



Candidate: Mark L. Levitt

19th Judicial Circuit, 4th Subcircuit, Additional Judgeship A

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

I quickly learned as an attorney the powerful impact, good or bad, that judges have on the lives of the people who appear before them – and, therefore, on our society. My first courtroom assignments were in juvenile cases. The judicial impact was magnified in those courtrooms because a child's future – whether he or she would have the ability to become a productive citizen or, alternatively, get caught in a destructive cycle – was determined in large measure by the judge's ability to listen, consider all sides of the case without bias, and apply the law fairly. I am qualified to sit on the bench because I have the knowledge, experience, leadership, and connection to the community in which I will serve that will allow me to make a positive impact on those who come into my courtroom.

I'm very proud to have been rated "Highly Recommended" by the Lake County Bar Association. I received this rating after a detailed review process. The Judicial Selection and Retention Committee of the LCBA conducted a thorough investigation, which included a review of my extensive application as well as interviews with my colleagues, opposing counsel and judges before whom I've appeared. The Committee also interviewed me at length. I also received the Illinois State Bar Association's highest rating. These ratings are a great source of pride because I know they reflect the bar associations' view of my legal knowledge, ability and experience in the courtroom as well as my reputation for integrity and even temperament.

A judge must have extensive knowledge of the law and procedure. I have been an attorney in the Law Office of the Cook County Public Defender for more than 19 years and have spent my entire career in the courtroom, trying hundreds of complex cases before judges and juries. I have served as lead counsel in countless matters, including capital punishment cases. I was selected to be a member of the Homicide Task Force, a small and specialized group of attorneys who try the most serious and complex cases in the criminal justice system. Before joining the Task Force, I served in the Felony Trial Division, Juvenile Delinquency Division, and the Juvenile Abuse and Neglect Unit. I am not only a member of the Capital Litigation Trial Bar, but also serve on the Illinois Supreme Court committee that screens potential Capital Litigation Trial Bar members.

In addition to my thorough knowledge of criminal matters, I also have extensive experience in the civil arena and am well versed in the Rules of Civil Procedure. In the Juvenile Abuse and Neglect Unit (the current Child Protection Division), I handled hundreds of civil proceedings from motion practice through trial resolution. My litigation of complex criminal matters has also included extensive related civil motion practice.

Lake County Circuit Court Judges have the responsibility of appointing the 24 Associate Judges. As a member of the Chicago Bar Association Judicial Evaluation Committee, I have evaluated the performance of sitting judges and have been part of the process of

thoroughly and carefully vetting prospective judicial candidates. I understand what makes a good judge, and have the requisite experience to evaluate attorneys seeking judicial office. From my work evaluating judges and from my personal experience of years in the courtroom, I know justice requires that judges manage their dockets with speed and efficiency, while also ensuring that every party in every case is fully heard. I manage very effectively a heavy caseload in high volume courtrooms; that experience uniquely qualifies me to effectively manage a busy docket in Lake County courtrooms.

A judge is called upon to be a teacher of the law to jurors and to citizens whose cases come before a judge. I am a clear and effective communicator who can translate my knowledge into meaningful information. I also am a teacher and mentor to new and emerging legal professionals. I have extensive experience supervising and training attorneys, investigators, paralegals, law students, and interns. I hold the following positions: Faculty supervisor of the University of Wisconsin, Madison, Criminal Justice Certificate Program; Faculty member of the Office of the State Appellate Defender; Guest lecturer at DePaul University College of Law; and Training Division lecturer for the Law Office of the Cook County Public Defender. I am very active in advancing courtroom procedures to improve the accuracy and efficiency of legal proceedings. In Cook County, I spearheaded an initiative to update and automate the use of electronic data and graphics in trial presentations.

I am strongly and deeply connected to the community that I will proudly serve. I grew up in Highland Park. My wife, Catherine, and I have lived in Deerfield for 15 years. We have four children who span three Deerfield schools and I currently serve on the Deerfield Public Schools District 109 School Board. My goal, if elected, is to protect the rights of every citizen and ensure that our legal system provides access, justice, and fairness to all. I will set aside age, gender, race, religion, socio-economic status, and political views to properly interpret and apply the 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 was evaluated by both the Lake County Bar Association and the Illinois State Bar Association in the areas of integrity, impartiality, legal ability and temperament and received the highest ratings possible from both bar associations.

Integrity: Unquestionable integrity is an absolute prerequisite for every judge. I believe that I have demonstrated this most important trait throughout my life and career. Whether it is in my professional or personal life, I hold myself to the highest ethical and moral standards. Professionally, I enjoy the reputation of being a hard-working, trustworthy, honest and fair minded attorney. In my personal life, I am proud that friends, family and acquaintances view me as someone who can be trusted and relied upon to always "do the right thing."

