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**Illinois Supreme Court Justice Karmeier Named in Misconduct Complaint
Over \$2.5 Million Accepted in Donations from Defendants and Their Amici in
Pending Cases Involving State Farm and Philip Morris USA**

*Common Cause, BPI and Citizen Action Illinois Call
for Scandal Investigation by State of Illinois Judicial Inquiry Board*

CHICAGO, Illinois, Feb. 7 -- Today, Common Cause, Business and Professional People for the Public Interest (BPI) and Citizen Action/Illinois filed a request for an investigation of Illinois Supreme Court Justice Lloyd A. Karmeier concerning his participation in and decisive vote in two cases constituting the first and second largest class action judgments in the history of Illinois. According to the request for investigation, Justice Karmeier can be viewed as giving big business a nice return on their 2004 donations to his election campaign raising serious issues of judicial impropriety or at least the appearance thereof. Unlike the growing list of elected non-judicial officials accused of accepting corporate contributions and then directly benefiting the donors, whose conduct may have to await indictment, an Illinois Supreme Court Justice or any other justice or judge has an affirmative obligation to recuse himself or herself from a case in which the judge's impartiality might reasonably be questioned.

The complaint filed with the State of Illinois Judicial Inquiry Board alleged that Justice Karmeier accepted millions of dollars in donations for his 2004 election campaign and then cast the deciding vote which supported the position of the donors in two pending cases decided in 2005. The three complainants urged an investigation into Justice Karmeier's conduct in *Michael Avery v. State Farm Mutual Automobile Insurance Company* and *Price v. Philip Morris Incorporated*.

According to the complaint, investigators will find that Justice Karmeier was not only a candidate recruited and sponsored by big business with business before the Illinois Supreme Court, but also a judge who refused to recuse himself from the *Avery* case despite a motion for recusal filed by the plaintiff.

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The *Avery* case had reached the Court on October 2, 2002 after the Illinois Appellate Court upheld a \$1.05 billion verdict against State Farm. Almost a year later on September 16, 2003, the *Price* case reached the Illinois Supreme Court on direct appeal from the trial court judgment in favor of the plaintiffs.

During the election, Illinois State Board of Election disclosure filings show that State Farm, its lawyers and its *Amici* and their lawyers donated over \$350,000 to Justice Karmeier. In addition, groups affiliated with State Farm gave over \$1 million. At the same time, the complaint alleges that Justice Karmeier received millions of dollars from groups affiliated with Philip Morris USA, its parent company – Altria, Philip Morris USA’s lawyers, its *Amici* parties and their lawyers while the *Price* case was pending on appeal before the Illinois Supreme Court. Before Election Day, Justice Karmeier had raised over \$4.8 million.

On November 4, 2004 -- in the most expensive judicial election in United States history, Justice Karmeier won the open seat on the Illinois Supreme Court. He beat Appellate Judge Gordon Maag who wrote the *Avery* Appellate Court opinion against State Farm and participated in the Appellate Court proceedings on an appeal of the amount of the bond in the *Price* case.

One day after the election, the *St. Louis Post Dispatch*, which had endorsed Justice Karmeier, wondered if "it's payback time" and whether Justice Karmeier might be tempted to "do favors for the interests that lavished millions on his campaign." Echoing this warning, Common Cause President Chellie Pingree said, "This is the most egregious example of what happens when judges raise millions of dollars in campaign contributions from interests with business before the Court. A more compelling argument for public financing of judicial campaigns could not be made. For our democracy to function, it is imperative that we have a judiciary whose impartiality and motives are beyond question."

With consumers in mind, Common Cause Illinois Board Chair Todd Dietterle described the complaint when he said, "The heart of the matter in this case is the appearance that a decision was purchased. The residents of this state are entitled to know why Justice Karmeier acted as he did. Beyond the immediate need for review, this case screams out the need to change how we select judges in Illinois."

Citizen Action Illinois's Co-Director William McNary also commented about the significance of Justice Karmeier’s actions. He said, "The public's confidence in an unbiased and independent judiciary is an indispensable component of our system of justice. Million-dollar contributions from special interests are a direct threat to this principle. That's why Citizen Action Illinois will continue to advocate for legislation to establish a voluntarily program under which State Supreme Court candidates could receive public funds in exchange for agreeing to adhere to spending limits." Legislation to create such a program, Senate Bill 1955, passed the State Senate last spring.

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BPI Executive Director Hoy McConnell said, "There needs to be a check on Justice Karmeier's failure to recuse himself in the *Avery* and *Price* cases. The public's confidence in the courts impartiality is at stake. Unchecked, Justice Karmeier alone decided not to recuse himself and not to offer any explanation about the appearance of impropriety. His recusal was not further reviewed by the Illinois Supreme Court. Our system of checks and balances demands that action be taken."

According to the complaint, Justice Karmeier's participation in the *Avery* and *Price* cases violated the Illinois Code of Judicial Conduct as even his own supporter Edward Murnane admitted when he said, "Karmeier's election changed the vote." Justice Karmeier also did not live up to standards that he helped create as a co-chair of an Illinois State Bar Association subcommittee that authored criteria for an excellent judge. As part of this role, Justice Karmeier helped develop the following standard to measure judicial candidates and critique sitting judges:

"A judge must always avoid even the appearance of bias or injustice because confidence in the entire system of justice is diminished when any single judge engages in conduct that lowers public trust in the fair and impartial administration of justice."

Counsel representing the complainants are Myron M. Cherry of Chicago, Illinois, a nationally known trial and appellate lawyer who has argued cases in the Illinois and United States Supreme Court and served on judicial selection committees for U.S. Senators; Jerome J. Shestack of Philadelphia Pennsylvania. Mr. Shestack practices trial and appellate work and was formerly President of the American Bar Association where he served (and still does serve) on the Committee which evaluates judicial appointments. Mr. Shestack was President Carter's Ambassador for Civil Rights to the United Nations and maintains a strong interest in national and international judicial and ethical issues. Both lawyers are representing complainants without fee on a pro bono basis.

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