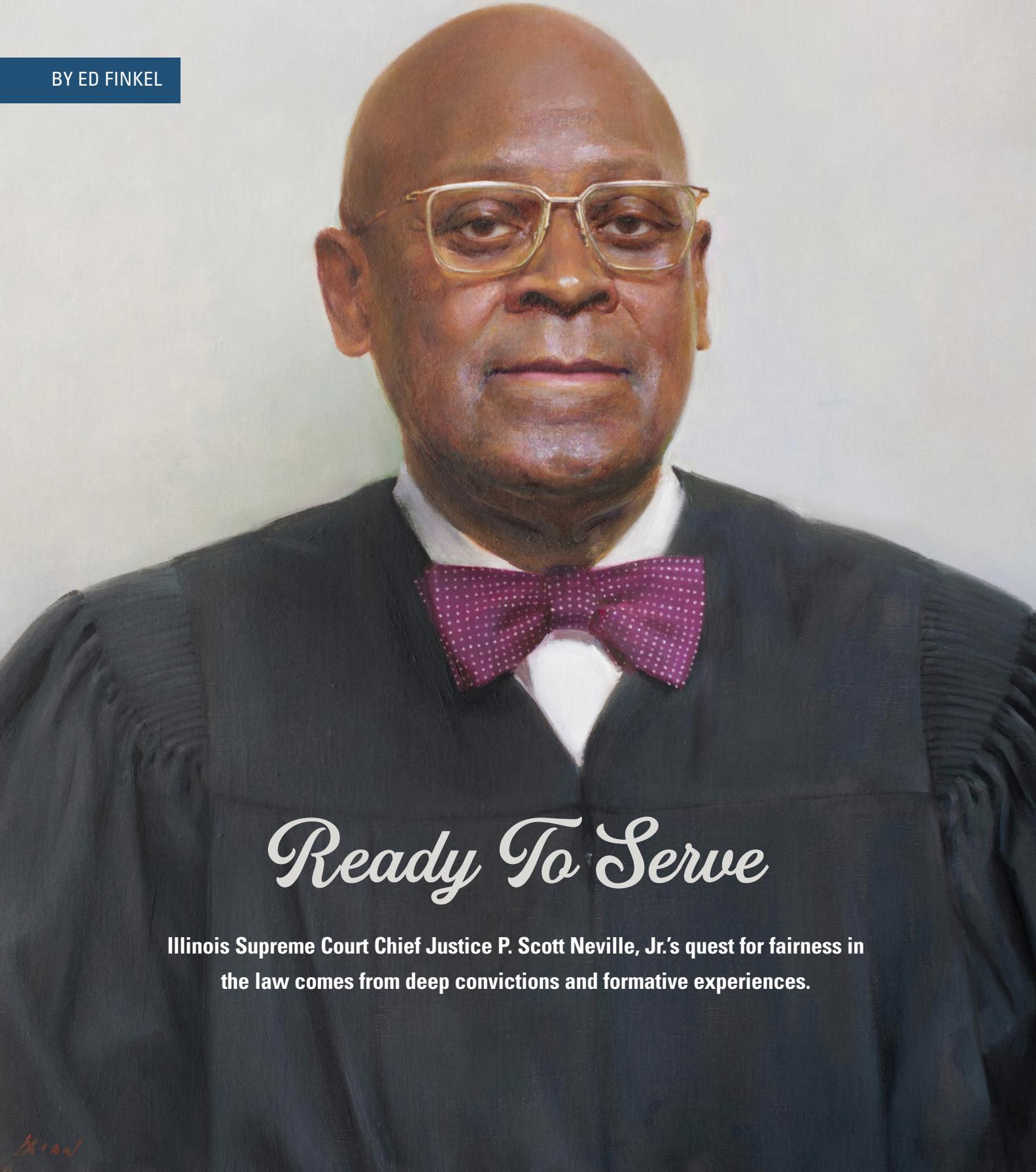


BY ED FINKEL



Ready To Serve

Illinois Supreme Court Chief Justice P. Scott Neville, Jr.'s quest for fairness in the law comes from deep convictions and formative experiences.



