



Illinois Civil Justice League

Candidate: Thomas R. Appleton

Appellate Court, Fourth District, Cook Vacancy

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

I believe I have a commitment to research of the law, which is necessary for any judge. My years in private practice have given me personal involvement in many practice areas: criminal, civil, municipal, administrative, probate, juvenile, and real estate. All of those experiences give me a head start in evaluating the cases that come before me. As a trial judge, I served in the Domestic Relations Division for four years, the Felony Division for two years, and the Probate, Chancery, and Administrative Review Division until my assignment to the Appellate Court. In Sangamon County, Circuit Judges are up for jury trial every other week, so I have tried many civil and criminal trials.

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.

I believe I rate well in all four categories. Of course, the temperament of Appellate Court justices is better because we have the time to ponder, unlike busy trial courts. It is hard to rate myself, and I would prefer to rest on the ratings given by the members of the Illinois State Bar Association.

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

I represented a family whose unmarried aunt was under guardianship. The family members were the beneficiaries of her will. She owned hundreds of acres of farmland and had substantial cash assets. Based on my research, finding an 1876 New York case, I was able to convince a judge to authorize the guardian to make estate planning gifts from the guardianship estate.

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

The adoption of the DeVito plan for retention of judges by a retention commission. Retention elections would then be required only for those judges whose retention was not approved by the commission. In Southern Illinois, too many judges are lost because of last minute anti-retention campaigns. In Chicago, sitting judges have to raise money to run for retention. A commission would end that unseemly practice.

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?

I have a reverence for the common law and believe that our constitutionally guaranteed open access to the courts is a foundational guarantee of our freedom. However, we are at a point where some gatekeeping procedure may be required. Perhaps, for instance, in medical malpractice claims some public body could be created to prescreen the validity of malpractice claims prior to the filing of a complaint or, at some point, before the retention of experts and the expenses of discovery.

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

Deterrence is the dismissal of a complaint or an award of summary judgment. The penalty is no fee to the unsuccessful plaintiff.

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?

I will tactfully decline to answer this question as it could come before me.