



## ICJL 2018 Judicial Candidate Questionnaire

### Ben Braun 12<sup>th</sup> Circuit – Rozak Vacancy

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

**I am a widely-respected, experienced judge with over thirty-two years of experience in the law. I have served Will County as an Associate Judge for twelve years. During that time, I have presided over more than 100 criminal jury trials, hundreds of bench trials, and thousands of hearings in nearly every division of the courthouse. I have earned a reputation as one of the county's most versatile and productive judges, and as a result was designated by the Illinois Supreme Court's Education Committee to teach other judges how to better run a courtroom and conduct trials. I was also selected to mentor judges to help improve their performance.**

**I practiced law in Will County for nineteen years before beginning my service as a judge. After passing the Illinois Bar in May of 1987, I began my career at the respected Joliet firm of Stefanich, McGarry, Wols & Okrei, where I was exposed to many different areas of law. After six years, I became a partner in the firm, and I remained there until 2000, when I started my own successful law firm. This breadth of experience has made me a versatile judge and one of the few current Will County judges who, as an attorney, tried a significant number of jury cases on both the civil and criminal sides, along with substantial experience in the appellate courts as well. A graduate of the University of Illinois, I earned my law degree from Stetson University College of Law.**

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've had the benefit over the past 12 years of serving as a judge in nearly every division of the courthouse. I've been observed in my capacity as a judge by many of the lawyers who regularly practice in Will County, whether on the criminal or civil sides of the courthouse. In the Illinois State Bar Association Judicial Advisory Poll commissioned for this election, I am rated higher than my opponent in literally every measured category, including, integrity, impartiality, legal ability, and temperament. In fact, I am the highest rated candidate in any of Will County's judicial elections this cycle in most of the categories surveyed. This is noteworthy because I have served**

**in nearly every division of the courthouse and a wide range of attorneys have had the opportunity to observe my temperament, demeanor, and ability.**

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

**As a lawyer, I argued roughly 40 cases in the appellate courts and had the opportunity to influence the development of the law. I am especially proud of the results obtained in Guertin v. Guertin, 204 Ill. App. 3d 527, 561 N.E.2d 1339 (Ill. App. Ct. 1990). In this case, I represented Hazel Guertin, an elderly woman, in both the trial and appellate courts. Hazel cared for an elderly relative who left her most of his estate. She was sued by another relative who thought she unduly influenced the decedent. The trial judge held my client in contempt, a finding we appealed. The appellate court found in our favor, concluded the trial judge was incorrect, and adopted our suggested interpretation of Supreme Court Rule 224. The result obtained for Hazel Guertin was satisfying because we not only protected an elderly woman from a frivolous lawsuit, and through the appeal, we influenced case law in the process and benefited others who were sued without cause. Guertin is been cited as precedent in roughly 15 reported decisions.**

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

**Guidelines should be adopted which direct judges to resolve certain types of cases within specified time frames. Going to court and dealing with litigation is a stressful experience. The process puts a burden on litigants, witnesses, victims, and their families. We should do everything we can to help bring their problem to a conclusion in a fair and efficient manner, removing this weight from their shoulders. Directing judges to resolve non-complex cases within specified time frames would highlight to judges the importance of relieving participants of the burden of litigation.**

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 addressed this question in my response to question 4.**

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

**Unnecessary delays and the time it takes to bring routine cases to a resolution is a more pressing issue. If we can make our court system more efficient, then we can not only decrease the cost to litigants involved in routine cases, but also we can weed out non-meritorious cases more quickly.**

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 believe I am unable to answer this question, because as a sitting judge I may be required to address the issues this question raises.**