



ICJL 2018 Judicial Retention Questionnaire

1. State the main reason why voters should return you to the bench.

PERSONAL STATEMENT

As a Judge, I have listened to the softer voices as well as the louder ones and rely on a fair application of the law to resolve the issues that have been presented before me. In the final analysis, I exercise proper judgment stemming from my sense of integrity, ethics and my preparation. Many have come before me as Judge. Some have been poor; some have been rich; they come from various cultural, ethnic, racial and religious backgrounds. I have treated them all equally under the law.

In addition, I have learned a lot during the last seven years and six months that I have spent working as a Judge. I have been constantly engaged in learning the law. The Illinois Marriage and Dissolution of Marriage Act (IMDMA) changed in various significant ways as it relates to key issues in domestic relations such as Maintenance, Allocation of Parental Responsibilities, Parenting plan, Child Support, etc. However, that is not all. Serving as a Judge in the Domestic Relations Division, helps me understand better that my conflict resolution skills are needed and have been strengthened. Family issues are serious, and I bring the right disposition to this work.

I believe that my strong educational preparation and my general practice prior to becoming a Judge prepared me to be familiar with various substantive areas of the law and to have learned from observing the management styles of various Judges in various divisions of the circuit court system. Prior to becoming a Judge, I spent a significant amount of time in Court representing a number of entities in contract disputes in the municipal division, as well as, the law division. I practiced in the probate division, the forcible detainers division and in the domestic relations division. To a lesser extent, I have handled criminal matters, as well. I had engaged in considerable Motion practice and Discovery as I litigated and negotiated to advance and bring cases to resolution. I have argued Motions for summary Judgment and have defended against some. I have tried cases. As such, I have been familiar with most of the areas of law that litigants may be facing as they advocate for their interest in the Domestic Relations Division.

Another aspect of my preparation is what I have learned as an Alderman of the 2nd Ward in the City of Evanston. As a three-term Alderman, I had the opportunity to listen to others and to be able to expand my common sense. I have developed greater patience with processes. For example, many of my former constituents in Evanston were active and persistent about their issues. At the same time, there were others who deserved the allocation of the City's resources to advance their interests but who may not be as vocal.

I have worked as an elected public servant in the literal sense of the word ensuring the provision of equitable and direct services to my constituents. As well, I negotiated between developers and community residents to balance various interests. Furthermore, I have used my position to find ways to resolve important problems. For example, I have assisted Evanston youth who have dropped out of high school, those who have graduated but not college-bound, those in trouble with the law, etc., to become productive citizens, through the creation of the Evanston Youth Initiative.

The majority of my life has been dedicated to service. I have worked for the NYC Housing Preservation and Development managing the provision of emergency housing to indigent people and involving them in the process. I have had broad experience in various sectors of life as a husband, son, father and grandfather. I am multi-cultural and multi-lingual, speaking French, Haitian Creole and some Spanish.

My work experience has been multifaceted. I have not only worked as an attorney, but as a teacher at the elementary and community college levels. As an attorney in private practice, I was a businessman for over 20 years. I believe that I have been able to bring all of this experience to the bench and should be given the opportunity to continue to use it on the bench.

2. What actions have you taken as a judge of which you are most proud?

What I am most proud of a Judge may not be just certain actions that I have taken as such but my method and style of handling the cases that come before me and my application of the law. I am, first and foremost, a listener. I respect those who come before me regardless of race, class, gender, ability and otherwise. In 2012, I was assigned to the parentage unit of the Domestic Relations Division dealing with unmarried parents who sought to legally establish paternity, custody, parenting time, child support, and removal/relocation of children. I served there for 3 and ½ years. Most of the parties were unrepresented. Usually, these individuals took a day off from work and expected the Judge to listen and to help resolve their issues. I have been able to address these cases diligently up to and including giving up my lunch time to give the litigants the necessary attention to resolve their cases.

I am currently assigned to the Domestic Relations Division as a Trial Judge hearing divorce issues at the pre-trial, trial and post decree stages since 2016, as well as, continuing to hear parenting issues for unmarried parties. In this assignment as well, I have sought to listen well to resolve the family issues that come before me. I pre-try as many cases as possible to hear the unfiltered issues over which litigants are wrestling and to give them the opportunity to negotiate resolution of their problems. Such negotiated resolutions tend to hold much more solidly than a court decision after trial. Nevertheless, I try many cases and apply the law as required.

3. Name and describe one change you would make in the Illinois court system.

In the Illinois court system, I would insert collaborative methods of dispute resolution that include restorative justice.

4. One prominent Illinois judicial evaluation survey asks attorneys to evaluate candidates on Integrity, Impartiality, Legal Ability and Temperament. Critique yourself in these four areas as to how you personally approach your job as a judge?

With regard to **integrity**, I am fully above-board and transparent. I come to judicial service as a public servant dedicated to being always truthful as to what the law says and what the facts show. No incentives could help influence any of my rulings.

As stated above, I treat everyone **impartially**, with the same degree of respect regardless of whether the individual is represented or not; rich or poor, immigrant or citizen, Black or White. That is reflected in my practice of investing the time to listen to everyone. In almost all of my cases, whether the litigants agree with the outcome or not, they usually feel that they have been treated fairly.

My **legal ability** is reflected in the fact that in my nearly 8 years on the bench; my decisions have only been appealed three (3) times and reversed once and I make decisions nearly every day. Also, I cannot even count on one hand, how many times litigants have filed motions for reconsideration of decisions that I have made. I have listed a sampling of cases and issues I have decided in various areas of the law:

STEPHEN MCCLAIN and LAUREN COLLINS: Case No. 09 D 080851 (Removal)

KRISTINA M. LYNCH and KEVIN A. SCOTT: Case No. 12 D 080171 (Child Support)

KARINA SALWA and DEREK SALWA: Case No. 16 D 2469 (Judgment for Dissolution of Marriage after trial involving property distribution, maintenance, child support, contribution to attorney's fees, etc.)

KARINA SALWA and DEREK SALWA: Case No. 16 D 2469 (Decision on Motion for Reconsideration)

SAWSAN I. KHALIL and KAMAL M.Y. SEHWAIL: Case No: 16 D 1186 (Decision granting a 750 ILCS 5/2-1401 Motion to Vacate a Judgment for Annulment of Marriage based on alleged fraud filed)

STEVEN GARCIA and IRENE RIVERA: Case No. 12 D 6745 (Amended order for allocation of parenting rights and responsibilities, parenting time and child support)

MONIQUE D. AINSCOUGH a/k/a MONIQUE D. MOLINARI and DANNY AINSCOUGH: Case No: 79 D 007741

(Decision Denying Motion to Dismiss a Petition for Rule to Show Cause on the basis of Latches and Equitable Estoppel).

CARLA S. LEVI and RON Y. LEVI: Case No. 15 D 8981 (Opinion on Petitioner's Complaint for Declaratory Judgment to find that the Ante-nuptial Agreement ("Agreement") between Petitioner, Carla S. Levi ("CARLA") and Ron Y. Levi ("RON") is void and to be set aside pursuant to 750 ILCS 10/7 and 735ILCS 5/2-701 of the Illinois Code of Civil Procedure.

My **temperament** is described in my answer above. I am patient. I listen. But, I am firm about the management of my court room and my court call.