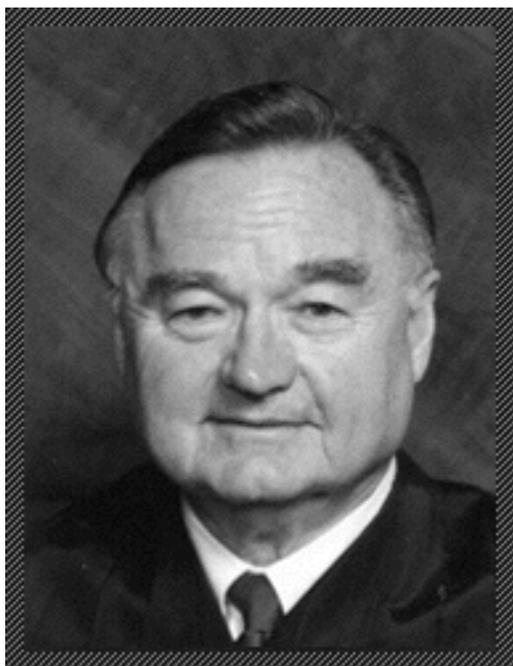


## Lloyd A. Karmeier 2004 – Present

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A southern Illinois native, Lloyd A. Karmeier was born January 12, 1940, in rural Washington County. He was raised on a small farm near Covington, the site of the first court



session convened by a Justice of the Illinois Supreme Court following Illinois' admission into the Union in 1818.<sup>1</sup> The third of five children, Karmeier attended a one-room grade school and went on to graduate as valedictorian of his class at Okawville Community High School in 1958. He received his B.S. degree in 1962 and his J.D. degree in 1964, both from the University of Illinois. While at the University of Illinois, Karmeier met his wife, Mary, who was also a student there, on a

blind date. The couple married in 1965 and ultimately became the parents of two daughters.

Following admission to the bar, Karmeier became a judicial law clerk for Illinois Supreme Court Justice Byron O. House, who impressed on him the need for “clear and straightforward opinions” and “basically just to get it right.” Karmeier served House from 1964 to 1968, and joined Hohlt, House, DeMoss & Johnson, the Nashville, Illinois law firm founded by Justice House's father. In 1968, Karmeier was elected state's attorney of Washington County on the Republican ticket. When his term as state's attorney ended, he clerked for former U.S. District Court Judge James L. Foreman from 1972 to 1973. Karmeier then engaged in the

private practice of law fulltime with the Hohlt, House law firm until 1986, when a vacancy arose on the local circuit bench.

He was elected resident circuit judge of Washington County and took office in December of 1986. To avoid potential conflicts of interest involving his former law firm, Karmeier initially spent the majority of his time on the bench in St. Clair County, a much larger county in the same circuit. Voters retained Karmeier as circuit judge in 1992 and then again in 1998.

As Karmeier's third term as a circuit judge neared its conclusion, he decided to seek higher office and entered the race for Justice of the Supreme Court, 5th District. The position had become vacant when the incumbent, then-Chief Justice Moses W. Harrison, decided to retire before the expiration of his term, and Philip J. Rarick, the former appellate court justice appointed to fill the vacancy, decided for health reasons not to seek a 10-year term.

Since adoption of the 1970 Constitution, the members of the Supreme Court elected from the 5th District – geographically the largest of the five districts and one which encompasses both agricultural and industrial, rural and urban areas – had all run for the office as Democrats. Karmeier filed as a Republican. The resulting campaign, which pitted him against an appellate judge who was simultaneously seeking retention for his seat on the appellate court, proved to be a contentious one. Fueled by the debate over “tort reform” and concerns that Illinois’ legal climate was causing doctors to leave the state, jeopardizing the availability of adequate health care for its residents, the election was considered to be the most expensive judicial race in Illinois history up until that time. Karmeier ultimately won by a sizeable margin, 55% to 45%, with the losing candidate also failing in his bid to be retained on the appellate court.<sup>2</sup>

Wearing the same judicial robe used by his former boss and mentor Justice Byron House, Karmeier was sworn in as a member of the Supreme Court on December 6, 2004. Upon taking his seat on the bench, Karmeier noted that he will bring to the Court what his family taught him. “It taught us about responsibility to love and respect one another. Doing your job and doing it well without expecting any accolades.”<sup>3</sup>

Once on the Supreme Court, Karmeier assumed numerous administrative responsibilities in addition to his normal judicial duties. He continued his involvement with the Supreme Court Committee on Jury Instructions in Criminal Cases, but in a different capacity: Court liaison. He also took over as the Court’s liaison to two of its most important administrative entities, the Attorney Registration and Disciplinary Commission (ARDC) and the Minimum Continuing Legal Education Board (MCLE), as well serving as liaison for the Court’s New Judges Seminar. Effective October 26, 2013, the Court appointed Karmeier to the Courts Commission, an independent body established under the Illinois Constitution of 1970 to adjudicate complaints that a judge has engaged in misconduct or is no longer able to perform the duties of office. Shortly after joining the Commission, Karmeier was selected by its members to be its Chairperson.

