

By Adam J. Sheppard

Chief Justice Ruben Castillo and  
Chief Judge Timothy Evans

# Excellence Plus Diversity in the Judiciary



"Excellence plus diversity"—the most important formula for an effective judiciary, according to Judge Timothy Evans. In Illinois, our top jurists exemplify those qualities. In November 2013 the **CBA Record** was proud to mark the momentous occasion of two female chief Judges in our areas two highest courts—Judge Rita B. Garman, Chief Justice of the Illinois Supreme Court, and Judge Diane P. Wood as the Chief Judge of the United States Court of Appeals for the Seventh Circuit.

For this edition of the **CBA Record**, we interviewed Judge Ruben Castillo, who became Chief Judge of the United States District Court, Northern District of Illinois, in July 2013 and Judge Timothy Evans, now in his fifth term as Chief Judge of the Circuit Court of Cook County.

## **E**VANS' EXPOSURE TO THE NEED TO REMEDY INJUSTICES

came at an early age. Evans was born in 1943 in Hot Springs, Arkansas. In 1957, the governor of Arkansas, Orval Faubus, infamously defied orders to desegregate the Little Rock, Arkansas school system. Fearful that the Hot Springs school system would suffer a similar fate, Evans' mother moved the family to Chicago.

Evans attended high school at Hirsch Metropolitan in Chicago, at 77<sup>th</sup> and S. Ingleside Ave. Initially, he planned to be a doctor. However, he realized that lawyers were at the "cutting edge of change in the 60s." He recalled Dr. Martin Luther King moving to Chicago in 1965 to expand civil rights activities to northern cities. He recounted Thurgood Marshall's efforts with the NAACP in attacking segregation in education at all levels.

Evans attended the John Marshall School of Law in 1965, graduating in '69. Based on his grades, he qualified for scholarships to law school. He continued to support himself in law school by clerking at Peterson Harris & Crenshaw, which had a heavy concentration of domestic relations cases. In law school, he also served as a law clerk in the Domestic Relations Division. The Domestic Relations Division was later Evans' first judicial post, and he ultimately became presiding judge of that division. He also clerked for the city's Law Department assisting corporation counsel.

Chief Judge Castillo was born in Chicago. His father immigrated from Mexico; his mother was born in Puerto Rico. Castillo grew up in the West Town neighborhood (near Grand and Ashland). He was the first in his family to graduate college or even high school. Castillo attended Gordon Tech High School. His passion for the law started at an early age. He recalls following Clarence Darrow's career. Unbeknownst to his parents, he hung a sign in his bedroom which read, "El Abogado Castillo"—"the attorney Castillo." He graduated college from Loyola University in 1976. During college, he supported himself by obtaining a sanitation job with the city. He graduated from Northwestern University School of Law in 1979.

Castillo put himself through law school by working summers and nights as a clerk at the Cook County courthouse at 11th and State. Castillo states that his experience at that busy courthouse exposed him situations where Judges were forced to make "common sense judgments" about the criminal defendants before them. Often times, judges would ask Castillo for his opinion about a bond. Those judicial interactions gave Castillo confidence that he could someday become a judge .

### **Early Careers**

Upon graduation from law school, Evans joined the City of Chicago's Law Department as assistant corporation counsel. (He adds that he "never lost a case"). He ascended to deputy commissioner of the city's Department of Investigations. He then became chief hearing officer for the Illinois Secretary of State. In 1973, he became an alderman for Chicago's Fourth Ward. He served as an alderman for 18 years. (In 1989, he ran for mayor of Chicago in a special election to fill Harold Washington's unexpired term but lost to Richard M. Daley.) In 1992, he won election as a circuit court judge .

Castillo began his career at Jenner and Block ('79-'84). He then served as an assistant United States attorney from 1984-1988. In 1988, he became regional counsel for the Mexican-American Legal Defense Fund ('88-'91). In 1991, he returned to private practice at Kirkland and Ellis. He practiced at Kirkland until his appointment to the federal bench in 1994.

### **Judicial Careers**

Evans' first judicial post was in the Domestic Relations Division in 1992. Three years later, he was presiding judge of that division. Five years after that, he was presiding judge of the Law Division—the first African-American presiding judge of the Law Division. In 2001, circuit court judges voted unanimously to elect Evans as Chief Judge of the Circuit Court of Cook County. He is the first African-American chief Judge of the Circuit Court of Cook County. He was re-elected to a second term in 2004; a third term in '07; a fourth term in 2010, and he is now in his fifth term as chief Judge .

