



Illinois Civil Justice League

ICJL 2012 Judicial Candidate Questionnaire

Bob Gibson

18th Circuit Court Judge – Thompson Vacancy

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

I practiced law with a small firm for 27 years and tried cases in criminal, civil, chancery, and traffic courts. I represented individuals, developers, builders, and lenders in transactions ranging in size from \$40,000 up to \$80,000,000. The Illinois Supreme Court unanimously appointed me as a Circuit Court Judge in 2010, and this year I received the DuPage County Bar Association's highest rating: "Highly Recommended." DuPage County Chief Judge John Elsner, in his State of the Courthouse address in January 2012, said he would not ordinarily single out one judge, but that this year he would make an exception to that rule. He said, "Custom has it that circuit judges have a choice of calls. When Bob Gibson was appointed circuit judge, he asked to be assigned to the most difficult call in the courthouse, foreclosures and forcibles. This is the only call to grow in number of cases filed. As you know, foreclosures are at a record level. Judge Gibson has done a fantastic job showing patience and compassion, yet following the law."

I believe in honoring obligations. I have been married to the same beautiful woman for 23 years, worked for the same law firm for 27 years, and have been a member of the same parish for 40 years.

I also believe in honoring relationships, with God, with my family and friends, with my colleagues, and with the people I serve. I take my oath to uphold the United States and Illinois Constitutions very seriously. As a judge, a lawyer, an arbitrator, a coach, a president of service organizations, and as a husband and father of four, I believe I have the qualifications and experience to continue to serve the people of DuPage County as a circuit court judge.

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.

The Illinois State Bar Association's survey reflected high ratings for me in all of these categories. That is a better indicator than the judge's own perception of his abilities and character traits. For the past 18 months, I heard every residential foreclosure case in DuPage County -- currently more than 6,700 pending cases -- and until

January 2012, I heard every forcible case in DuPage County as well. Lawyers have had ample opportunity to observe me in these areas and I have had ample opportunity to critique myself. I believe humility is an important attribute for a judge. That being said, I believed I deserved the high ratings given to me in integrity, impartiality, legal ability and temperament. I was able to achieve these ratings despite a very heavy, contentious court call. If anything, I believe I will exceed these marks and improve my performance as a judge in the future, since I now have a more manageable case load that includes the residential foreclosure call and a mix of other Chancery cases, but without the forcible court call as well.

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

In 1986, I became President of NCO Youth and Family Services, a non-profit youth and family counseling agency in Naperville. I worked hard and succeeded in establishing what is known as the Cornerstone Shelter for Boys. It is a home for boys ages 13 to 17 with emotional, substance abuse, and/or family problems. Cornerstone Shelter provides counseling and life coaching skills in a safe environment to mold the boys into productive, high-functioning citizens. The shelter is in a residential neighborhood, and success in establishing the program took a diverse skill set which included knowledge of real estate law, grant-writing skills, and political skills. Cornerstone Shelter is still molding young men today.

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

Although our legal system faces many challenges, in my opinion the single biggest problem facing the legal system is access to the courts. In the civil arena, the vast majority of cases include defendants (and sometimes plaintiffs) who are unrepresented, and cannot afford a lawyer at a customary hourly rate. The challenge is how to handle pro se litigants, at least some of whom have legitimate defenses or claims, but may not know how to present them effectively, or in accordance with established rules. The Illinois legal system must address this challenge. The first step is discussion within and without the legal community, as well as the sharing of results arising from different approaches.

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?

We have a legal system in which anyone can sue anyone. This poses abuse problems. Supreme Court Rule 137 is designed to curb the more flagrant abuses, but is underutilized. Some of the hallmarks of an exemplary system of justice are consistency and predictability in results for similar cases. The Illinois Supreme Court appointed me to the Special Committee on Mortgage Foreclosures, and I serve on that

committee. The committee is looking at ways of reducing problems in the mortgage foreclosure process. There are some reforms that would benefit the civil justice system and recommendations will be forthcoming shortly. Some of the proposals, such as safe-harbor affidavits for mortgagees seeking a judgment (which provide more complete information but will generally be subject to attack as to form), can be done by Supreme Court rule, but others, such as new substantive laws to protect either homeowners or lenders from abuses by the other, must be enacted by legislation.

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

I do not believe that our judicial system adequately deters and penalizes frivolous litigation. I am in favor of judges fully enforcing Supreme Court Rule 137.

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 in judges not legislating from the bench. Critics of the Illinois Supreme Court's decisions in the *Best* and *Lebron* cases would assert that the Supreme Court legislated from the bench by invalidating the legislative determination of the General Assembly. Nevertheless, the law of the land in the State of Illinois in 2012 is that legislative limitations on civil damages violate the Illinois Constitution. As a circuit judge, I am obligated to respect precedents and uphold the settled law of Illinois, which in this case was decided and reaffirmed by the Illinois Supreme Court. The Illinois Supreme Court could determine that *Best* and *Lebron* were wrongly decided and reverse itself, as the United States Supreme Court did in deciding *Brown v. Board of Education*. But it is not in the purview of a circuit judge to make that determination. For me to opine that *Best* and *Lebron* were wrongly decided would call into question my ability to faithfully apply Supreme Court precedent.