

# Chicago Daily Law Bulletin.

## Flaum: Judiciary seeking allies to champion cause

By *Patricia Manson*  
*Law Bulletin staff writer*

Joel M. Flaum says federal judges need all the friends they can get.

But jurists in recent years have been forced to settle for mere acquaintances, according to Flaum, the chief judge of the 7th U.S. Circuit Court of Appeals.

"In my judgment, we do not have many champions," Flaum said Monday night in his State of the Circuit address. "We may have some supporters in high places, but we haven't got champions."

But judges can take steps designed to improve the situation, Flaum said.

Judges should realize that certain members of Congress believe that the federal judiciary is failing to discipline those in its ranks who commit ethical violations, Flaum said.

He said judges also should be "very, very sensitive to the issue of financial disclosure and the issue of attendance at seminars."

The Washington Post "has pointed out some missteps" made by federal judges in these areas, Flaum said.

Flaum spoke at a luncheon during the joint meeting of the 7th Circuit Judicial Conference and



By: Paul McGrath

U.S. Supreme Court Justice [John Paul Stevens](#) (left) was among the dignitaries attending a luncheon that Chicago lawyer [Michael D. Monico](#) (center) organized for the annual meeting of the 7th Circuit Bar Association. Chief Justice Michael E.J. Black of the Federal Court of Australia was given time to speak to the group.

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the 7th Circuit Bar Association.

The bar group's members include about 1,350 lawyers who practice in Illinois, Wisconsin and Indiana, as well as the approximately 150 active and senior judges who serve on the federal bench in the circuit.

Speaking at the same luncheon as Flaum, Chief Justice Michael E.J. Black of the Federal Court of Australia noted that his country does not have a bill of rights similar to the one found in the U.S. Constitution.

In an interview after the luncheon, Flaum said Congress' concerns about the conduct of federal judges had led to a proposal to create the Office of Inspector General for the Judicial Branch.

The inspector general's duties would include investigating allegations of misconduct on the part of federal judges, supervising audits and rooting out wastes.

The Judicial Transparency and Ethics Enhancement Act of 2006 was introduced by U.S. Sen. Charles Grassley, R-Iowa, and U.S. Rep. F. James Sensenbrenner Jr., R-Wis.

Flaum questioned whether the bill violated the separation of powers among the branches of government mandated by the U.S. Constitution.

In separate remarks Monday, [Kenneth W. Starr](#) had stronger words about the proposed legislation.

The bill is "utterly unnecessary at best and, at worse, it has the potential for grave mischief," Starr said.

He said members of the legal profession should fight attempts to trespass on the judiciary's territory.

"We should not shy away from criticizing and actively resisting, structural intrusions into the judicial function," said Starr, the dean of Pepperdine University School of Law.

Bar Association President [James R. Figliulo](#) of Chicago joined that call to action.

And Figliulo said both lawyers and judges should take part in the battle to preserve the independence of the judiciary.

"We are all in this together," Figliulo said, echoing the meeting's theme. "And we do need to be vigilant."

On Monday night, Figliulo said Flaum's career was a demonstration of that theme in action.

Flaum always supported a good relationship between the bench and bar, Figliulo said during a ceremony in which Flaum was presented with the American Inns of Court Professionalism

Award for the 7th Circuit.

Others praising Flaum were U.S. Supreme Court Justice [John Paul Stevens](#) and Illinois Supreme Court Justice [Thomas R. Fitzgerald](#).

Chief U.S. District Judge [Charles P. Kocoras](#) of the Northern District of Illinois described Flaum as "a treasure" and said, "Joel's is a life worth emulating."

Flaum joined the U.S. District Court bench in 1975 following stints with the Cook County state's attorney's office, the Illinois attorney general's office and the U.S. attorney's office in Chicago.

Flaum was appointed to the 7th Circuit in 1983 and became chief judge in 2000.

Tuesday morning, 7th Circuit Clerk [Gino J. Agnello](#) said the federal courts in the 7th Circuit kept busy last year.

The 7th Circuit saw an increase in business in 2005, with the number of appeals filed rising to 3,926 from 3,399 the previous year, Agnello said.

The 7th Circuit issued published opinions in 626, or 41.9 percent, of the 1,493 cases terminated on the merits in 2005, Agnello said.

He said a total of 224,205 petitions were brought in 2005, compared with the 162,107 petitions that were filed in 2004.

Agnello delivered his report on the final day of the 7th Circuit meeting, which began Sunday.

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**Contradictions:** The Judiciary wants to have their cake and eat it too. On one hand, they demand "independence." On the other, they want "champions" in Congress.

Which is it, independence or dependence?

What have they done that might require this "need for protection"?