

by David Whelan

High Hope

Advocate for the poor brings new voice to highest court in the land of Lincoln

Seven justices sit on the Illinois Supreme Court. Before becoming justices, six of them were appellate or circuit judges. Four have been trying cases for more than a quarter-century—the other two since the 1980s.

Now meet Thomas Kilbride, Justice No. 7.

This December, Justice Kilbride will celebrate his second anniversary as a member of the highest court in the land of Lincoln. It will also mark his second anniversary as a judge, period. Two years ago, the small-town lawyer from northwest Illinois entered the race for the 3rd Judicial District seat on the Illinois Supreme Court. He had never held judicial or legislative office. Kilbride's credentials consisted of two decades representing low-income clients for Prairie State Legal Services in Rock Island, Ill., and operating a solo practice specializing in juvenile justice and child abuse cases.

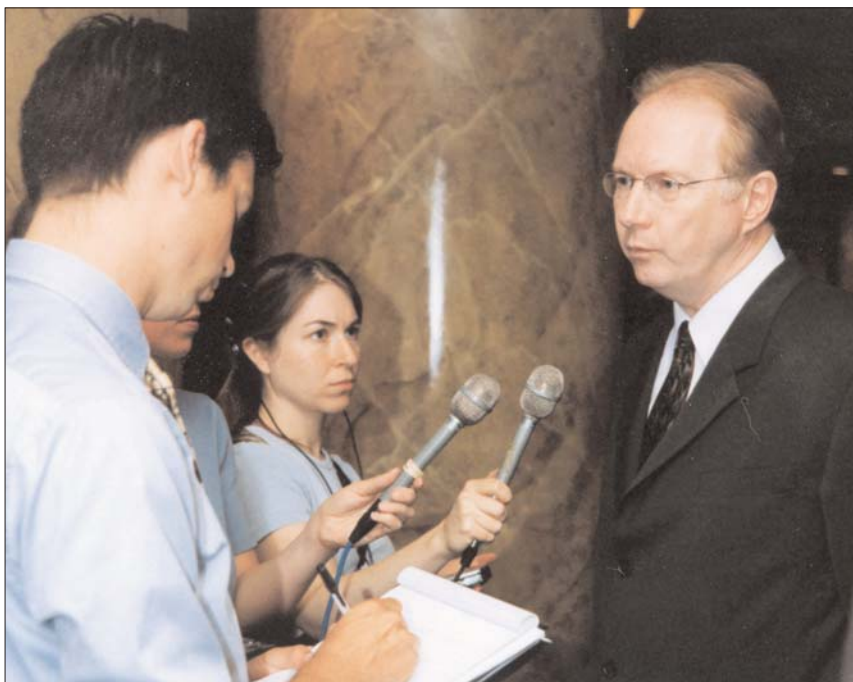
The contrast with his well-heeled opponent, State Senate Judiciary Chairman Carl Hawkinson, could not have been more pronounced, nor Kilbride's chances seemingly more remote. Hawkinson was a powerful state official with a Harvard Law pedigree, more than a half-million dollars in his campaign coffers, and a strong base of Republican support in a judicial district that had not voted for a Democrat since Illinois began electing its Supreme Court justices in 1970.

So when Kilbride prevailed in the 2000 race with 52 percent of the vote, the political pundits were stunned.

"When Kilbride originally filed to run, people assumed that if the election was left to its own

devices, Hawkinson could have just mailed it in," says Kent Redfield, a political studies professor at the University of Illinois. "Kilbride's victory surprised everyone."

Perhaps it shouldn't have, though. As Redfield points out, it was Kilbride who



Reporters interview Illinois Justice Thomas Kilbride about the state supreme court's plan to raise attorney registration fees to help offset nearly \$1 million in census-related funding cuts. After his speech, Kilbride meets with LSC President John Erlenborn.

actually outraised his opponent, quietly amassing a war chest of \$850,000. And whereas most legal services advocates spend long careers working for low pay and little recognition, Kilbride's passionate speeches about his public interest work helped win the election. Under Illinois law, candidates for judicial office cannot run on an issues-based platform like politicians; they must craft a general message that embodies their professional experiences or general judicial outlook. In Kilbride's case, that meant stumping about legal aid. "He has always been a legal services guy," says Prairie State Legal Services



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Director Joe Dailing, who hired Kilbride out of law school more than 20 years ago. "He never backed away, never tried to soft-pedal his beliefs. Some lawyers will say, 'I was young and worked for legal services.' Tom has never tried to downplay it."

"I'm not a politician," Kilbride says. "People wanted a fresh vote on the Court."

Since his election, Kilbride has had no problem earning the respect of his colleagues. At his swearing-in, Illinois Chief Justice Moses Harrison joked that Kilbride had more actual legal experience than the rest of the justices combined. His seven years as a staff attorney at Prairie State were followed by twice as many years of courtroom successes in his "meat and potatoes practice" handling a wide variety of small lawsuits. Kilbride's

home turf is the Quad Cities area of northwest Illinois, which sits across the river from Davenport, Iowa. The area includes Rock Island, population 40,000, where he operated his successful one-man practice in a town known as the "farm implement capital of

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Joe Bartylak, director of Land of Lincoln Legal Assistance Foundation, presents an award to Ruth Ann Schmitt, executive director of the Lawyers Trust Fund of Illinois. Also feted was LSC President John Erlenborn (above), a former Congressman (above), a former Congressman from suburban Chicago.

