

**NEWS RELEASE**  
**Tuesday, June 12, 2007**

**For more information contact:**

Bruce W. Sanford  
BAKER & HOSTETLER LLP  
Washington, D.C.  
(202) 861-1626

Steven P. Mandell  
MANDELL MENKES LLC  
Chicago, Illinois  
(312) 251-1001

**ILLINOIS SUPREME COURT CHIEF JUSTICE**

**ROBERT THOMAS SUED IN FEDERAL COURT FOR**  
**CIVIL RIGHTS VIOLATIONS**

CHICAGO – The Kane County Chronicle and Bill Page, a former opinion columnist for the newspaper, sued Chief Justice Robert Thomas today in federal court for violating their civil rights, charging that Illinois' most powerful judge has infected the state judiciary with a "constitutional cancer" by prosecuting a libel suit against them in the court system he dominates.

Thomas claimed that his career and his reputation were harmed by editorial columns in the Chronicle, which reported on widespread speculation about his political maneuvering in the handling of a disciplinary matter involving the local state's attorney. Thomas was elevated to the Chief Justice position after their publication.

Nevertheless, he asked for \$17.4 million in damages and received an award of \$7 million, which the trial judge reduced to \$4 million saying the amount of the verdict "shocks this judicial conscience." The newspaper and its columnist assert that they have no fair opportunity to appeal the largest compensatory defamation award in the state's history because Thomas presides over the judges who would hear the appeal.

"The Chief Justice had a choice: his personal, financial interests or the constitutional interest of the Illinois citizens he would sue," says the Chronicle's lawsuit. "When judges file lawsuits, especially defamation lawsuits, they owe the judiciary a duty to avoid creating an impression that they are taking advantage of the system for personal gain."

By seeking relief in federal court, the Chronicle, a small community newspaper with less than 15,000 subscribers, has turned to the only neutral forum available to protect its constitutional rights.

In the federal lawsuit, the newspaper alleges that it faces the certain denial of its due process, equal protection, and First Amendment rights if the appeal moves forward in the Illinois courts. The lawsuit requests an injunction preventing the Chief Justice from further prosecuting the case in state court as well as a finding that the judgment cannot be enforced because it violates the civil rights of the newspaper.

Six former and present Supreme Court Justices testified for Thomas at the 2006 trial. Including Thomas, five of the Supreme Court's seven Justices will have to recuse themselves at the next level, denying a state court of last resort to the Chronicle because the Illinois Supreme Court cannot sit without a quorum of four. For the first time in its history, the Illinois Supreme

Court will be disqualified from a case due to conflict of interest, and no provisions exist to appoint a temporary court to serve in its place.

“I have never seen anything like it before,” said Bruce W. Sanford of Baker & Hostetler LLP, counsel to the Chronicle and a media litigator with over thirty years experience defending publishers. “A Chief Justice enlists his colleagues on the bench as his witnesses to help him win a huge trial verdict and then expects the newspaper to be satisfied with its right to appeal within the court system he controls. It’s simply not fair, and the public’s perception of the fundamental fairness of our judicial system is central to the integrity of the courts.”

In addition to Thomas, the federal lawsuit names the other six current Justices of the Illinois Supreme Court and the three appellate judges and trial judge who have presided over a case that has migrated from court to court within the state judicial system – all at the direction of the Illinois Supreme Court. The order appointing the trial judge, for example, was signed by a Supreme Court Justice who later testified for Thomas.

The federal lawsuit was filed in Chicago in the U.S. District Court for the Northern District of Illinois under 42 U.S.C. § 1983, the federal statute that allows persons to sue for violations of their constitutional rights by state officials.

“We have filed this lawsuit with great reluctance as we hoped the state court system would be able to protect our rights,” said Thomas D. Shaw, president and Chief Executive Officer of Shaw Newspapers, the publisher of the Chronicle. “That plainly is not the case.”

Citing the judicial cannon of ethics, the lawsuit asserts that Chief Justice Thomas and his colleagues have violated its standards by taking charge of the assignment of judges to the case when they had an obvious conflict.

The Chief Justice’s Supreme Court colleagues resisted discovery throughout the case, leading the intermediate appellate court to create a “judicial deliberation privilege” that prevented the Chronicle from obtaining information to defend the opinion columns and to cross-examine the Justices at trial when they testified for the Chief Justice.

“The improvised, ad hoc procedures permeating this case have only added to the appearance of impropriety and the intimidating atmosphere for the Chronicle and Page. It is no wonder that the newspaper’s sources were afraid to testify about the rampant speculation in Kane County concerning the role of politics in the Illinois judiciary,” says the lawsuit.

####