



Illinois Civil Justice League

ICJL 2018 Judicial Retention Questionnaire

Moshe Jacobius Cook County Circuit Judge

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

The main reason why voters should return me to the bench is that I have been a conscientious, hardworking judge who has established a positive reputation and made substantial contributions to the judiciary. These contributions include serving as Presiding Judge of the Domestic Relations Division for ten years, presiding over many complex family law cases, supervising over 40 domestic relations judges and making improvements in the administration of the Domestic Relations Division. These contributions include serving as Presiding Judge of the Chancery Division for the following nearly eight years presiding over complex commercial, real estate, business, trust and public interest disputes, supervising 30 judges who preside over the cases of the Division including all of the foreclosure actions pending in Cook County and making significant contributions to the administration of the Chancery Division. The reputation I have garnered and the contributions I have made have been recognized by the Bar Associations all of whom, who have responded to date, have found me to be qualified to serve as a judge. I have never received a negative evaluation to date in the 28 years I have served as a judge. The Chicago Council of Lawyers found me Well Qualified this year and stated: "Judge Jacobius is considered exceptionally knowledgeable with very good legal ability. His rulings are reported to be clear and timely. His temperament is described as understanding, compassionate, dignified, and professional. He is reported to move his call efficiently." The Chicago Bar Association said, "Judge Jacobius is well regarded for his knowledge of the law, thoughtfulness, and outstanding temperament and demeanor."

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

I am proud of the many complex trials and hearings I have presided over and the fact that I have endeavored to write extensive, cogent, well-constructed opinions which I have rendered. I am proud of leading a committee to rewrite and modernize the rules of the Domestic Relations Division and add provisions which will improve the delivery of services to litigants and their families as well as many other administrative innovations to improve the operation of the Domestic Relations Division. I am proud of organizing monthly training seminars for child representatives on important issues for attorneys representing minor children. I am proud of being named by the Illinois Supreme Court to its Child Custody Committee (on which I

still serve as co-chair) and helping to draft rules adopted by the Supreme Court which greatly improved the administration of custody litigation in Illinois Courts. I am proud of administering the Chancery Division and the changes I have made since being named Presiding Judge of the Chancery Division. I vacated judgments in approximately 1,700 mortgage foreclosure cases where the issue of altered affidavits was brought to the Court's attention. I instituted an abandoned buildings call in the Division to address the issue of blight in the community as a result of abandoned foreclosed properties. I instituted extensive modifications to the Mortgage Foreclosure Mediation program, including the hiring of case managers to expedite and better manage the mediation referral program. I administered the expeditious disposal and resolution of numerous cases by our Foreclosure Section judges. The number of cases pending went from approximately 80,000 to under 30,000 in less than three years. Extensive changes were made to the procedure of appoint Special Representatives to represent the estate of a deceased mortgagor. The policy of taking judges off the randomizer when they were off for a period of time was changed so that judges would continue to be assigned new cases notwithstanding the fact that they had taken time off for vacation or illness.

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

Judges can take several concrete steps to make the litigation or appellate process more efficient. They should thoroughly familiarize themselves with the Illinois Supreme Court materials developed by the Commission on Professionalism and encourage attorneys to consult these materials which are available on the internet. Greater emphasis on increasing competence, civility and dedication to the rule of justice will result in greater efficiency and lesser expense to litigants. The litigation or appellate process can also be made less expensive and more efficient by administering existing rules and considering the adoption of new rules which are uniformly applied to insure that cases are administered equitably, expeditiously and efficiently. Efforts should be made to encourage proportionality in the discovery process to the issues raised by the litigation. Efforts at alternative dispute resolution short of going to trial should be encouraged (see below). The Illinois Supreme Court's establishment of a prescribed, highly professional Judicial Performance Evaluation program under Illinois Supreme Court Rule 58 should be utilized by judges to assist in more expeditious handling of cases and a decrease in the expense of litigation. The Supreme Court initiative of Mandatory Continuing Legal Education and the requirement of pro bono reporting by attorneys serve as a salutary tool in improving the delivery of legal services by courts and the bar.

Judges can also look to other ways that have been utilized to expedite handling of cases as examples for measures they can adopt. Such other examples of rules which address the expeditious handling of cases are the 900 series rules adopted by the Illinois Supreme Court. One of the rules provides that custody cases should be decided within eighteen months from the date of service of the complaint and that a decision should be rendered within sixty days after the close of the trial (Rules 901, 922). Rule 306 mandates that the Appellate Court

resolve custody appeals within 150 days of filing the notice of appeal. Similar rules should be considered which provide time frames within which decisions will be rendered by the Circuit Court or Appellate Court.

The current case management and discovery rules established by the Illinois Supreme Court should be more consistently applied so that counsel are advised and prepared for cases to proceed in a predictable and certain manner. On the appellate level, greater use may be made of Illinois Supreme court Rule 311, the Accelerated Docket rule. In addition, the litigation or appellate process can be made less expensive and more efficient by enhancing appropriate modalities or alternative dispute resolution. Nonbinding mediation should be encouraged and attempts made to convince parties to refer their disputes to mediation. The Court should encourage pretrial conferences, mediation, and arbitration where the parties are inclined to agree to arbitration. Pilot programs, such as mini-trials where the parties agree to present evidence in a summarized fashion and an advisory (non-binding) decision is rendered by a court or jury should be considered. Implementation of innovations to court administration using modern technological solutions including remote video access to the courts should be studied and implemented.

Some ways in which the Circuit Court could be reorganized include the consideration of installing an Inspector General who would report directly to the Chief Judge. A mandatory training program could be instituted for all judges in courtroom administration. Management strategies could be instituted throughout the court system to insure that judicial manpower and productivity are maximized. This could be effectuated by establishing time standards within which judges would have to dispose of their cases and instituting some form of judicial accountability.

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?

I have endeavored to treat all people fairly and to respect each person who appears before me regardless of his or her race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status. I have read decisions issued by the Appellate Courts and Supreme Court, kept abreast of decisions rendered by these courts, followed new developments in the law, have attended continuing education seminars and have lectured at such seminars in the areas of Chancery, Domestic Relations as well as Court Administration. I have worked hard to have a pleasant demeanor on the bench and to stay even keeled. When I feel that I am under inordinate stress in hearing a matter, I will take a short break. I have adopted high standards of personal integrity and adherence to the Canons of Ethics for judges and am very careful to disclose any possible conflict and to recuse myself in appropriate circumstances as required by the Canons of Ethics. I believe that the lawyers and

litigants who appear before me would agree with my self-assessment (see Answer number 1 above).