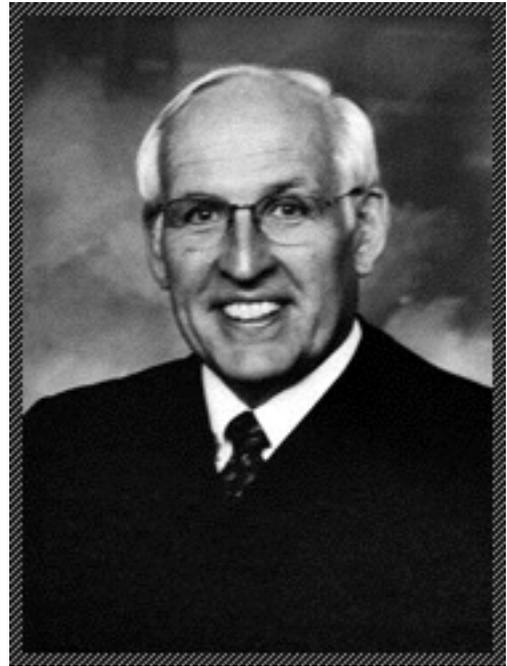


## S. Louis Rathje 1999 – 2000

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S. Louis Rathje was born in Geneva, Illinois, on November 1, 1939. He would continue the Rathje family tradition of attorneys: in the 1920s, his grandfather Sylvanus Louis Rathje had been a circuit judge, and in the 1950s, father Bertram E. Rathje served as chief judge of the DuPage County Circuit Court. As a boy, the young Rathje later recalled, his mother, Margaret Peironnet Rathje, often told him and his siblings, “‘Don’t do anything that will embarrass your dad.’ And that pretty much kept us on the straight and narrow.”<sup>1</sup>



Rathje attended Holmes Grammar School, Longfellow Junior High School, and Wheaton Central High School. He earned a bachelor’s degree from Wheaton College in 1961 and law degree from Northwestern Law School in 1964. Admitted to the Illinois bar, he practiced at the Wheaton firm of Rathje, Woodward, Dyer & Burt, and partnered in the firm from 1970 to 1992, specializing in municipal and administrative law, land use litigation, environmental law, and civil appeals.<sup>2</sup>

Rathje’s judicial career began in 1992. After practicing law for twenty-eight years, he won election as a Republican for circuit judge from the Eighteenth Judicial Circuit, and two years later was elected to the Appellate Court, hearing cases from thirteen northern Illinois counties and writing fifty-six majority and twelve dissenting appellate decisions. Upon appeal,

the Illinois Supreme Court adopted two of those dissents as majority opinions.<sup>3</sup>

Following the 1998 retirement of Supreme Court Justice John L. Nickels, the other justices chose Rathje to fill the Second Judicial District vacancy. He began the fourteen-month appointment on January 1, 1999. Among cases heard during his brief tenure, Rathje wrote the opinion *In re Estate of Sofia Gebis* vacating the trial court's judgment. Rathje cited the state's Probate Act of 1975 in determining that a trial court in a guardianship proceeding lacked the jurisdiction to adjudicate Gebis's son's statutory custodial claim against her estate. "Following the ward's death," Rathje wrote, "a custodian possessing a valid statutory claim could decimate the guardianship estate before the decedent's estate is opened, leaving the funeral home, the administrator, and every other creditor of the decedent's estate without recourse. This clearly is not the result that the legislature intended."<sup>4</sup>

Another 1999 case, *First Springfield Bank & Trust v. Galman et al.*, involved the death of a French foreign exchange student in Springfield. May Phillippart sustained fatal injuries when struck by a car as she crossed Lawrence Avenue at mid-block. Her estate sued the driver, Angela S. Galman, as well as a truck driver and his employer for a tanker truck parked in a no-parking lane at that time of day—obstructing Phillippart's view in attempting to cross the street. Rathje wrote the opinion reversing the Appellate Court, agreeing with the defendants that the illegally parked truck "was not a proximate cause" Phillippart's injuries and that "parking was specifically permitted at other times of the day."<sup>5</sup>

Rathje delivered the majority opinion in the 2000 capital case *People v. Madej*. The Cook County Circuit Court convicted Gregory Madej of murder, armed robbery, rape, and deviate sexual assault. A native of Poland, Madej and the country's Consul General appealed the verdict

under international law, alleging that the trial court violated Madej's rights under the Vienna Convention on Consular Relations to contact a consular official from Poland. "The trial court clearly had jurisdiction of the parties and of the subject matter," Rathje wrote, "and it had the inherent power to make or enter the orders involved."<sup>6</sup>

In 2000, Rathje ran in the Supreme Court primary campaign against two Republican challengers, Appellate Court Justice Robert R. Thomas and DuPage County Circuit Judge Bonnie M. Wheaton. The Illinois State Bar Association gave all three candidates "well-qualified" ratings. "I have authored majority opinions addressing direct capital appeals, post-conviction capital appeals, the constitutionality of both state and local legislation, and questions of criminal and civil procedure," Rathje told the DuPage County Bar Association. "My opinions, concurrences, and dissents speak for themselves, and I stand by them as a testament to my qualifications for the office of Illinois Supreme Court Justice."<sup>7</sup> Despite his lengthy legal and judicial career as well as support from Illinois Attorney General Jim Ryan and State Senate President James "Pate" Phillips, Rathje lost to Thomas, who then won the general election.

Following his Supreme Court tenure, Rathje served as chairman of the DuPage Water Commission and formed the law firm Rathje & Associates in Wheaton. He is a member of the DuPage County Bar Association, Illinois and Wisconsin state bar associations, and the Illinois Judges Association. He attends Trinity Episcopal Church in Wheaton and often accompanies his wife, prominent Chicago-area cardiologist Dr. Maria Rosa Costanzo, on her extensive lecture travels.

Asked in 2006 for advice on how to become a judge, he responded, "Know the law and keep up with the latest developments in the law. Cultivate a few trusted people who are seasoned

lawyers and/or judges whose advice you can trust. Be able to listen to people and respect them. Keep an open mind and be able to articulate, both orally and in writing, the reasons for your decisions.” Among the Illinois Supreme Court justices he admired from his time on the high court, “I could count on Justice John Nickels, Moses Harrison and Jim Heiple. All good judges amongst many good judges that helped me on the judicial path. You cannot look good in a black robe without some help.”<sup>8</sup>

<sup>1</sup> *Chicago Tribune*, 13 March 2000.

<sup>2</sup> *Chicago Daily Law Bulletin*, 24 April 1999, p. 27.

<sup>3</sup> [chicagotribune.com](http://chicagotribune.com), 17 December 1998; *Chicago Sun-Times*, 17 December 1998, p. 31.

<sup>4</sup> *In re Estate of Gebis*, 186 Ill. 2d. 188 (1999).

<sup>5</sup> *First Springfield Bank & Trust v. Galman*, 188 Ill. 2d. 252 (1999).

<sup>6</sup> *People v. Madej*, 193 Ill. 2d. 395 (2000).

<sup>7</sup> *DCBA Brief* (March 2000), p. 22.

<sup>8</sup> *Journal of the DuPage County Bar Association* 19 (2006-07).