

**April 5, 2006
FOR IMMEDIATE RELEASE**

SUPREME COURT JUSTICE MARY ANN G. MCMORROW ANNOUNCES RETIREMENT

Justice Mary Ann G. McMorrow, a pioneer in opening opportunities for women in the law and admired for her elegance and style in a legal career that spans five decades, announced Wednesday she will be retiring from the Illinois Supreme Court.

Justice McMorrow, the first woman to serve on the Illinois Supreme Court and--as its Chief Justice from September 2002 to September 2005 -- the first woman to head a branch of Illinois government, said she will be stepping down effective July 5. She has sat on the state's highest Court since 1992 and has been a judge in Illinois for 30 years.

In an order filed by the clerk in Springfield, the Court announced that Judge Anne M. Burke, a justice with the Illinois Appellate Court in Chicago since 1995, will be appointed to fill Justice McMorrow's vacancy, effective July 6, terminating December 1, 2008.

Justice McMorrow has had a remarkable legal career.

It began with graduation as the only woman in her class from the School of Law at Loyola University in 1953, continued as the first woman to try felony cases as an assistant Cook County state's attorney and culminated with her selection as Chief by her colleagues on the Supreme Court. Throughout, Justice McMorrow has assumed and maintained a strong mentor's role for women who wished to enter and serve in the law. She accomplished this always in graceful fashion, earning the respect, admiration and fondness of colleagues, legal adversaries and ordinary citizens crossing gender lines.

"At every step of her truly impressive career, Mary Ann shattered gender barriers that for too long kept the law an artificially insular profession," said Justice Robert R. Thomas, who last September succeeded Justice McMorrow as Chief of the Supreme Court. "She fought every step of the way, carving for herself a path that none before had taken but that many since have had the privilege to follow.

"Mary Ann deserves to be recognized as a pioneering woman in the law," Chief Justice Thomas continued. "But more than that, she deserves to be recognized as a genuine role model

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for *all* lawyers, a shining example of what talent and perseverance can accomplish, even in the face of seemingly insurmountable odds.

“Justice McMorrow has served this Court well, and her impact on the law will be felt for many years to come. Her wisdom and insight will be missed.”

Justice Charles E. Freeman the only member of the Supreme Court who holds more seniority than Justice McMorrow, spoke of her diligence, collegiality and decency.

"I have been honored to serve on the Court over the past 13½ years with Justice McMorrow, and her resignation today leaves me with a sense of loss for our Court," Justice Freeman said. "Justice McMorrow approached her responsibilities and duties as a Supreme Court Justice with conscientiousness and a strong commitment to the law.

“As a colleague, we could always count on her diligence and collegiality. Her personal decency, along with the erudite opinions she has authored over the years, serve as her legacy as the first woman on the Illinois Supreme Court. I will miss her and wish her all the best in her retirement.”

During her years on the Supreme Court, Justice McMorrow has authored 225 majority opinions or opinions delivering the judgment of the Court. She has authored an additional 85 separate concurring and dissenting opinions. Including opinions in which she has participated, cases in which she has considered granting or denying review by the Court, attorney discipline and other matters, Justice McMorrow has been involved in cases numbering into the tens of thousands.

She wrote the opinion for the majority of the Court in *Best v. Taylor Machine Works (1997)*, which held that so-called “tort reform” legislation seeking to put a cap on non-economic damages for persons injured through negligence was unconstitutional because it benefitted special interests by discriminating against the most seriously injured plaintiffs.

In *Happel v. Wal-Mart Stores Inc. (2002)*, Justice McMorrow wrote an opinion which improved pharmaceutical safety by imposing a duty on pharmacies to warn individual customers of possible severe side effects if known to the pharmacy.

More recently, Justice McMorrow wrote the opinion for the Court reversing a \$1.2 billion class-action verdict against State Farm Insurance Co. (*Avery v. State Farm Mutual Automobile Insurance Co. 2005*).

