



Memorial Service

in honor of

Justice Benjamin K. Miller

Monday, September 16, 2024

2:00 p.m.

Supreme Court Courtroom
Springfield, Illinois

Program

Opening
Remarks: Honorable Mary Jane Theis
Chief Justice
Supreme Court of Illinois

Tributes: Honorable Lisa Holder White
Justice
Supreme Court of Illinois

Honorable Lloyd A. Karmeier
Retired Justice
Supreme Court of Illinois

Honorable M. Carol Pope
Retired Justice
Appellate Court, Fourth District

Closing
Remarks: Honorable Mary Jane Theis
Chief Justice
Supreme Court of Illinois

Justice Benjamin K. Miller

1936 – 2024



Benjamin K. Miller was born in Springfield, Illinois on November 5, 1936. He graduated from Springfield High School in 1954, then attended Southern Illinois University Carbondale. Justice Miller received his law degree from Vanderbilt University in 1961. Graduating from the U.S. Army Intelligence School in 1962, he served in the Army Reserves from 1961 to 1964, then in the Navy Reserves from 1964 to 1967. In 1991, he received the honorary Doctor of Laws degree from John Marshall Law School in Chicago, now UIC School of Law.

Justice Miller established a law practice in Springfield in 1961 and, in 1976, the Illinois Supreme Court appointed him to the Seventh Judicial Circuit. He won election to the position in 1978 and became the Chief Judge of the Seventh Circuit in 1981. In 1982, Justice Miller won election to the Fourth District Appellate Court.

In 1984, Justice Miller sought a seat on the Illinois Supreme Court to succeed retired Justice Robert C. Underwood and he defeated James C. Craven, an attorney and former appellate judge. He won retention with nearly 79 percent of the vote in 1994. Justice Miller served as Chief Justice from 1991 to 1994 and during that time he convened the Illinois Family Violence Coordinating Council to improve court response regarding domestic abuse cases. Due to those efforts, the Justice Benjamin K. Miller Recognition Award was established to honor outstanding members of the community and judiciary for their work in preventing family violence.

During his career, Justice Miller was a member of the Illinois State Bar Association, serving as treasurer from 1975 to 1976. He was also a member of the Sangamon County and American Bar associations and became the first male member of the Central Illinois Women's Bar Association. He helped establish a Springfield center for battered women, providing legal advice to domestic abuse victims and developed the medical-legal curriculum at Southern Illinois University School of Medicine, where he served as adjunct professor in the Department of Medical Humanities.

In 2001, Justice Miller decided to retire from the Supreme Court after a 17-year tenure. In retirement, he sailed his 37-foot boat "Adventure" on lengthy trips in the Caribbean, to South America, and to Europe and South Africa. "I thought at some point I would like to get involved again" in the law, he explained in 2003, deciding to become of counsel to Jenner & Block in Chicago. "Law has been my life and my big interest."

Notable Quotes

“This court has held that when it is evident that a defendant has been injured while in police custody, the State must show, by clear and convincing evidence, that the injuries were not inflicted as a means of producing the confession. *** We do not believe that the burden was met here. *** The use of a defendant’s coerced confession as substantive evidence of his guilt is never harmless error, and the cause must therefore be remanded for a new trial.” *People v. Wilson*, 116 Ill. 2d 29, 40-42 (1987).

“The legislature’s intent in section 8-802.1 of the Code of Civil Procedure to protect the confidentiality of communications between sexual assault counselors and victims is clear. ***

The victim in this case was told that the services of the Quad City Counseling Program were both free and confidential, but under the dissent’s view that advice would no longer be appropriate—a special admonition would become necessary, to accommodate the very real possibility that a judge later would be examining the records of the counseling sessions. This, we believe, would seriously undermine the valuable, beneficial services of those programs that are within the protection of the statute.” *People v. Foggy*, 121 Ill. 2d 337, 347-48, 350 (1988).

“The [Freedom of Information Act] simply does not differentiate between records stored in computers and those maintained manually.

Nor am I convinced that such a distinction would be advisable. The recognition of a greater duty to modify exempt information that is stored in computers than that which is stored manually would essentially mean that public records maintained by computers would be subject to broader disclosure requirements than manually kept records. Thus a distinction between computer and manually maintained records may create an incentive in public bodies to record certain types of information in computer form and other types in manual form depending on how desirable its disclosure to the public may be perceived. I do not believe that such incentives are in the public interest.” *Bowie v. Evanston Community Consolidated School District No. 65*, 128 Ill. 2d 373, 387 (1989) (Miller, J., dissenting).

“It reaffirmed my belief in the jury system—that 12 people would leave their jobs and resolve a dispute like that in a sincere and serious manner.”

- After serving on a Sangamon County jury in a personal injury case in February 1997. The jury awarded the injured party \$19,000.

