



Candidate: Mary Schostok

Appellate Court of Illinois, 2nd District, Gilleran-Johnson Vacancy

1. State the qualifications and experiences that make you qualified to serve on the bench in Illinois.

From May, 1988 – May, 1998 I was a Prosecutor with the Lake County State’s Attorney’s Office. I tried hundreds of cases, including but not limited to juvenile matters, rapes, murders, child sexual abuse/assault, white collar cases, gang prosecutions and other criminal matters. I also supervised several divisions, and served as the Chief of the Special Investigations Division of the office.

In May, 1998 I was appointed as an Associate Judge in the 19th Judicial Circuit, which included both Lake and McHenry Counties. I served as an Associate Judge for approximately two years, before being elected as a Circuit Court Judge. While on the trial court bench, I presided over Domestic Violence, Felony, Probate and complex Civil cases.

During my ten years on the trial court, I was the Supervising Judge of Juvenile, Traffic/Misdemeanor, Felony, Arbitration/Probate, and the Law Division. Prior to my ascension to the Appellate Court, I was the Deputy Chief Judge.

I also believe it is important to be involved in social service and philanthropic endeavors. I have been extremely active in my community. (Please refer to my resume for a full and complete listing of my volunteer work and board involvement). Also, see my website at www.justicemary.com.

I believe that all of the above experiences qualify me to serve on the Illinois Appellate Court.

2. 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 they make you qualified to serve on the bench.

INTEGRITY

I was born to Italian Immigrants, who stressed to us that being a moral and principled person was of utmost importance. They continually reminded us that there was nothing more important than your reputation. I feel that I have never strayed from the teachings of my parents. I am an honest, “God-fearing” woman, who takes pride in being an upstanding judge, mother, wife and human being. I have learned well that “your reputation precedes you”, and I remind myself and my children of that daily. I am confident that my reputation for integrity is excellent among my peers.

IMPARTIALITY

When I was sworn in as a judge in 1998, I took an oath to be fair and impartial and to follow the law. I have taken that oath "over and over" over the past 11 years. In order to abide by my oath, I MUST be impartial. When I left the prosecutor's office in 1998 to become a judge, a police chief gave me some great advice. He said, "Mary, call them as you see them", and that is exactly what I do. It is said in the Code of Judicial Conduct that "Our legal system is based on the principle that an independent, fair and competent judiciary will interpret and apply the laws that govern us." I abide by these principles, which do not allow me to be partial.

LEGAL ABILITY

As previously stated in Question No. 1, I have been in the Court system for the past 21 years, both as a prosecutor and as a judge. I sat as a trial court judge for 10 years, in both civil and criminal court calls. This broad base of experience has prepared me well for the Appellate Court. Having served on the Appellate Court since August, 2008, I have gained more experience and legal abilities to preside over all types of cases that are presented. At the Appellate Court, we review every type of case, whether it be criminal, civil, divorce, land use, election law, etc. that comes before us from the trial court. The broad base of experience and legal ability I have obtained over the past 22 years has prepared me well for my current position.

TEMPERMENT

I believe there is always room for improvement in any judge's "judicial temperament", and I am no exception. I attempt, on a daily basis, to be patient with all individuals before me, including lawyers, litigants, my staff, and my fellow judges. I like to think that I have a great reputation for being patient, kind and gracious. Like all, I have had my moments! I am not one to take myself too seriously, and I have no ego. I understand and appreciate how "blessed" I am to hold such an important position, and do not take my responsibilities lightly. I constantly remind myself that I am there to serve the People of this great State, and I am humbled by that duty.

3. Describe the case in which you are most proud of your work as a lawyer.

As an Assistant State's Attorney, I prosecuted a man on a murder/arson case, wherein he stabbed his wife and then proceeded to set the house on fire. Prior to igniting the house, he went to his children's bedrooms and woke them to "get out of the house." The children (teens at the time) stood by watching their house burn with their mother inside. It was extremely emotional for the children, as they lost their mother, and were about to lose their father.

Preparing the case was extremely emotional and difficult, as the children were "torn". They adored their mother, and pitied their father. I had to be very diplomatic and measured in handling the case.

The defendant/dad raised the Insanity Defense. The jury found him guilty (did not accept his defense of insanity), and he was sentenced to over 50 years in prison.

It was a very difficult time for the children who had no support, other than from each other, and me. Their mother was from South America and had no family in the USA, and their father's family supported the dad and not the children. There was much conflict.

For many years thereafter, I saw these children for holidays, and kept in contact regularly. I was proud of my prosecution of this case, but more proud that I was able to help a family heal after such an unimaginable tragedy. Their mental health and well being was dependent upon support and warmth from someone who understood. Again, they had no family other than each other. I was proud that my family and I could be there for them.

Being a good lawyer does not only require trial skills, but also requires compassion and understanding. I was proud to be able to provide both to these victims.

4. Name one change you would make in the Illinois court system.

I would attempt to have cases resolved more quickly and expeditiously. This would require stricter compliance and implementation of statutory guidelines, and a more rigid application of scheduling. It is incumbent upon the judge to handle their court call in a more expeditious manner.

5. Are there civil litigation reforms that you would like to see enacted to remedy particular problems that you have detected, either as a practicing lawyer or as a sitting judge? Are there reforms that would benefit the civil justice system? What needs to be changed? Should the enactment of any such changes be the province of the legislature, the Supreme Court or by Constitutional amendment?

Again, I would like to see changes that would benefit litigants in moving more quickly through the court system, whether it is in civil or criminal litigation. Any reforms that would be enacted should be done through the legislature or the Supreme Court Rules.

6. Do you believe that our judicial system adequately deters and penalizes frivolous litigation? If not, what reforms would you like to see?

I believe it is incumbent upon trial court judges to deter frivolous litigation. There are statutes in place to allow judges to dispose of matters that do not state a cause of action. Pre-trial motions filed by lawyers should be used, and ruled on by judges, when such a situation arises. 237 Sanctions, if properly enforced by the trial judge, are available to deter frivolous litigation. Again, it is incumbent upon the trial court judge to strictly comply with these statutes, and to follow the law.

7. Do you believe the Illinois Constitution precludes legislative establishment of limitations on civil damages? Are there or should there be distinctions among economic, non-economic and punitive damages?

Pursuant to the Judicial Code of Conduct, Rule 67 – Cannon 7 (A)(3)(d)(i), a judge is precluded from giving a legal opinion on an issue that may come before the Court. Therefore, I do not feel that I am permitted to answer this question.