Since joining the Court, Karmeier has participated in the disposition of more than 1,000 cases on the merits following oral argument. In explaining his approach to deciding cases, Karmeier has written that when he first ran for the Supreme Court, he “made only one promise. It was a promise to the People of Illinois and the voters of the Fifth Judicial District that if elected, [he] would decide every case free of outside influence and based solely on the law and the facts.”<sup>4</sup>

Karmeier has thus far authored nearly 200 opinions, special concurrences and dissents. The importance of judicial restraint and deference to the legislature are common themes in his writing. In a dissent that attracted national attention, Karmeier rejected the majority's decision invalidating a statute enacted by the General Assembly in response to the health care crisis in *Lebron v. Gottlieb Memorial Hospital*.<sup>5</sup> The statute would have placed certain limits (caps) on the noneconomic damages that could be awarded in medical malpractice cases. In a similar vein is *People v. White*, where, this time writing for the majority, Karmeier wrote “[W]e believe it appropriate to caution courts of review—particularly when constitutional issues are involved—that they are not free rangers riding about the legal landscape looking for law to make. Judicial restraint is a principle of review that the justices of the [United States] Supreme Court strive to observe.”<sup>6</sup>

When, however, the legislature has transgressed its constitutional bounds, Karmeier has spoken forcefully to invalidate its action. *In re Pension Reform Litigation*, is perhaps the most notable example. Writing for a unanimous court, Karmeier held there that the General Assembly's attempt to reduce retirement annuity benefits for members of the State-funded pension systems violated the Pension Protection Clause of the Illinois Constitution. Rejecting the argument that the State's dire financial condition justified suspension of constitutional protections, Karmeier stated that the “financial challenges facing state and local governments in Illinois are well known and significant. In ruling as we have today, we do not mean to minimize the gravity of the State's problems or the magnitude of the difficulty facing our elected representatives. It is our obligation, however, just as it is theirs, to ensure that the law is followed.”<sup>7</sup>

Cases relating to the electoral process are also among Karmeier's more notable decisions. These include *Jackson-Hicks v. East St. Louis Bd. Of Election Commissioners*, which declared that nominating petitions filed by an incumbent mayor should have been stricken because they did not contain the minimum number of valid signatures required by law. Karmeier rejected the theory that "substantial compliance" was sufficient to meet the law's numerical requirement.<sup>8</sup> Also significant was his dissent in *Hooker v. Illinois State Board of Elections*, Karmeier argued that the voters of Illinois should have been permitted to consider a proposed ballot initiative to amend the system by which our state's legislative districts are drawn. The majority held that the proposed initiative failed to meet the requirements of the 1970 Constitution, which expressly authorizes the use of ballot initiatives to amend the current redistricting scheme set forth in Article IV of the Constitution.<sup>9</sup>

Karmeier ran for retention in 2014, and the period leading up to the November election was largely uneventful. The ISBA screening committee recommended that Karmeier be retained. He received endorsements from such groups as the Illinois Education Association and the Illinois Fraternal Order of Police. Major regional and statewide newspapers urged voters to retain him.<sup>10</sup> Just before the election, however, a handful of attorneys from Chicago, Missouri, California, Mississippi and South Carolina expended over \$2 million on a last-minute media blitz opposing Karmeier's retention.<sup>11</sup> With one exception, the lawyers or their law firms were counsel of record in past or pending cases before the Supreme Court. Their efforts proved unsuccessful. Karmeier received over 60% of the votes cast, exceeding the threshold needed to continue in office.<sup>12</sup>

In 2016, Karmeier succeeded Rita Garman as Chief Justice. On becoming Chief, he urged the legal community to be mindful of its members' shared responsibility to defend the integrity and independence of the courts. "Governments should be run by elected representatives," Karmeier recently observed. "Judges, even elected ones, represent no one. Their sole allegiance is to the law."<sup>13</sup>

<sup>1</sup> D. Vock, "Illinois Supreme Court: Humble Beginnings and a Rich History," *Chicago Daily Law Bulletin*, 23 April 2005, p. 1.

<sup>2</sup> Kevin McDermott, "All Eyes on the Fifth," *Illinois Issues* (September 2004); Editorial, "Gordon Maag's Revenge," *Chicago Tribune*, 24 December 2004; [https://ballotpedia.org/Lloyd\\_Karmeier](https://ballotpedia.org/Lloyd_Karmeier).

<sup>3</sup> M. Adrian, *The Southern Illinoisan*, 7 December 2004.

<sup>4</sup> *Philip Morris USA Inc. v. Appellate Court, Fifth District*, No. 117689, Order by Justice Karmeier, 24 September 2014), [www.illinoiscourts.gov/supremecourt/specialmatters/2014/102114\\_117689\\_Order.pdf](http://www.illinoiscourts.gov/supremecourt/specialmatters/2014/102114_117689_Order.pdf).

<sup>5</sup> *Lebron v. Gottlieb Memorial Hospital*, 237 Ill. 2d. 217 (2010).

<sup>6</sup> *People v. White*, 2011 IL 109689.

<sup>7</sup> *In re Pension Reform Litigation*, 2015 IL 118585.

<sup>8</sup> *Jackson-Hicks v. East St. Louis Board of Election Commissioners*, 2015 IL 118929.

<sup>9</sup> *Hooker, v. Illinois State Board of Elections*, 2016 IL 121077.

<sup>10</sup> "A Voice of Confidence for Supreme Court Justice Lloyd Karmeier," *Chicago Tribune*, 27 October 2014; "Vote to Retain Karmeier," *Belleville News Democrat*, 25 October 2014; "Retain Karmeier," *The Southern Illinoisan*, 31 October 2014.

<sup>11</sup> Illinois State Board of Elections, D-1 and A-1 Reports for Campaign for 2016

<sup>12</sup> A. Maher, "Ill. SC Justice Fends Off Class Action Attorneys' Campaign, Wins Second Term," *Legal NewsLine*, 7 November 2014.

<sup>13</sup> Lloyd A. Karneier, “2017: Reflections on the Past – Hopes for the Future,” Appellate Lawyers Association, Union League Club, Chicago, IL, 23 February 2017.