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PRACTICE AREAS

Workers Compensation

Personal Injury

Motor Vehicle Accidents

Wrongful Death

Judicial Impartiality Threatened in Illinois

9/14/2010



In February 2010, Illinois Supreme Court Justice Thomas Kilbride voted, along with 3 other justices, to overturn an Illinois law that placed monetary caps on damages awarded in [Illinois medical malpractice cases](#). Medical malpractice caps had been struck down in two prior Illinois Supreme Court decisions, as well.

Justice Kilbride is up for reelection this year, after serving 10-year term as an Illinois Supreme Court Justice. However, in sharp contrast to the typical reelection process of a Supreme Court Justice, his decision regarding medical malpractice caps is now coming back to haunt him, as conservative special interest groups rally against his reelection to the bench.

The Chicago Tribune adeptly explains the situation that he faces in a recent [article](#):

Usually Illinois judges up for retention don't run against anyone, and the ballot simply asks voters whether they want to keep the jurist on the bench by marking "yes" or "no." No [Illinois Supreme Court](#) justice has ever not been retained.

But this year negative politics are creeping into one retention race with the election more than two months away. Conservative activists are targeting Thomas Kilbride, whose 10-year term on the Illinois Supreme Court is up, setting up a potentially nasty and expensive retention battle that voters have never seen before.

This departure from normal reelection practices is distressing and unfortunate.



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In essence, partisan political groups are attempting to penalize an Illinois Supreme Court Justice for doing his job and impartially applying the law and legal precedent.

The ability to be objective is an absolute necessity in order for judges to do their jobs correctly. Ideally, political leanings and philosophy should have no impact on judges' decisions on the bench. Instead, their job is to impartially review and apply the relevant statutes and prior case law and issue a decision based solely on the facts of the case.

The attempts to influence his reelection are motivated purely by political goals. Instead of questioning his judicial abilities, his detractors instead are seeking to penalize him for issuing an impartial ruling that negatively affected a political issue of importance to them. This attempt to influence future judicial decision making by making an example of Justice Kilbride is nothing less than shameful and has the potential to severely impact the integrity of the judicial process in Illinois.

Let's hope this attempt to block his reelection is unsuccessful, if for no other reason than to ensure that the judicial decision making process in Illinois remains objective and impartial, as it was meant to be.

Howard Ankin of Ankin Law Office LLC (www.ankinlaw.com) handles [workers' compensation](#) and [personal injury cases](#). Mr. Ankin can be reached at (312) 346-8780 and howard@ankinlaw.com.