IN CHICAGO'S BRONZEVILLE NEIGHBORHOOD, P. SCOTT NEVILLE, JR. learned responsibility at a young age. Raised with five siblings by a widowed mother and grandmother after his attorney father died when he was 13, he mastered lessons that shaped his future career and forged the principles that guide him as chief justice of the Illinois Supreme Court. Chief Justice Neville says it was “a high honor” to be elected by his colleagues to become the second Black chief justice, following the late Charles E. Freeman, who served as chief from 1997-2000. Chief Justice Neville, quoting Martin Luther King, said, “Everybody can be great because everybody can serve. And that’s what I’m going to do: serve the people of the State of Illinois.”

Chief Justice Neville attended Forestville Elementary School through eighth grade and then DuSable High School in the 1950s and 1960s, when both were segregated. His father worked as a general practitioner, and the future chief justice aspired to enter the legal profession from an early age to “replicate what he had done.” When the elder Neville died, “My mother asked me to accompany her to the funeral home to view my father’s body, and at that point in time, she announced that I was the man of the family,” he recalls.

The years that followed were challenging for his family and especially his mother, a schoolteacher, Chief Justice Neville says. “But I maintain that those very difficult times made me the kind of person I am,” he says. “I often say I grew up on the rough side of the mountain. But it is pressure that turns coal into diamonds. And being pressured to become responsible, to work hard, proved to be an invaluable lesson.”

After graduating from Washington University School of Law, Chief Justice Neville began practicing in 1974 as a clerk for then-Illinois Appellate Court Justice Glenn T. Johnson. Specializing in appellate, employment, and civil rights law and complex litigation—with a broad focus on governmental affairs—in 1979 he became principal with Neville & Ward, then founded P. Scott Neville, Jr. & Associates in 1981, which merged into Howse, Howse, Neville & Gray in 1990.

Chief Justice Neville reached the Cook County Circuit Court in 1999 and was elected in 2000; he was appointed to the Illinois Appellate Court in 2004 and elected in 2012; and he was appointed to replace Justice Freeman on the Illinois Supreme

Court when the latter retired in 2018 (Chief Justice Neville was then elected in 2020). In line with other bar associations, the ISBA rated him as “highly qualified,” noting: “Attorneys reported he has excellent legal knowledge and ability and that his questions reflect a thorough review of the briefs. He is considered to be honest and a straight shooter.”

Creating ties that bind

His clerkship with Justice Johnson first piqued Chief Justice Neville’s lifelong interest in appellate law. Practicing alongside the late R. Eugene Pincham, a civil rights attorney who subsequently served on the Illinois Appellate Court, provided a path to involvement in “a lot of important cases,” including the 1991 City of Chicago redistricting case, during which he met future President Barack Obama. “So that was a significant event in my career,” he says.

The relationship with Justice Pincham—and his relationship with state legislators—led Chief Justice Neville to become closely involved in judicial subcircuit legislation that “has changed the paradigm in the Illinois judiciary,” he says. “There was a group of legislators, some Blacks, some Latinos, and some Republicans, who put that piece of legislation together, which culminated in the creation of 15 Cook County subcircuits. And that has grown to 20. I think it’s made a substantial difference in the Cook County judiciary, in terms of demographics.”

Another highlight of his early legal career came during the time he served as Cook County Bar Association president in the late 1990s,



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—Illinois Supreme Court Justice P. Scott Neville, Jr.

when the Alliance of Bar Associations for Judicial Screening was formed to provide a much wider array of input into judicial evaluations. The Cook County Bar hosted a meeting of multiple bar associations, including the ISBA, Chicago Bar Association, Chicago Council of Lawyers, Asian-American Bar Association of Greater Chicago, LAGBAC (the LGBTQ+ Bar Association of Chicago), and others.

"And that group of lawyers, with me chairing the meeting, formed the alliance," he says. "And I think it has proved invaluable to the Supreme Court in terms of identifying people to serve on the bench. My participation with Justice Pincham in providing legal counsel to the legislators who promulgated the subcircuit legislation, coupled with the formation of the alliance in the late 1990s, were two significant events in my legal career, which I feel have made a tremendous impact on the legal community and on justice in the State of Illinois."

