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PRESIDENT'S PAGE

BY TIMOTHY S. TOMASIK

Judicial Security: The Judicial System is Blinking Red*



A recent poll by the National Judicial College found that 71% of judges received an inappropriate communication related to their position and that 56% reported being threatened. According to the U.S. Marshals Service, U.S. judges faced over 4,500 threats in 2021 alone. This represents an alarming 400% increase in the number of threats to the judiciary over the last five years.

Today, every judge, attorney, court clerk, court reporter, juror, sheriff, and citizen who walks into a courthouse is at a substantially higher risk of being the victim of a violent attack as compared to 2010. This past July, a disturbed man violently kicked open a locked courtroom door at the Daley Center where a court clerk was hard at work. No sheriff was in sight until sheriffs from other assignments arrived and arrested the dangerous intruder. Cook County Chief Judge Timothy Evans described the event as "a very serious breach" and has called for heightened security. Initially, it is important to recognize that the sheriffs who are assigned to our courthouses are trained and committed

to their duty to protect. These dedicated deputies should not be criticized for the administrative failure of our courthouses being understaffed by security personnel.

We are all cognizant of the brutal murders of Wisconsin Judge John Roemer in May, Judge Raymond Myles in 2017, and, of course, U.S. District Court Judge Joan Lefkow's husband and mother in 2005. Another high-profile violent attack occurred in 2020 by a self-described anti-feminist attorney, who shot and killed the son of New Jersey Federal Judge Esther Salas while she was at her home. Her son's final words were "what is happening?" That question is every bit as pressing today as then.

A Question We Need to Answer

The sobering reality is that based on the increase in threats against judges over the past decade, it is likely that a judge will at some point and in some manner be violently attacked in court or at home in Illinois – a frightening yet logical conclusion. The time is now to take action to protect judges and citizens who enter a courthouse. We must prevent any foreseeable harm directed at the judiciary and anyone in our courthouses.

We all applaud the Illinois Supreme Court for creating the Committee on Judicial Security and Safety. Chief Justice Anne M. Burke has emphasized that "[t]he Supreme Court is committed to ensuring the safety of judges and justices. Threats to the judiciary continue to increase and the committee will help us address them." Among other things, the committee is tasked with providing recommendations related to the judicial threat environment and protective operations, intelligence, and information.

Judges and lawyers unanimously agree that the time for action is now.

In June, CBA member Judge Joseph D. Panarese wrote a letter to the Illinois Supreme Court about threats and courthouse security after meetings with judges from around the state. In his letter to the Court, he highlighted that “the one thing that stood out from all judges, female and male, urban and rural, new and experienced, was their *concern for the safety of their partners, family and children and themselves.*” Considering the most recent violence against judges here and around the country, he emphasized that these events “have really hit home for everyone.” “As they say it, it now is at our own doorstep.” Judge Panarese also reported that “we all have also felt the decrease in the number of sheriff security details in courthouses; that being our first line of defense, is where the problems start.”

Judge Panarese and others have pointed out that while technology used to track down information on judges has advanced, judicial security has not kept up to protect us. “The vast majority of my colleagues do not feel safe at work or at home.” Some Illinois judges have obtained their firearm Concealed Carry License to protect themselves.

Professionals overwhelmingly agree that social media has been weaponized to allow extremists to identify where judges live, where their children go to school, and what cars they drive, and to share these specifics on social media while encouraging toxic online communications to threaten judges and commit acts of violence. More recently, extremists posted threats of violence and antisemitic slurs on a range of platforms against Judge Bruce Reinhart in the wake of the FBI’s Mar-a-Lago raid and the search warrant he signed. For example, one person wrote on a message board where the judge’s address was posted: “Let’s find out if he has children...where they go to school, where they live...EVERYTHING.” In addition to the slurs, Judge Reinhart’s address and other personal information was shared online with the implied or explicit purpose of real-life action. For instance, someone posted

“that [he] is a k***. And pedophile...he should be tried for treason and executed.”

U.S. District Judge James Robart, who temporarily blocked the former president’s first travel ban barring some Muslim travelers, was the victim of toxic threats on social media, and extremists even posted his home address online. As reported on *60 Minutes*, “nothing prepared him for the tsunami of hate when President Trump used Twitter to scorn him as a ‘so called judge.’” Judge Robart was then bombarded with 40,000 messages, over 1,000 of which were deemed serious enough to require investigation. These threats included “I’m going to kill you,” “I am going to hurt you,” and more alarmingly, “I’m going to hurt your family.”

The conclusion is simple: Every state and federal law enforcement agency, judicial administrative office, and state supreme court immediately needs to take action to minimize the ability of extremists to collect private and personal information of judges and share this information with toxic extremists online with the intent of encouraging attacks. The use of social media has resulted in many judges choosing to eliminate their own digital footprint. However, this does not solve the problem. Many government and private databases contain judges’ addresses, vehicle information, family information and, in many instances, their children’s schools.

In my view, the 400% increase in threats to the judiciary over the past five years is substantially related to the criminal misuse of social media to target judges. Every effort needs to be

made to reduce threats against judges that are posted daily on social media. Compounding matters, many court proceedings are now remotely monitored on YouTube or other platforms. While this certainly improves the public’s ability to observe our court system, it has resulted in misguided live and online criticisms of judges. This happens regardless of whether the judges are ruling on criminal matters, divorce matters, or setting bond.

Judge Salas’ young son desperately asked, “What is happening?” We know the answer. The next question is whether we are going to do anything about it. ■

**“The System Was Blinking Red” is from the 9/11 Commission Report 8.1 The Summer of Threat. The Commission concluded that the domestic threat environment in 2001 had been rapidly escalating through Summer 2001, and threats were almost everywhere. Yet, every opportunity to protect against a domestic terrorist attack was missed.*

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