

DECEMBER 2020 | \$10

A PUBLICATION OF LAW BULLETIN MEDIA

CHICAGO LAWYER[®]

J. TIMOTHY EATON
Taft Stettinius & Hollister

2020
PERSON *of the* **YEAR**



UP TO THE TASK

Taft's J. Timothy Eaton guides the industry through rough waters

By Jordyn Reiland

When a coronavirus task force created by the state judiciary had its first meeting in July, one of its members told chair J. Timothy Eaton the group should work expediently because the pandemic could be over by October.

Now, as 2020 closes and COVID-19 rages on with no sign of letting up, Illinoisans have not only adapted to an ever-changing situation but also accepted the reality of an uncertain future.

"It's not going to be over... anytime soon because of these most recent surges, etc. ...Even when it is over — whenever that is, [I'm] guessing it's going to be mid part of next year if not later — we still are going to have to deal with the after effects," Eaton said during an early November interview with *Chicago Lawyer*.

Nevertheless, members of the state's legal community say having Eaton as the metaphorical rudder of a group tasked to balance both keeping the courts open while protecting its personnel and the public has made this storm easier to weather.

And Eaton is prepared to tackle whatever swells lie ahead, making him *Chicago Lawyer's* 2020 Person of the Year.

Michael T. Reagan, owner of the Law Offices of Michael T. Reagan in Ottawa, said his colleague's lifetime of achievement has prepared him for this statewide responsibility on the Court Operations During COVID-19 Task Force.

Eaton has spent more than 40 years in the legal industry, working primarily as an appellate lawyer practicing in all districts of the Illinois Appellate Court. He has also argued numerous cases in the Illinois Supreme Court, the 7th U.S. Circuit Court of Appeals, and has served as an arbitrator.

He's a past president of The Chicago Bar Association, the Illinois State Bar Association, the Appellate Lawyers Association and served on the Board of Governors of the American Bar Association.

"...Because of all that he's done, he — more than anybody I know of — was really well-equipped to step in and try to solve these problems; not only for Cook County or Chicago, but also for the rest of the state as well, because he's uniquely familiar with both Cook County and downstate," Reagan said about his peer of three decades.

Illinois Supreme Court Justice Mary Jane Theis described Eaton as "the kind of lawyer that first-year law students want to be."

"He knows the law, he's respectful of the court, he's respectful of his opponents, and his presence on a case assists the courts because of his intelligence," she said. "Beyond that, he's a person of service."

And E. Lynn Grayson, a partner at Nijman Franzetti and first vice president of the CBA, believes the experience Eaton has and the respect he garners from court officials and colleagues makes him the "perfect person" for the job.

"He's got the expertise and the knowledge to not only see the problem at this point in time and to implement changes that will also make a big difference as he has done, but he can also see the big picture for every problem," she said.

NAVIGATING THE CHAOS

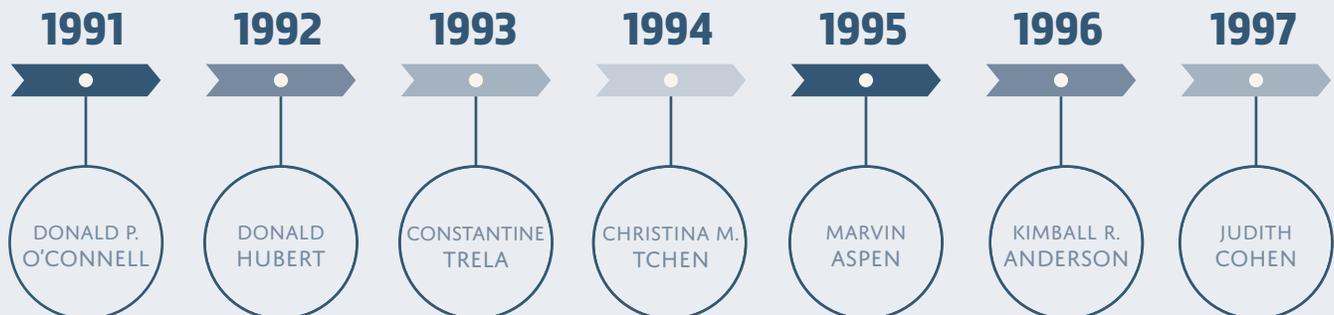
It was a Monday in the middle of March when Eaton's day-to-day work life changed "somewhat dramatically."

Taft Stettinius & Hollister, where Eaton is a partner, alerted employees and staff in its Chicago office that a client who met with attorneys the previous Friday tested positive for COVID-19. Meanwhile, state trial courts had begun limiting operations as cases spread.

Employees were instructed to evacuate the office. As of November, they have yet to return on a full-time basis.

"...I had never worked remotely before. I had always been in an office, and

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frankly, I'm not all that tech-savvy. So to be on my own with my laptop was something that was a challenge," he said.