Though a former prosecutor of serious felony cases, she wrote the opinion of the Court in overturning the conviction and death penalty of a defendant accused of killing a police officer, citing an abuse by prosecutors in using inflammatory closing argument. (*People v. Blue 1999*)

One of her noteworthy dissents involved the question of holding parents and other social hosts liable for injury and death resulting from minors allowed to drink to the point of intoxication. The majority of the Court found no liability, and Justice McMorrow wrote that the result was “an injustice and an outrage. (*Charles v. Seigfried 1995*).

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She was selected by her colleagues to be Chief of the Supreme Court in September 2002 becoming the first woman to occupy that position and head a branch of government in Illinois.

During her tenure as Chief, the Court approved an experimental appellate court settlement program to provide an alternate method of resolving certain civil cases in Illinois; required attorneys to disclose as part of their licensing procedures whether they have malpractice insurance; and amended its rules to allow appellate review at an early stage of class action suits in an attempt to lessen the cost of court resources and the financial resources of parties.

Under Chief Justice McMorrow, the Court also amended its rules to give discretion to a trial judge in setting an appeal bond in cases where the traditional appeal bond requirement might be so onerous that it creates a barrier to appeal, forcing a party to settle a case or declare bankruptcy. The issue came to the fore in the appeal of a \$10.1 billion class-action verdict against Phillip Morris. (The verdict was subsequently overturned by the Illinois Supreme Court.)

She used her frequent speaking appearances as Chief Justice to call on lawyers to serve the poor; and along with Chief Justice Thomas and all her colleagues, she sought to instill greater civility and professionalism among practitioners.

Under her tenure, the Court raised the fee attorneys pay for licensure in Illinois, with the increase raising more than \$2 million annually for the Lawyers Trust Fund, which provides funds to legal aid organizations serving low income Illinoisans. While she was Chief, the Court began a program under which justices of the Supreme Court began addressing the incoming classes of new law students encouraging civility as they mature into practitioners and administering to them an “Oath of Professionalism.”.

Justice McMorrow has received numerous awards and much recognition during her career.

Last year, the American Bar Association honored her with its prestigious Margaret Brent Award, named for the first woman lawyer in America who arrived in the colonies in 1638. She is the recipient of the Myra Bradwell Woman of Achievement Award, the highest award given by the Women’s Bar Association of Illinois, named after the woman who won her law license in the U.S. Supreme Court after being rejected by the Illinois Supreme Court.

The Chicago Bar Association and the Chicago Bar Foundation awarded her the Justice John Paul Stevens Award given to Chicago area attorneys whose careers exemplify the highest standards of the legal profession.

She was named by the Chicago Sun Times as the most powerful woman in the law in Chicago; named by Crain’s Chicago Business as one of Chicago’s 100 most influential women; and by Chicago Lawyer Magazine as its 2003 Person of the Year.

Justice Thomas R. Fitzgerald, a longtime friend and colleague on the Supreme Court since 2000, is fond of telling a story which personifies her achievement.

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“The story is that when she was an assistant state’s attorney in Cook County, she worked tirelessly on a brief for a case to be argued in the Supreme Court,” recalls Justice Fitzgerald. “But when it came time to decide who was going to argue the case before the justices, she was told by her male supervisor that women did not argue before the Supreme Court and a man would be arguing the points in the legal briefs she wrote.

“That she went on to become Justice of the same Court where she was once denied that opportunity to argue is a profound statement of her personal journey.”

Justice Thomas L. Kilbride, who like Justice Fitzgerald was elected to the Supreme Court in 2000, extolled her diligent and collegial manner.

“We have enjoyed not only her enthusiastic pursuit of legal theories in complex cases,” Justice Kilbride said, “but we have also enjoyed her collegial and good-humored ways in all of her professional dealings. She is unquestionably in the top tier; she’s really one-of-a kind.

“I will fondly remember her and I will always cherish the privilege of having worked with her.”

Justice Rita B. Garman, who followed Justice McMorrow as the second woman to sit on the Supreme Court, said it was “truly an honor” to serve with her.

“She exemplifies all the attributes of a fine, highly respected jurist,” said Justice Garman. “She has the knowledge and experience in the law combined with compassion and a healthy dose of common sense. She has my deepest respect and admiration, and my best wishes for a happy, healthy and well-deserved retirement.”

