

Thomas L. Kilbride 2000 – Present

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A native of LaSalle, Illinois, Thomas L. Kilbride was born in 1953. Graduating from Bishop McNamara High School in Kankakee, he attended St. Mary's College in Winona, Minnesota, leaving school during his sophomore year to help Cesar Chavez and farm workers in California. "Having done that work, I saw how critical lawyers were to the process," Kilbride said years later in explaining his decision to return to college, attend law school, and work as a legal aid attorney.¹ He received his B.A. degree magna cum laude from St. Mary's College in 1978 and law degree from Antioch School of Law in Washington, D.C., in 1981.



Kilbride and his wife, Mary, would become the parents of three daughters. He practiced law in Rock Island for twenty years, first as a legal services attorney for the poor, then in civil and criminal practice. He was admitted to the United States District Court of Central Illinois and the United States Seventh Circuit Court of Appeals.

In the 2000 election to succeed James D. Heiple for the Illinois Supreme Court's Third Judicial District seat, Democrat Kilbride, who had never served as a circuit or appellate judge, defeated Republican Carl E. Hawkinson, 52 percent to 48 percent, and began his tenure as a justice.

In 2007, Kilbride wrote the unanimous opinion in *People v. O'Connell*, a case involving the defendant's motion for DNA testing. John O'Connell had waived a jury trial and pled guilty to first degree murder, robbery, and other charges in the stabbing death of a store employee. Sentenced to life terms, he subsequently filed unsuccessful motions for reconsideration of the sentences. He then filed for DNA testing of blood found at the time of the crime on his clothing and a knife, citing in his motions section 116-3 of 1998 legislation that permitted such testing when "not available at the time" of his 1990 plea. The Cook County Circuit Court denied O'Connell's motion, but the Appellate Court reversed that decision. "Defendants who plead guilty may not avail themselves of section 116-3," Kilbride wrote in reversing the Appellate opinion. "Those defendants are a separate group who have not contested identity at trial. . . . We reiterate, a defendant who pleads guilty may not use section 116-3 as a means to request DNA testing."²

In *People v. Beaman*, Justice Kilbride authored the opinion reversing Alan Beaman's conviction for murder because prosecution violated his right to due process. Beaman had been found guilty of murdering Jennifer Lockmiller, an Illinois State University student. The prosecution successfully argued that Beaman, as a jealous former boyfriend, had the motive and opportunity to commit the murder. Beaman filed a postconviction petition because the state failed to disclose important information about "John Doe," another former boyfriend and potential suspect who used steroids and had been previously charged with domestic battery. The circuit court denied the petition, and the denial was upheld by the Illinois Appellate Court. In a unanimous decision, the Supreme Court reversed the judgment, vacated the conviction and remanded the case back to the circuit court. Kilbride noted that "there is a reasonable probability

that the result of the trial would have been different if petitioner had presented the evidence establishing Doe as an alternative suspect.”³

In 2010, Kilbride voted with the Court’s Democratic majority in striking down *Lebron v. Gottlieb*, a highly controversial decision written by Justice Thomas Fitzgerald that removed monetary limitations in medical liability cases.⁴ Then in October, he succeeded Fitzgerald as Chief Justice, while facing an expensive battle to retain his Third District seat. The pro-business Illinois Civil Justice Committee, funded by the U.S. Chamber of Commerce and the American Tort Reform Association, led efforts to unseat Kilbride, primarily because of his vote in the *Lebron v. Gottlieb* medical malpractice case. “I think there are going to be a lot of forces against him,” said Illinois Civil Justice Committee president Ed Murname.

With a \$2.8 million campaign fund, Kilbride successfully countered the effort, deriding his opponents’ “bald-faced lies” and distortions regarding his medical-malpractice opinion as well as other decisions that his critics termed anti-business. “I didn’t write the [Lebron] opinion,” Kilbride said. “I am one of four votes.” He retained his Supreme Court seat, with a 66 percent tally. Many observers consider that judicial race as exemplifying an increasingly corrosive monetary influence. “I frankly don’t know what can be done, given the landscape that exists,” he later remarked. “Constitutionally, the framework of what’s permissible under free speech, given that lay of the land . . . the door is wide open. And who can be against free speech?”⁵

As Chief Justice, Kilbride earned a reputation for his efforts to modernize the Illinois judicial system technologically. He supported implementing statewide standards for the electronic filing of civil case documents, expanding the legal process to low-income citizens, and increasing funds for probation services. He credited the members of the Access to Justice

Commission, a group he formed in 2012, for helping in those endeavors. “Access to justice obviously means different things to different people,” Kilbride said in a 2013 *Chicago Daily Law Bulletin* interview, noting that the idea is the same, “Our courts are to be equal justice under the law for everyone.”⁶

Also during his Chief Justice tenure, the Supreme Court changed the citation system for Illinois courts, allowing citations to online opinions, rather than pages in a printed book. Without the expense of costly bound volumes, the Court predicted more than \$500,000 in savings over several years. “The greatest cost savings from the implementation of technological advances,” he explained, “will come from e-filing and the use of the electronic record as the court’s official record. Soon, the supreme court will issue standards and principles for e-business, enabling the court to manage documents without the necessity of paper.”⁷

Although Illinois has allowed limited use of cameras in the Supreme and Appellate courts since 1983, Kilbride in 2012 announced a pilot program for permitting news cameras and electronic news recording in trial courts. Since then, many counties and circuits allow photo and video coverage of specified case categories. “As a practical matter, I don’t think the public or media has a desire to see everything in every single courtroom,” Kilbride said. “But,” he added, “I think it’s sold itself already . . . the judges themselves who’ve participated have helped inculcate a sort of mindset that this isn’t so terrible.”⁸ In 2016 the Supreme Court made the camera program permanent, allowing television and radio coverage in courtrooms throughout the state.⁹

Kilbride’s three-year Chief Justice tenure concluded in 2013, when he was succeeded by Justice Rita B. Garman. Kilbride continues to represent the Third Judicial District; his current

term extends to 2020. “I’m very pleased and impressed with the job that the chief justice has done,” Kirk C. Jenkins, an appellate attorney, said of Kilbride in 2013. “I think he’s been a superb representative for the Illinois judiciary.”¹⁰

Kilbride is a past president of the Illinois Township Attorneys Association, charter member of the Illinois Pro Bono Center, and member of the Illinois State and Rock Island County Bar associations. He received an honorary law degree from The John Marshall Law School in 2002. His other honors include the Harriet Beecher Stowe Voice of Freedom Award, and the Chicago Bar Association gave him the John Paul Stevens Award.

¹ *Chicago Daily Law Bulletin*, 14 April 2011, p. 1.

² *People v. O’Connell*, 227 Ill. 2d. 31 (2007).

³ *People v. Beaman*, 229 Ill. 2d. 56 (2008).

⁴ *Lebron v. Gottlieb Memorial Hospital*, 237 Ill. 2d. 217 (2010).

⁵ *Chicago Daily Law Bulletin*, 16 July 2010; *Quad-Cities Online*, 2 November 2010, qconline.com/archives/qco/print.

⁶ *Chicago Daily Law Bulletin*, 25 October 2013, p. 1.

⁷ *Illinois Bar Journal* (November 2012), isba.org/ibj/2012/11/thehighpriceoflowfunding.

⁸ *Chicago Daily Law Bulletin*, 25 October 2013, p. 22.

⁹ *Illinois Times*, 25 February 2016, p. 7.

¹⁰ *Chicago Daily Law Bulletin*, 25 October 2013, p. 22.