In 1994, President Clinton nominated Castillo as a U.S. district court judge. Castillo became the first Hispanic U.S. district court judge in the Northern District of Illinois. He is also the first Hispanic Chief Judge for the Northern District of Illinois. Like Evans, Castillo was active in legal matters that extended beyond his courtroom. In 1999, President Clinton appointed Castillo vice-chair of the U.S. Sentencing Commission. He served as a commissioner of the U.S. Sentencing Commission from 1999-2010.

In July, 2013 Castillo was installed as Chief Judge of the Northern District of Illinois. The Chief Judge position in district court goes to the judge in the district who has the most seniority and is still under the age of 65. Castillo, 58, succeeded Judge James Holderman, whom Castillo revered. The Chief Judge term in district court is seven years.

### **Goals & Reforms**

Each judge has already implemented innovative reforms. Under Castillo, the court has modified its method for constructing jury pools. Under the old system, the court constructed jury pools from drawing on the names of registered voters. Many lawyers criticized that system for underrepresenting minorities. Under the new system, the court draws names of potential jurors from voter-registration lists *and* driver's license databases. The new process will lead to a more inclusive jury pool.

Evans also has a distinguished history of promoting diversity in the Circuit Court of Cook County. The Circuit Court's website reports that Evans has appointed "14 of the 17 division and district presiding judges, and half of those appointments have been women, minorities, or both." Evans also emphasized that when he refers to "diversity in the judiciary," that includes "religious diversity."

Both Evans and Castillo view technology as a way to increase the speed of litigation and reduce unnecessary costs. Castillo hopes to "re-wire" courtrooms to allow for faster Wi-Fi connections. He also hopes to install individual jury screens; each juror would have his own screen on which to view exhibits or demonstrative aids.

Castillo also stresses the importance of "judicial face time"—the

amount of time a litigant actually spends before a judge. He notes that the Northern District of Illinois is third in the county in “bench time,” meaning the amount of time a judge spends on the bench.

Evans also stresses a system that it is “more people friendly” and provides “greater access to justice” to more people. Indeed, he has a history of implementing programs which reflect that goal. He established a new Domestic Violence Courthouse at 555 Harrison; he created the Elder Law & Miscellaneous Remedies Division dedicated to elder law matters; he expanded the amount of free legal services to indigent litigants, including a free mediation program to assist those facing foreclosure; he established “Child Advocacy Rooms” that provide a safe, court-based, location for children whose parents or guardians are in court; and he changed the bail-setting process, enabling new arrestees to appear before a judge in a more expeditious manner.

Evans also emphasizes “rehabilitation and treatment, not just punishment.” He has greatly expanded the number of deferred prosecution and alternative sentencing programs available to criminal defendants—e.g., drug treatment and mental health courts, veterans’ treatment courts, deferred-prosecution programs for certain prostitution, drug, and retail theft cases.

Both jurists have received a multitude of honors and awards for their work on and off the bench. Evans is the only Illinois judge to ever receive the prestigious William H. Rehnquist Award for Judicial Excellence. Chief Justice Roberts presented that award to Evans in 2009 at the U.S. Supreme Court.

### Challenges

Budget concerns are paramount to each judge. In federal court, sequestration nearly shut down the court temporarily. Castillo has publicly voiced concerns about further cutbacks and has lobbied Congress for further funding for the Northern District of Illinois.

Evans has also had to navigate budget constraints. For example, Evans has repeatedly advocated for an independently funded, freestanding, Pretrial Services

## WHAT’S YOUR OPINION?

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Department. However, funding has not become available. Accordingly, Evans has had to assign probation officers to complete pretrial functions. In March 2014 the Illinois Supreme Court Administrative Office of the Illinois Courts issued a report supporting a more effective pretrial release program. Evans remains hopeful that funding for such a program will become available.

### Advice

Both Evans and Castillo cite great mentors as a critical component of their careers. Pointing to the portraits of the former Chief Judges that line the walls of the Chief Judge courtroom in the Dirksen Federal Building, Castillo states, “I am honored to serve in the great tradition of all of the former Chief Judges.” Similarly, Evans listed an array of mentors that shaped his career. Each judge also offered advice for young lawyers. Castillo advised, “take your career one step at a time, give every single job your all, and soak up all of the legal experience you can.” He cautioned that if a particular job “stops being educational, then switch jobs.” Evans advised young lawyers to take on causes where “fairness needs to prevail.” He reminds us, “lawyers have made a difference in the lives of people in this country.” ■

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