



Illinois Civil Justice League

**Candidate: Valerie Moehle Umholtz**

**Tenth Judicial Circuit, Vespa Vacancy**

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

**My lifetime of experiences has provided me with the qualifications, demeanor and habits that will make me a Judge people can trust. After graduating first in my law school class, I had the honor and privilege of serving for two years as a law clerk for Illinois Supreme Court Justice Ben Miller. He gave me the opportunity to be involved with every area of the law imaginable and I was able to learn from the wisdom of a man who had been a trial lawyer and then a Judge in the Circuit, Appellate and Supreme Court. After clerking, I returned to Pekin to join a law practice with my father, Edward Moehle and my uncle, Melvin Moehle. I have been fortunate to have been tutored by two of the brightest lawyers I have ever known for over 20 years. The firm trusted me with responsibilities and cases early on that some lawyers might never see in a lifetime. I returned that trust with hard work and good work. I have spent nearly twenty five years running a business and learning from other lawyers, from judges and from my clients about what it takes to have an effective judicial system that serves the needs of the public.**

**A judge, though, should be more than just an experienced lawyer. I have always enjoyed volunteer work, not just to serve our community and others, but to broaden my horizons, get to know people from all walks of life and become acquainted with and involved with issues that are important to our communities. I have done everything from coaching children's sports teams to serving as chair of the Board of Visitors of my law school. Being involved in leadership positions has required me to keep things organized and running smoothly and to make difficult decisions. Serving on the school board taught me the importance of having principled positions and sticking to them, even though they may at times be unpopular. Serving as a lay speaker has strengthened my faith. Serving as chair of various boards and committees has taught me to listen. Teaching junior high Sunday school has given me courage. Running a business has taught me the value of hard work. Raising three teenagers has kept me humble.**

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: We all like to think our integrity is solid. I recall a particular incident that occurred when I was a City Attorney. A gentleman from the State of Illinois wanted the City to sign off on a refinancing of an economic development project. My recollection is that there was some money involved for the City, and because of the structure of the project, the City's approval was necessary. My gut told me that the appraisal obtained by the State was much too high and that this transaction did not pass this smell test. On my advice, my client took the position**

that it would only approve if an independent appraiser, approved by the City, came up with a similar value. No independent appraisal was performed and eventually the idea died.

**Impartiality:** As a school board member I was always asking the questions: "what is our policy" and "will we reach the same result for the people we like as for the people we don't like". I believe that I don't hold any particularly biased views that would make anyone think I am impartial. I am not pro-plaintiff or pro-defense, pro-prosecution or pro-defendant, pro-female or pro-male, pro-business or pro-consumer. Because my practice has been so wide and varied, I have never been beholden to any special interest group. For example, I have represented both banks and borrowers in foreclosure cases, public bodies and landowners in eminent domain cases; employers and employees in employment disputes and worker's compensation cases; landlords and tenants; school boards and students in discipline matters. This type of practice exemplifies my ability to be impartial.

**Legal Ability:** Graduating first in my law school class and then clerking for Illinois Supreme Court Justice Benjamin K. Miller instilled me with legal ability and intellectual discipline that I have been able to hone further over the years as I continually take on new and different challenges in the civil law area. I have been involved in several cases of first impression at the appellate court level and have enjoyed the challenge of not only analyzing the law and precedent, but the public policy impacts of these cases.

**Temperament:** My temperament can be described as firm but courteous. I can run an efficient meeting or hearing, making sure all views are aired, but keeping things in control. I do not allow the bad temperament of others to get the best of me and can keep a cool head as those around me try their best to be difficult.

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

One case for which I am especially proud of my work as a lawyer was a domestic violence case that I tried many years ago. I represented a father accused of domestic violence. It was clear to me that the mother was an antagonist and was coaching and manipulating the children against their father. I was surprised, though, when the other attorney called one of the children to the stand to testify against his father. I had to cross-examine that child (with little or no advance preparation), show that he was being manipulated and that his testimony was, if not false, at least exaggerated, all while being very respectful of the fragility of the child and his relationship with his parents. I was able to do this without upsetting the child or damaging his relationship with his father or his mother. Through my cross examination and argument to the court, I was able to show that much of the testimony was influenced by the mother and exaggerated and that the father was not a threat to the mother or the children. This allowed the father to continue in a relationship with his children, for whom he had had custody for several years.

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

I cannot think of a change that I would make to the Illinois Court System. Not that any system is perfect, just that I do not feel strongly that there is anything that is broken that needs fixed.

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?

**One civil litigation reform that I would like to see is to do something about the behemoth that discovery has become. Cases that could have been tried on relatively few hours work 30 years ago, now end up with thousands of dollars invested in discovery alone. Many litigants cannot afford this expensive process and the value of the case often does not justify it. The party who is not paying his or her own costs or with deep pockets can create an unnecessary discovery burden on a cash strapped client in a low or medium value case. This would be a change to be enacted by the Supreme Court.**

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

**In general I think that our judicial system adequately deters and penalizes frivolous litigation. While there is frivolous litigation that is filed, Rule 137 has enough teeth in it to allow for sufficient deterrence. Some judges are reluctant to sanction under Rule 137 and others are only too free with their sanction pen. However, giving the judges discretion, subject to review for abuse, allows enough latitude for them to attempt to do justice between the parties.**

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 not give an opinion on the Constitutionality of any particular law. If the second question is asking as to whether my opinion as to constitutionality would differ depending on the type of damage, then I have no opinion. If you are asking if there should be other types of distinctions among economic, non-economic and punitive damages, I would say that the law already provides for numerous distinctions and as a trial court judge, I would adhere to those distinctions already established and will not give an opinion as to anything that is a matter of first impression or that is in conflict in the appellate courts.**