With a little help from the firm's IT department, Eaton was able to make a relatively smooth transition after some effort, patience and the purchase of a printer.

Now, Eaton works downtown one or two days a week and spends the rest of the time working remotely. He does enjoy skipping the daily commute from Wilmette, but misses being able to stop by a colleague's office to work an issue through.

"It's not always easy to track them down by phone, and it takes a little more effort than if I could just walk down the hall," he said.

The pandemic has affected more than just where Eaton spends his workday. With the lack of trials in the court system — and therefore fewer appeals — he's been more involved in the task force and its decision-making processes.

"In terms of this task force, which has required a tremendous amount of effort, it ironically came at a good time for me because you know when there are no cases being tried, there are no appeals," he said. "I was able to easily transition to spending a lot more time on the task force than I would normally have been able to do with an active practice," he said.

Eaton was named chair following his close involvement with the courts — specifically his role on the Illinois Judicial Conference, a 29-member group responsible for creating and supervising judicial education efforts in Illinois that was revamped in 2018.

Eaton was appointed as a member of the IJC and, once the coronavirus became an issue that had to be addressed in the courts, he was often consulted by judicial officials on issues related to the virus and court operations. Eaton was eventually nominated as chair of the task force upon its formation.

Years earlier, while serving as president of the ISBA in 2001-02, Eaton focused his term on ways to improve the courts. During his presidency, the bar association hosted a conference on the future of the courts where judges, clerks, lawyers and anyone involved in the system were invited. Attendees discussed changes to court operations such as who was coming to court and how the systems should adjust to such changes. A similar conference was hosted 10 years later and Eaton served on the strategic planning committee.

LOCATION IS KEY

Eaton believes he was appointed in part because of his experience practicing law in Decatur before moving to Chicago.

"I understood that there are many differences between downstate Illinois, collar counties and Cook as to how we do things. Any recommendations that we made from the task force would have to take into account that there are a number of judicial circuits around the state and their needs would be different," he said.

17th Judicial Circuit Chief Judge Eugene G. Doherty serves as the task force's vice chair. The rest of the committee consists of lawyers, members of the judiciary and court personnel hailing from throughout the state.

Because of the urgency of COVID-19 and the issues it has presented, many of the recommendations made by the task force have gone directly to the Illinois Supreme Court instead of first being considered by the Illinois Judicial Conference.

Upon appointment as chair, Eaton developed subcommittees that delved specifically into issues on criminal law proceedings, civil law and public health issues.

The criminal law committee researched and investigated what remote

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proceedings could be held during the pandemic while ensuring as many people were kept out of courthouses as possible for safety precautions.

Eaton said it was clear that remote criminal jury trials or jury selection in criminal cases would not be the best option for the parties involved and could potentially create issues with the Confrontation Clause in the 6th Amendment.

“On the criminal side, the prosecutors as well as the public defenders and defense lawyers on the task force felt very, very strongly that this is not something the defendant can waive,” he said. “And I think there was some concern that the defendant — because he or she wanted their trial right away — would maybe be more apt to waive and have a remote trial, which really wouldn’t be in their best interest.”

CBA President Maryam Ahmad, the chief of the Cook County State’s Attorney’s Juvenile Justice Bureau, said Eaton is particularly effective at managing different personalities and encouraging his crew of strong personalities to work together to achieve a common goal.

“He can achieve the work of a taskmaster with gentle guidance, and that’s not an easy thing to do. And in all the time I’ve known him, I’ve never heard him raise his voice or cut people off, and the work gets done,” Ahmad said.

The Illinois Supreme Court in October issued its recommendations on how to conduct civil jury selection remotely, citing the task force committee’s suggestions and findings researched over a four-month period.

Many courthouses across the state have held off or pared back civil jury trials since March. In Cook County, civil bench trials resumed in July. While other counties started civil jury trials in modified courtroom setups. In August, the Lake County Circuit Court tested a mock jury selection.

Eaton said the subcommittee looked at Washington state’s court system as well as a pilot program in Indiana when determining what might work best for Illinois. The subcommittee came up with proposed programs with protocols, a revised jury summons and revised questionnaire, he said.

Overall, remote hearings have proven to be beneficial for parties previously used to having to come to court, Theis said.

“Fewer people are defaulting, not coming to court. It’s much easier for people to participate in a court hearing from their own homes. They don’t have to come downtown, pay to park all those kinds of things,” she said.

Robert A. Clifford, founder and senior partner of Clifford Law Offices, said it is important for someone like Eaton to be involved in the task force because he understands both the communities’ and practitioners’ needs in having access to the courts.