Personal injury attorney Todd Smith, founding partner at Smith LaCien LLP who served as ISBA president during the same year that Chief Justice Neville led the Cook County Bar Association, has

known the chief justice since the days of the redistricting and subcircuit legislative efforts. Smith recalls the chief justice as "the driving force" behind the Alliance of Bar Associations for Judicial Screening. "The insights and decisions and thinking of the various ethnic and gender and other bar associations—we wanted to make sure they had a seat at the table," he says. "It's always been Chief Justice Neville's goal to provide participation, as much as can equally be done across our communities and across our state."

Harriet Parker, a longtime City of Chicago assistant corporation counsel and former president of the Cook County Bar Association, has known the chief justice since they were young children and attended DuSable High School together. She says that he not only led the creation of the alliance but continued to promote meeting and working with other bar associations. "He was a very active president," she says. "He was very aggressive with our minority job fair, making certain that was off the ground and running. He was very supportive of our *pro bono* legal clinic."

Influences and philosophy

Chief Justice Neville considers Justices Johnson, Pincham, and Freeman to be his foremost influences, referring to the three men as a judicial trinity. "These are three people who have had a great deal of influence on my legal career, more so than anybody else other than my family," he says.

Justice Johnson provided the start to his career, Chief Justice Neville says. "The middle part of my career, in practicing law and being involved in some very important cases, does not occur without Justice R. Eugene Pincham. And then the latter part: Justice Freeman appointed me to the circuit court; three and a half years later he appointed me to the appellate court; and when he retired, I ascended to his seat on the Supreme Court. None of that occurs without his influence."

Chief Justice Neville says his legal and judicial philosophies were shaped

by all three as well. "I watched Justice Johnson, while clerking, make decisions. I worked with Justice Pincham and got a sense of his judicial philosophy," he says. "I read a number of Justice Freeman's decisions. I would say that I am a strict constructionist, and that simply means that I think that cases should be decided by one set of rules. What I've often observed while practicing law, much to my dismay, is that the rules were not always applied the same. And I insist upon seeing that that's done: one set of rules, irrespective of race, creed, nationality, color, or sexual orientation."

Memorable cases

Many of Chief Justice Neville's most memorable cases were ones in which he did not believe defendants had been treated fairly. When he dissented, he often was the only one who did. Among standout cases for which he wrote the majority opinion or notably dissented include: *People v. Buffer*, 2019 IL 122327; *People ex rel. Raoul v. Gaughan*, 2019 IL 124535; *People v. Radford*, 2020 IL 123975; *People v. Lusby*, 2020 IL 124046; *People v. Birge*, 2021 IL 125644; *People v. Bass*, 2021 IL 125434; *In re N.G.*, 2018 IL 121939; and *People v. Clark*, 2024 IL 127838.

"In each of these cases, in my opinion, the defendant was not treated fairly," he says.

Chief Justice Neville says the *Buffer* case, in which he wrote the majority opinion overturning a 50-year sentence given to a juvenile, is probably the most well-known. In *Radford*, he became concerned that the jury had not been instructed properly on the least-serious charge against a 17-year-old defendant charged with murder, involuntary manslaughter, and endangering the life of a child. The defendant was convicted on the third charge while being acquitted on the first two, on which Chief Justice Neville believed the jury had been properly instructed. "The Supreme Court refused to reverse that conviction," he says, ruefully.

In *Clark*, Chief Justice Neville was the only dissenter in a case in which the Supreme Court approved police making arrests without judicial warrants, "which I

"HE'S A GOOD LISTENER," SAYS TODD SMITH, FOUNDING PARTNER AT SMITH LACIEN LLP AND FORMER ISBA PRESIDENT. "AT THE SAME TIME, HE HAS STRONG VIEWS. HE'S PERSUASIVE REGARDING HIS VIEWS OF THINGS BECAUSE THEY ARE FOUNDED IN A DEEP CONCERN FOR REGULAR PEOPLE AND THEIR RIGHTS. WE'RE VERY FORTUNATE TO HAVE HIM SERVING AS A CHIEF JUSTICE FOR THE NEXT THREE YEARS."

found to be outrageous," he says. "I, once again, was the only justice who said that the arrest of an individual—the warrantless arrest—violated the Constitution, particularly when there are no exigent circumstances."