Justice Lloyd A Karmeier, the newest member of the Court, recalls her help in helping him make the transition to sitting on the highest Court in Illinois.

“Justice McMorrow served as Chief Justice when I first joined the Court, and I will always be grateful for the consideration and support she gave me when I was making the transition from Circuit judge to Justice of the Supreme Court,” Justice Karmeier said. “No one could have a better role model.

“Justice McMorrow is not only a great intellect; she is a caring and compassionate person with an unerring sense of fairness and justice. Her commitment to the legal profession and to her community are extraordinary. All of us on the Court admire what she has accomplished and are saddened by her departure.”

Although she was the only woman in her graduating class, her male colleges at Loyola elected her class president and associate editor of the law review.

Upon graduation from law school, she was employed by Loyola under a Ford Foundation Grant doing research about race and education.

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After working for a short time with a law firm, she was hired as an assistant in the state's attorney's office. It was there she met her husband, Emmett, who was a gregarious, well-liked police officer. They were married in 1962 and spent 24 happy years together until Emmett died of cancer.

When their daughter, Mary Ann, was born, Justice McMorrow left the state's attorney's office and eventually started a law practice. Friends persuaded her to run for circuit judge, and she was elected in 1976.

She was assigned to the Appellate Court in 1985 and was elected to that court in 1986, where she was the first woman to serve as chairperson of the Executive Committee of the Appellate Court. She was elected to the Supreme Court in 1992.

Cheryl I. Niro, a former president of the Illinois State Bar Association, is among those with close familiarity to Justice McMorrow. She was among those who wrote to the American Bar Association in nominating Justice McMorrow for the prestigious Margaret Brent Award last year.

"To say that she has been a role model and mentor to literally hundreds of women lawyers doesn't capture it," Cheryl Niro wrote. "In some magical way, her presence quietly brings confidence and elegance to the idea that women belong in positions of power and influence."

"Law school was not an inviting environment when she enrolled...but her focus has always been forward. When she confronts a challenge, she just figures out a way to get past it. When she hits a roadblock, she just finds a graceful way around it. When society said 'No', she just found a way to make it a 'Yes.'

For over 50 years, she has never accepted a limit for herself, or for us. She confronted hostility with grace, insult with kindness and doubt with ability. She has dedicated herself to being the best so that we have greater opportunities and fewer struggles."

Appellate Justice Burke also is among the many women in law in Illinois who consider Justice McMorrow an invaluable mentor.

"Every lawyer in Illinois shares a deep sense of admiration and respect for Justice McMorrow," Justice Burke said. "We recognize that she has served our profession and her fellow citizens with dignity and great intellect for over five decades. The people of Illinois and especially women lawyers owe her a great debt of gratitude.

"I am humbled to learn that the Justices of the Illinois Supreme Court have appointed me to fill the vacancy created by her retirement. It is with a deep sense of gratitude and respect that I approach that trust. This appointment is especially meaningful to me since I will be succeeding a woman who has been an inspiration and mentor to so many of us."

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STATEMENT OF JUSTICE MARY ANN G. MCMORROW

It is with a heavy heart that I tender my retirement notice from service on the Supreme Court of Illinois as a judge. I have served at the trial, appellate and supreme court levels for approximately 30 years. And, oh, what grand and glorious years they were!! They presented me with the opportunity to work with men and women of great wisdom, integrity, and dedication to serve the people of Illinois. These men and women have accepted the responsibility of making difficult decisions with the determination to promote the common good, correct wrongs, and recognize the inherent dignity and equality in all persons. I learned much from my colleagues and am grateful to them, the various bar associations, members of the profession and my family for their unflinching support. Be assured that the members of the judiciary are mindful that judges hold positions of trust and are called to serve others rather than be served. I congratulate my successor, whom I expect will serve with distinction. I wish her well.

Lincoln once said: "Let us have faith that right makes might, and in that faith let us to the end dare to do our duty as we understand it." This has been our guiding principle.

My profound thanks to all who helped me along the way.

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