

Anne M. Burke
2006 – Present

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Successor to the first woman to serve on the Illinois Supreme Court, Anne Marie

McGlone was born on Chicago's South Side on February 3, 1944, the youngest of four children



of George and Helen McGlone. As a student at St. Rita

Grammar School, she struggled with dyslexia, a

disorder that affects one's ability to learn. "I think the

reason I always gravitated toward athletics and the arts

was because of my dyslexia," she recalled. After a nun

at the Catholic all-female Maria High School steered

her toward pursuing a physical education degree, she

enrolled in a physical education program at George

Williams College in Hyde Park with a scholarship

from the Chicago Park District. "It was 1962," Burke

said, "and that college provided most of the physical education teachers and social workers for the YMCA throughout the country. I was a Park kid, so everyone knew me and my capabilities."¹

At the end of her freshman year, when the college relocated to a western suburb, she began working for the Chicago Park District, teaching physical education to mentally and physically disabled children and young adults. Witnessing the achievements of her students, she developed a proposal for a city-wide competition. With funding from the Kennedy Foundation, Burke organized the "Chicago Special Olympics." More than 1,000 special-needs children from

the United States and Canada participated in the Chicago Special Olympics on July 20, 1968. The program eventually became the International Special Olympics, the world's largest sports organization benefiting children and adults with disabilities. "I never envisioned the impact that the first Chicago Special Olympics would have," she recalled. "My quest was simply to get as many children to the park as I could."²

Marrying attorney Edward M. Burke in 1968, the couple are the parents of five children. Her husband became the 14th Ward Alderman in 1969, an influential Democrat on the Chicago City Council. She resumed her education, graduating from DePaul University in 1976. Four years later, she enrolled in the Chicago-Kent College of Law. Graduating in 1983 at the age of forty, she obtained her law license and opened a neighborhood law practice focusing on cases of child neglect, abuse, delinquency, and custody. "There were other practitioners in the same building. We spent a great deal of time discussing the law and sharing ideas," she recalled. "Each of us had our own style, although we were each committed to the legal professions."³

Burke was admitted to practice in the Northern District of Illinois federal court in 1983, and the United States Court of Appeals for the Seventh Circuit in 1985. In 1987, Governor James Thompson appointed Burke as the first woman to serve on the Illinois Court of Claims, and Governor Jim Edgar reappointed her in 1991. Three years later, she resigned to become special counsel for the state's Child Welfare Services. "She is very compassionate, and she's also very determined," Edgar said. "That's a pretty good combination for anyone in public service."⁴

In 1995, Burke was appointed judge on the First District Appellate Court, and the following year won election to the seat as a Democrat, with no opposition.⁵ During her eleven-year tenure, she cited one case as particularly significant, a 2003 ruling in which the Court

granted an evidentiary hearing to a Chicago man convicted of a double murder even though DNA tests had not proved his innocence.

In addition to her work on the Appellate Court, Burke led a national lay watchdog panel established by Roman Catholic bishops at the height of the clergy abuse crisis in 2002. At the end of her two-year tenure, she criticized the “mischievers at work” within the U.S. Conference of Catholic Bishops for attempting to squelch two years of “freedom and accountability.” Burke “has shown a lot of growth and courage, especially speaking out recently about the backsliding of bishops across the country and their reneging on their reforms,” said David Clohessy, national director of Survivors Network of those Abused by Priests, or SNAP.⁶

When Justice Mary Ann McMorrow announced her retirement from the Supreme Court in 2006, the justices selected Burke to fill the vacancy. In November 2008, Burke won election to a ten-year term. In January 2009, she administered the oath of office to Illinois Governor Patrick Quinn, who replaced Governor Rod Blagojevich, and in 2012, administered the oath again after Quinn’s election to a full term.

In the 2011 *People v. Almore* case, Burke wrote the opinion reversing the First District Appellate Court in a case of involuntary manslaughter of a “family or household” member, as defined in the state’s Code of Criminal Procedure of 1963. Defendant James Almore had been convicted in the death of two-year-old Ethan Hampton, the son of Almore’s girlfriend, Lovia Hampton. She and Ethan had been staying with the defendant at his temporary Chicago residence for the previous five days. The Circuit Court imposed an extended-term sentence of twelve years’ imprisonment, based on its finding that the victim and defendant were “household or family members.”

