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Former justice: Criticizing judges for COVID protocols ‘really unfair’

Former Illinois Supreme Court Justice Robert R. Thomas, the keynote speaker at an online event last week supporting judges seeking retention in Cook County, said it’s “really unfair” to hold individual judges accountable for COVID-related protocols that lawyers and litigants may not like, and it “shouldn’t figure” in retention elections.

“To those people I say, you’ve got to take a deep breath and relax a little,” Thomas said. “This happens once every 100 years. People are trying to get it right.”

Thomas said judges in individual courtrooms are probably not responsible for the protocols that some attorneys find objectionable, and that each jurisdiction is making its own rules, though some protocols come from presiding judges, chief judges or the Supreme Court.

Attorney James M. Hagler from my firm and I were honored to co-chair the

event in support of the 62 judges seeking retention. Participants attended from their offices via Zoom. I believe it was the first virtual event to help the retention effort in Cook County history.

Thomas, 68, served on the Supreme Court from 2000 until Feb. 29 of this year. He previously sat on the 2nd District Appellate Court and on the DuPage County Circuit Court. He also was a field goal kicker at Notre Dame and for the Chicago Bears, along with three other NFL teams. He’s now in private practice at a Chicago firm.

Thomas stressed how important it is for the electorate to be informed and retain judges. He spoke about the qualities a good judge must have: independence, fairness, competency and respect for all.

Thomas addressed several other issues:

- The value of diversity on the bench: It’s important. “It brings credibility



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to the judiciary. Let’s face it, people like to see people who look like them,” said Thomas, who noted that he had helped get minority attorneys

appointed to the bench.

- Merit selection: Thomas said he’s in favor of “merit,” but it’s the “selection” that concerns him. He said he hasn’t seen a selection process that’s better than the current system of election and then nonpartisan retention.

- Should judges seeking retention respond to attacks? Thomas believes they — or the committees working on their behalf — sometimes have to. “If there’s enough said about a certain judge, without any opposition, the people might believe it,” he said. Thomas lamented how quickly special interests will attack a judge, for little or no reason.

- On the Bears’ chances of going to the Super Bowl: “They’re better now than they were before the fourth quarter on Sunday,” he said, referring to the season opener against the Detroit Lions. “I don’t know that their chances are much better. We’ll see.”