



ICJL 2012 Judicial Candidate Questionnaire

John P. Schmidt 7th Circuit Court Judge – Appleton Vacancy

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

I am currently a sitting Circuit Judge in the Seventh Judicial Circuit. I have presided over numerous cases, both civil and criminal. Those cases involve a wide range of legal issues including class action, contract, probate and property disputes. I have presided over numerous jury trials including personal injury cases, medical malpractice cases, and felony criminal cases. I have presided over cases in Sangamon, Morgan, Macoupin, and Scott Counties. I was the elected Sangamon County State's Attorney three times: 2000, 2004, and 2008. Prior to my election as State's Attorney, I served as both an assistant state's attorney and first assistant state's attorney. My experience as a prosecutor taught me to evaluate both sides of a case. I bring the important qualities of impartiality, thoughtfulness and compassion to my judicial duties.

As the elected state's attorney my experiences ranged from prosecution of criminal cases to the civil arena including advising the county board on a variety of topics including personal injury cases, land use, municipal law, election law, and tax law.

Moreover, as State's Attorney I was responsible for a 3 million dollar budget and managed an office of over 50 employees.

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 possess these four qualities necessary to be a judge. I strive every day to be better than I was the previous day. I believe your qualifications for service are not static characteristic traits, but rather areas one strives to improve ever day you serve.

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

People of the State of Illinois v. Dale Lash

Dale Lash abducted and sexually assaulted a real estate agent then kidnapped, sexually assaulted and murdered Laure Hayes as she and her infant daughter left a store in Parkway Point shopping center.

After he murdered Ms. Hayes, he abandoned her car with the infant child inside at a movie theater. Lash was tried and convicted for the abduction and sexual assault of the real estate agent, then tried and convicted of the murder, abduction and sexual assault of Laure Hayes. My efforts to bring Dale Lash to justice ensured his conviction and removed a serial predator from our community.

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

I would allow cameras in the court room. The Illinois Supreme Court recently promulgated rules allowing the public increased access to their courtrooms. Participation in the initial pilot program was left to the discretion of the individual Chief Judge of each circuit. The Illinois Supreme Court has given circuit courts a reasoned, well thought out plan to implement cameras in the court room. Enhanced media coverage in the court room is a good thing. It allows citizens to see what occurs in the court room and increases the transparency of the judiciary. This is always a good thing. Most of all, the court room belongs to the people of this state. They have a right to see what is occurring without having to take time off work or away from their busy lives to come sit in the courtroom in person.

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?

The doctrine of Separation of Powers mandates that how the courts are administered and the actual rules of operation are the province of the Illinois Supreme Court. This is true for any of the three branched of government. Any changes to how the courts are administered or operated would necessarily come from the Supreme Court or the Illinois Constitution.

I would like to see a rule that mandates in a civil jury trial that the jury is instructed on the applicable law at the beginning of the case. Jurors are to apply the facts they find to the law they are given. They are not given the law until the end of the case. That is backwards. Simply put, it is similar to putting together a child's Christmas toy then reading the instructions. Familiarity with the law jurors will apply will increase their understanding of that law, and therefore increase the quality of the verdicts they render.

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

There are currently in place Illinois Supreme Court Rules to sanction frivolous lawsuits and pleadings. It is incumbent upon the trial court judge to use his/her experience and determine whether or not a suit is frivolous. While everyone is entitled to fair and open access to our court system, one does not have the right to use the court system to harass or vex another person.

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?

The Illinois Supreme Court has held such in *Best v. Taylor*, 179 Ill 2nd 367 (1997). The Best court determined that legislative action to limit non-compensatory damages at \$500,000.00 was in violation of the special legislation clause contained in the Illinois Constitution, notwithstanding a dissent authored by Justice Miller. As a Judge of the Circuit Court I am obligated to follow the majority's opinion. Further comment is precluded by the judicial canon of ethics.