Almore appealed the extended sentence on grounds that the victim was not a family or household member. The Appellate Court vacated the sentence and remanded the case to trial court for resentencing. In delivering the unanimous Supreme Court judgment, Burke wrote, “The five days prior to Ethan’s death was not the only time that Lovia, Ethan and defendant shared a common dwelling. . . . Lovia, Ethan, and defendant were members of each other’s ‘household’ by virtue of the fact that they shared a common dwelling, even though the ‘dwelling’ was sometimes the Hampton family home and sometimes the residence defendant shared with his relatives.” The Justices concluded that the evidence supported the trial court’s finding “within the meaning” of the Code of Criminal Procedure. “Accordingly, we reverse the appellate court judgment and reinstate defendant’s 12-year extended sentence.”⁷

In 2013 case *Hope Clinic for Women, Ltd. v. Flores*, Burke wrote the opinion that the state’s 1995 Parental Notice of Abortion Act requires physicians to notify an underage female’s parents forty-eight hours before a planned abortion. The Hope Clinic had filed suit in Cook County Circuit Court seeking to enjoin enforcement of the Act. Defendants in the suit included Manuel Flores, Acting Secretary of the Illinois Department of Financial and Professional Regulation. In delivering the unanimous ruling, Burke cited several U.S. Supreme Court cases from across the country allowing for parent notification. “The [Illinois] Act is crafted narrowly to achieve its aim of promoting the minors’ best interests through parental consultation. Accordingly, we find the Act is reasonable and, therefore, does not violate our state constitutional guarantee of privacy.”⁸

Burke was the lone dissenter in *People v. Martinez*. Esteban Martinez had been indicted in the Kane County Circuit Court for aggravated battery against Avery Binion and Demarco

Scott. At trial, Binion and Scott failed to appear as witnesses, and the circuit court judge empaneled the jury. Without the key witnesses, the prosecution refused to participate in the trial or present evidence. As a result, the court entered a not guilty judgment. The state appealed to the appellate court, which reversed the judgment and ordered a new trial. Martinez appealed to the Illinois Supreme Court that he was being subjected to double jeopardy after having been found not guilty. The Court affirmed the case with Burke dissenting, arguing that since “the jury was impaneled and sworn, and jeopardy attached, the State may not re prosecute defendant for the same offenses. Accordingly, the State was not permitted to appeal the trial court’s judgment.”⁹ Martinez appealed the case to the United States Supreme Court, which, in a per curiam decision, agreed with Burke’s dissent.¹⁰

In June 2014, Burke presided over two gay wedding ceremonies, the first member of the Supreme Court to marry same-sex couples since all Illinois counties began issuing such marriage licenses earlier in the month. “It’s what the law permits,” she explained. “Needless to say, I think there are people who would probably step back from this. I don’t feel I should or would.”¹¹

Burke is a member of the American, Illinois State, Chicago and Women’s Bar associations, and the Illinois Judges’ Association. In 2010 the Illinois Bar Foundation honored Burke with its annual Distinguished Award for Excellence.

¹ Yale Center for Dyslexia & Creativity, undated report, Burke file, Illinois Supreme Court Historic Preservation Commission, Springfield, Illinois.

² *State Journal-Register*, 2 August 2006, Burke file, Illinois Supreme Court Historic Preservation Commission; *Chicago Daily Law Bulletin*, 3 March 2015, pp. 3, 24.

³ professionalism.jmis.edu/justice-burke-conversation/

⁴ *State Journal-Register*, 7 July 2006, p. 9.

⁵ *Chicago Daily Law Bulletin*, 6 July 2006, p. 1.

⁶ bishop-accountability.org/news2006/03_04/2006_04_05_Chase_PriestAbuse.

⁷ *People v. Almore*, 241 Ill. 2d. 387 (2011).

⁸ *Hope Clinic for Women, Ltd. v. Flores*, 2013 IL 112673.

⁹ *People v. Martinez*, 2013 IL 113475.

¹⁰ *Martinez v. Illinois*, 134 S. Ct. 2070 (2014).

¹¹ *Chicago Tribune*, 7 June 2014.