In *Lusby*, he dissented because the 16-year-old defendant had received a 130-year sentence, which he contrasted with the sentence of six years and nine months for former Chicago police officer Jason Van Dyke for the killing of 17-year-old Laquan McDonald. "I thought that disparity in sentencing was just shocking," he says.

In *Birge*, Chief Justice Neville said he thought the defendant was denied a fair trial because, during *voir dire*, the jury was asked questions as a group rather than individually, being permitted to answer by only raising their hands. "He didn't have an impartial jury," he says. "You cannot determine whether a person is sensitive to the issues being raised in a case if they don't answer questions. Silent answers, in my view, prevented a record from being made for appellate review."

Chief Justice Neville notes that Justice Pincham was known for frequent and strong dissents while serving on the Illinois Appellate Court. "And it's

something that I've done since I've joined the Supreme Court," he says. "I have adopted the philosophy of former U.S. Supreme Court Justice Thurgood Marshall—at the end of the day, that a judge is required to do what he thinks is right. And that's the position I was taking in those cases where I dissented. I am very concerned about those defendants whose cases I was forced to dissent in, where I could not persuade my colleagues that something else should have been done."

Aspirations as chief justice

Two main considerations figure into Chief Justice Neville's plans for the next three years, which echo the concerns expressed in his dissents. He wants to enhance the quality of the state's public defender system. "I think there's a tremendous need to improve the quality of justice throughout the state," he says. "And that means that all defendants' cases should receive the kind of adversarial testing that is required by the Sixth Amendment to the U.S. Constitution," which guarantees the constitutional rights of criminal defendants.

The chief justice also cites the Supreme Court's own findings that about 70 percent of all civil litigants are self-represented. "You cannot have equal justice if you're not represented by counsel," he says. "The Supreme Court has the power to change that. I think we have some examples of what can be done. We need look no farther than [the Dirksen U.S. Courthouse for the Northern District of Illinois], where a lawyer cannot practice ... unless he agrees to handle a *pro bono* case. I don't think that the court ... is willing to go that far [with state-level cases]. But I think we need to find a way to give lawyers incentives to help self-represented litigants who are not in a position to help themselves."

Smith says the chief justice has long had a passion for guaranteeing right to counsel for those who are less fortunate. "He's going to be looking at trying to get a much larger *pro bono* effort done—out of the bar

associations and the lawyer communities at large, to get more participation—so people who walk into court aren't trying to represent themselves," he says. "It really shouldn't be that way in the 21st century. The Sixth Amendment right to counsel—that's very much what Chief Justice Neville is about, trying to make sure that the presentation there in the Constitution is seen in real life."

More generally, Smith says, the chief justice is a very thoughtful, even-tempered person who will serve with distinction. "He's a good listener," he says. "At the same time, he has strong views. He's persuasive regarding his views of things because they are founded in a deep concern for regular people and their rights. We're very fortunate to have him serving as a chief justice for the next three years. At a time when we're seeing many folks whose rights are being trampled upon, he's somebody who's going to stand tall."

Parker describes Chief Justice Neville as focused, empathetic, fair, compassionate, and brilliant, with a high level of integrity. "He's a very down-to-earth person," she says. "Some judges get 'judge-itis' when they put the robes on. He can see the human being who appears before him."

During a time of national political polarization of the courts, Chief Justice Neville expresses confidence in the state court system's ability to withstand the political winds. "The State of Illinois has existed for 207 years, and so has the court system," he says. "We have deep roots. I like the state of democracy in the State of Illinois. I think we have three coequal branches. I think all those branches are functioning. And because we have three equal, functioning branches with deep roots, we will survive the current storm."

He adds that the current makeup of the court bolsters his confidence. "With the kind of collegiality we have, and the commitment to equal justice for all, I think we will be able to come through for the people of Illinois." ■