Justice Foreshadows Relief at Chicago Meeting

During his homecoming to the Chicago area this July, LSC President John Erlenborn told 260 legal aid advocates that he was surprised to be attending the first statewide legal services meeting in 13 years. Calling Illinois a “national leader” and a “role model” in implementing LSC’s State Planning reforms, Erlenborn wondered aloud how such success had been achieved without a single face-to-face meeting.

“It must be a testament to the power of emails and conference calls,” quipped Erlenborn, who represented Chicago’s western suburbs in the U.S. House of Representatives from 1965 to 1985.

Erlenborn congratulated the state for its progress and then apologized for being the bearer of bad news: January 2003 will bring \$929,029 in funding cuts as a result of poverty population shifts reported in the 2000 U.S. Census. The census losses, combined with millions of dollars in projected shortfalls from the state’s Lawyers Trust Fund, will “leave Illinois facing a funding crisis,” Erlenborn warned.

Illinois Justice Thomas Kilbride, doing his best

impression of the cavalry, followed Erlenborn at the podium with an explanation of the Illinois Supreme Court’s plan to raise annual attorney registration fees to offset the funding losses.

In October, the Court followed through with its plan, hiking fees by \$49 for the state’s approximately 57,000 active attorneys (with \$42 going to legal aid and the rest to help lawyers battling drug and alcohol addiction and mental illness). The fee increase is expected to raise approximately \$2.4 million next year for legal services.

“In times of downturn in the economy, [the fee increase] demonstrates a commitment by the full court and by attorneys in Illinois to assume responsibility for those unable to afford legal services,” Illinois Chief Justice Mary Ann McMorrow stated.

Funding was only one topic addressed at the July 29-30 meeting at Chicago’s Fairmont Hotel. Special breakout sessions reviewed developments in welfare, child care and custody, consumer law, fair housing, immigration issues in domestic violence cases, bankruptcy, community economic development, and *pro se* access.—E.K.

America.” (John Deere, Caterpillar, Farmall, and Case Tractors employ many locals.)

While America has closely followed the Illinois Supreme Court’s review of death penalty cases—the Governor issued a moratorium on executions in January 2000—Kilbride feels his past work on social justice issues gives him a unique perspective to make balanced decisions when sensitive issues come before the Court. “I see the raw human emotions,” he says. “I feel the tension.”

A 1981 graduate of Antioch School of Law in Washington, D.C., Kilbride looked only for public interest work upon completing his

legal studies. He found that job at Prairie State Legal Services during a time when a recession had driven the Quad Cities’ unemployment rate well into the double digits. Much of Kilbride’s early advocacy focused on helping laid-off workers collect unemployment benefits while avoiding foreclosures on their homes. Carol Pentuic, one of his colleagues in those early years, recalls an idealistic young attorney who truly cared about his clients. “There are people who go into legal services because they fall into it,” she says. “Tom had the calling.”

Yet it was his work before law school that

foreshadowed his success in electoral politics. In 1972, Kilbride withdrew from Illinois State University to work for George McGovern’s presidential campaign. After Nixon’s victory, Kilbride stayed in Chicago to work for the United Farm Workers before moving to San Diego for three years to help organize local unions there. He orchestrated a “house meeting campaign,” in which union members would invite prospective members into their homes. The campaign blossomed like a chain letter, as house-meeting guests turned into hosts and new members joined by the hundreds. “It was the



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most thorough UFW campaign ever in San Diego,” recalls Scott Washburn, a fellow union organizer who now works for the Service Employees International Union.

Kilbride remembers meeting Cesar Chavez, calling him “one tough hombre.” But his greatest admiration is reserved for the UFW lawyers who helped inspire his career path. “Tom was such a fabulous organizer that I’m sorry he picked the legal track, though I suppose he’s done all right for himself,” Washburn says with a chuckle.

Kilbride’s organizing skills paid big dividends in his run for the state high court. His network of friends in legal services catalyzed a grassroots campaign that helped emphasize the differences between him and his opponent, the polished career politician with Ivy League credentials. Many of

Kilbride’s former colleagues volunteered, as did fellow parishioners at his church, his large Irish family, even former clients.

Today, Kilbride rewards their loyalty by staying true to his roots. He is the Supreme Court’s liaison to the Lawyer’s Trust Fund, the primary state support mechanism for legal services. He also recently took over as head of the court’s pro bono committee.

Kilbride regularly speaks at pre-law societies and law-school graduations and also advises attorneys weighing careers in public interest law.

As for his own future plans, Kilbride, 49, is a young judge who has come to savor the view from his current seat. “I have a 10-year term,” he notes. “So I will be here at least until I am 59.” ■

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