote the opinion in *People v. Caballes*, which answered the additional question – even if the sniff was permitted by the U.S. Constitution, did it nevertheless violate the Illinois Constitution of 1970? The Court ruled that when a provision in the state constitution is virtually identical to the corresponding provision in the federal constitution, the two will be interpreted in “lockstep” unless the debates and the committee reports of the state constitutional convention indicate that the particular provision of our constitution was intended to be construed differently. Thus, the dog sniff was not a prohibited search and the defendant’s state constitutional rights were not violated. His conviction was, therefore, affirmed.<sup>12</sup>

In 2009, Justice Garman authored the Illinois Supreme Court’s unanimous opinion in *In re Estate of Feinberg*, a case that received national press coverage. Dr. Feinberg, a dentist, had created an estate plan that would have benefited his grandchildren if they married within the Jewish faith, but would have excluded them if they married outside the faith. In litigation among the surviving family members, the circuit court found the restriction unenforceable on the basis that it violated public policy by discriminating on the basis of religion, and the appellate court affirmed. The Supreme Court reversed the judgment and found the so-called “Jewish clause” enforceable because an individual has the freedom to dispose of his property as he chooses.<sup>13</sup>

Justice Garman is a member of the Vermilion County Bar Association, the Illinois State Bar Association, the Iowa State Bar Association, the Lincoln-Douglas Inn of Court, and the Illinois Judges Association. A champion of legal aid services and a strong advocate of pro bono service, she has received numerous awards including the Illinois Judges Association Lifetime Achievement Award in 2007, the Person of the Year Award from Chicago Lawyer Magazine in 2013, and the Myra Bradwell Award from the Women’s Bar Association of Illinois in 2016. Most notably, in March 2017, the Vermilion County Board voted unanimously to rename the county courthouse the “Rita B. Garman Vermilion County Courthouse” in her honor, and in April 2017, the Champaign County Bar Association named her a Pillar of the Profession.

Rita and Gill Garman had two children, Andrew and Sara, and four grandchildren. He passed away in 2014 after a long struggle with kidney disease.<sup>14</sup>

<sup>1</sup> *State Journal-Register* (Springfield, Illinois), 21 October 2013, p. 4.

<sup>2</sup> [chicagolawyer.com/Elements/pages/print.aspx?printpath](http://chicagolawyer.com/Elements/pages/print.aspx?printpath).

<sup>3</sup> *Ibid.*

<sup>4</sup> *Illinois Bar Journal* 57 (January 1969), p. 378.

<sup>5</sup> *State Journal-Register* (Springfield, Illinois), 21 October 2013, p. 4.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Chicago Daily Law Bulletin*, 28 October 2013, p. 1.

<sup>8</sup> Supreme Court of Illinois news release, 12 December 2013.

<sup>9</sup> “Responses by Justice Rita B. Garman to Illinois Civil Justice League 2012 Judicial Retention Questionnaire,” Garman file, Illinois Supreme Court Historic Preservation Commission, Springfield, Illinois.

<sup>10</sup> *People v. Caballes*, 207 Ill. 2d. 504 (2003).

<sup>11</sup> *Illinois v. Caballes*, 543 U.S. 405 (2005).

<sup>12</sup> *People v. Caballes*, 221 Ill. 2d. 282 (2006).

<sup>13</sup> *In re Estate of Feinberg*, 235 Ill. 2d. 256 (2009).

<sup>14</sup> *Chicago Daily Law Bulletin*, 3 June 2014, pp. 1, 23.