



Illinois Civil Justice League

**Candidate: David Englund**

**17th Circuit, Boone County Resident, Additional Judgeship A**

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

**I actually served as a circuit judge from 1982-1994. During that time, I handled more than 10,000 cases, including approximately 1,000 felonies, 100 jury trials, 10 murder cases, and 1 death penalty case. I also handled major civil lawsuits, small claims, divorce, adoption, juvenile, mental health, foreclosures, tax deeds, eminent domain, municipal law, and zoning.**

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: In my 12 years of service as judge, although not everyone agreed with all my decisions, of course, I am not aware of anyone raising a question as to my integrity.**

**Impartiality: In my service as a judge, I based my decisions on the law and the evidence without regard to race, gender, political affiliation, or other improper considerations.**

**Legal ability: I graduated from John Marshall Law School with highest distinction, being awarded the Order of John Marshall. I attended the National Judicial College as well as training sessions through the Illinois Judicial Conference. I am on the adjunct faculty of Judson University in the Criminal Justice program and have taught criminal procedure to adult students.**

**Temperament: As judge, I tried to be patient and show respect to everyone who came before the court.**

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

**On the criminal side, I presided over People v. Rixie, a 1989 capital murder case. On the civil side, I helped the parties come to a win-win settlement of a rancorous rent strike / mass eviction case.**

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

**On the civil side, I think Illinois should consider a pilot program allowing courts to appoint experienced practicing attorneys to serve as masters to help narrow issues and streamline and schedule discovery in complex cases. This might best be done as an adjunct to existing ADR programs.**

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?

**Similar to what I said under question 4, a program in which courts could use the services of experienced attorneys to monitor discovery in various types of cases could be helpful in speeding up the process and keeping the parties on track. Again, this could be part of a pilot project authorized by Supreme Court rules similar to successful ADR programs.**

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 our system could do better at deterring frivolous lawsuits. The sort of discovery supervision I mentioned earlier could help the court detect frivolous claims at an early stage. This might also require a change in summary judgment standards to allow the courts to resolve certain lawsuits at an early stage without requiring the current difficult-to-meet "no genuine issue of material fact" standard.**

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 do not believe the Illinois Constitution completely precludes legislative establishment of civil damages limitations, particularly in the area of non-economic and punitive damages. Assessing such damages can be quite subjective and lead to arbitrary results. Perhaps the best approach would be to allow the court to exercise more discretion in reviewing jury awards on a case by case basis to ensure more consistent verdicts and standards without establishing strict limitations or prohibitions that may themselves work injustice in individual cases.**