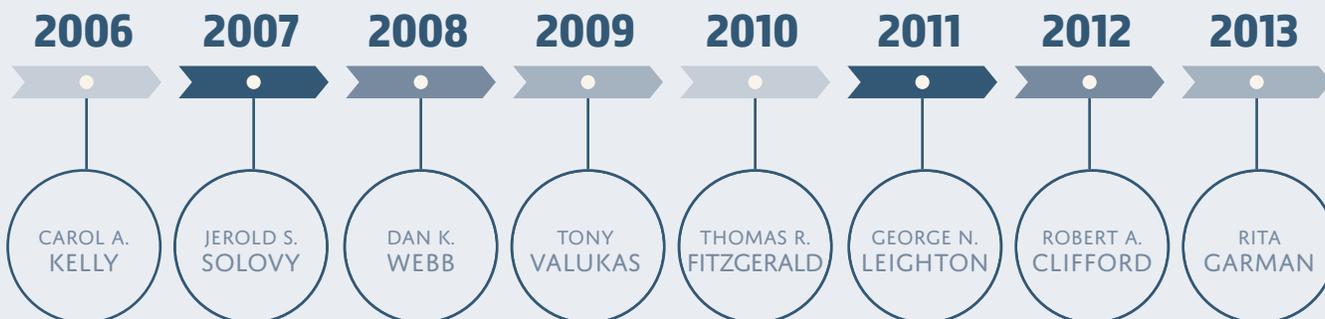
He said the “practicing bar” is particularly concerned about county government’s leadership and its lack of communication with the legal community on how it plans to help the courts open further. It could potentially hold civil jury trials in alternative courtrooms such as movie theaters or school auditoriums.

“Because of his vast experience in the profession, both at the court level as well as the bar association level, he’ll be able to I think adequately help chart the paths to address the needs of the community that the courts need to identify and provide and satisfy, as well as balancing the realities of this situation and how it’s impacting the ability of the legal profession to perform,” Clifford said.

The public health issue subcommittee initially assisted the courts in developing updated guidance on how to interact with visitors entering courthouses. Prior to the task force being implemented, the Supreme Court in March issued an order that sheriff deputies were instructed to ask people when they came in and if they’d traveled to a foreign country or anywhere where there might have been an outbreak.

Eaton said those questions quickly became outdated, because people weren’t traveling as they once were. As a result, the subcommittee developed protocols that included masks, temperature checks and revised the questions

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asked to bring the state in line with U.S. Center for Disease Control and Prevention guidelines.

The committee also developed a plan for what would happen if someone in a court facility tested positive. Eaton said the initial reaction was to shut the courthouse down, but that is not necessary as long as officials can find out where that person was, perform contact tracing and then close a specific courtroom or area.

While some of these intermittent changes may not remain in effect after the pandemic subsides, Eaton said it's likely given that courthouses throughout the state may not need as much "brick and mortar" as they once did, especially in smaller counties.

CHARTING A NEW COURSE

Eaton said there remain two big issues looming: what will happen to the courts when the moratorium on evictions and foreclosures is lifted, and how to tackle the growing backlog of civil jury trials, particularly in Cook County.

"I feel sorry for... some of the plaintiffs that have serious health issues; whether they can wait that long to have their trial, and lawyers who are spending money out of pocket for experts and so forth and then not being able to go to trial," Eaton said. "That's going to be a serious issue of defense lawyers who have been unable to get in and try the case on behalf of their clients and that is hanging over their heads until this is resolved."

Eaton also believes more matters will get resolved through mediation, alternative dispute resolution and plea bargaining when trials are not an immediate option.

"I think you'll have fewer people coming to the courthouse. I think justice will be done through just different techniques, and those cases that have to be tried in person or handled in person will be handled," Eaton said.

Looking at the legal landscape as a whole, Eaton believes more lawyers will adopt remote working in their post-COVID-19 lifestyles. Eaton himself admitted he would probably work from home one or two days a week going forward.

And while it's too early to determine the full scope of what impact the pandemic might have on the legal industry, Eaton predicts the need for large law firms to have six or seven floors of space will likely not exist in the future.

A PROUD FATHER

When asked what Eaton was most proud of this year, his first response had nothing to do with him, at least not directly.

"I think I'm most proud of my kids, actually, because they're all out in the workforce and they had to deal with these challenges, and they've all managed to get through them," he said. "This has been a major setback for most people, and it's been hard to deal with and I'm very proud of the way in which they have."

Professionally, Eaton has been impressed with the way the state's legal industry has handled the turbulence and focused on getting results as opposed to "whining" or worrying about what might come next.

"Everyone has kind of accepted what they must do, and I think as a result the task force, the profession as a whole ... everyone has sort of pitched in to get through," he said.

"If I had a goal, it would probably be a goal for all of us; that we would come out of this better, that we come out of this handling things more effectively, more efficiently and remember what we've learned from this crisis and move on."

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