Impartiality: Working as an Assistant Public Defender for over 19 years has made me particularly sensitive to the absolute need for a fair and unbiased judiciary. I know that the best judges are those that view each litigant in the same unbiased light. My mission, if elected, is to protect the rights of every citizen who comes before the Court and ensure that our legal system provides access, justice, and fairness to all. I will set aside age, gender, race, religion, socio-economic status, and political views to properly interpret and apply the law.

Legal Ability: I have spent my entire career in the courtroom and have served as lead counsel in countless matters. For more than 19 years, I have worked as an Assistant Public Defender in the Law Office of the Cook County Public Defender. I have served in the Felony Trial Division, Juvenile Delinquency Division and the Juvenile Abuse and

Neglect Unit. Currently, I am a veteran member of the Homicide Task Force, a specialized unit comprised of the most skilled and accomplished attorneys who handle only homicide cases. I am also a member of the Capital Litigation Trial Bar and serve on the Illinois Supreme Court committee that screens potential Capital Litigation Trial Bar members. In addition to my thorough knowledge of criminal matters, I also have extensive experience in the civil arena and am well versed in the Illinois Rules of Civil Procedure. For years, I handled hundreds of civil proceedings from motion practice through trial while serving in the Juvenile Abuse and Neglect Unit (the current Child Protection Division). My litigation of complex criminal matters has also included extensive related civil motion practice. As noted in the response to question one above, I am a teacher and mentor to new and emerging legal professionals and have extensive experience training attorneys, investigators, paralegals, law students, and interns.

Temperament: My even temperament is evident in all areas of my life: in the courtroom, in the school board meeting room, on the baseball field as a coach and manager, and in my home. The Lake County Bar Association's judicial vetting process included numerous interviews of friends, colleagues, opposing counsel and judges before whom I practice. The "Highly Recommended" rating I received is a reflection of their views that I possess the requisite even temperament and demeanor befitting a judge.

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

I am most proud of my work in the recently completed capital case of *People of the State of Illinois v. Degorski*. My pride is not based so much on the end result, a verdict of "Natural Life Without Parole" – a difficult result to achieve given the horrific nature of the crime – but rather on the legal knowledge, courtroom expertise, management skills, and hard work and effort put in to achieve that result. This case tested my ability to coordinate all aspects of an incredibly complex criminal case while at the same time working efficiently to assemble and manage a large defense team. The evidence in this case included a large number of expert witnesses from fields as diverse as DNA analysis to forensic psychiatry. Pretrial work involved litigating in excess of 180 motions. One of the motions and subsequent rulings by the Court necessitated an interlocutory appeal, which reached the United States Supreme Court. This matter also involved extensive civil proceedings, including scores of depositions and motions, surrounding third-party discovery issues. The 11-week trial of this cause and the preceding seven years of preparation on the guilt/innocence and mitigation fronts, represents the pinnacle of criminal defense work and will always be a source of great pride.

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

In my view, the Illinois court system would greatly benefit if a uniform system for pretrial conferences with the parties and the judge were instituted. Not only would this system aid in clarifying discovery matters and issues in each case, but it also would aid in dispute resolution.

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?

While I have practiced largely in the criminal arena, with companion civil proceedings, I am well aware of the need for reform in the civil justice system. My wife, the Deputy General Counsel of a pharmaceutical company, manages the company's litigation and I have witnessed first hand both the opportunities and challenges presented by our civil

justice system. First, the predominance of electronic communication in our society today has had a direct impact on litigation. In particular, the extensive use of email and the associated costs of document retention and production in response to discovery requests have become unmanageable and often drive the outcome of litigation. Potential remedies for this problem for consideration include more judicial involvement at the outset about what must be retained by the parties as well as the sharing of costs by the party seeking discovery.

Second, motion practice related to discovery disputes is often costly and protracted. This could be avoided in some situations by requiring the parties to seek resolution through telephone conferences with the judge before filing a motion.

Third, Illinois is a fact pleading state that requires a plaintiff to allege sufficient facts to state all of the elements of the causes of action pleaded. Stricter application of this rule in response to a motion to dismiss would require potential plaintiffs to better establish the merits of their claims before filing a lawsuit. In the alternative, a provision could be enacted requiring a judicial determination as to the sufficiency of the pleaded claims at the outset of the lawsuit.

Fourth, expert witness testimony is often not supported by scientific evidence and is based on so called "junk science." The United States Supreme Court, in its *Daubert* decision, has placed greater responsibility on federal judges to control the extent of such testimony that can be offered to a jury. Illinois litigants would benefit from state court judges having similar authority.

Finally, another change that I believe would benefit the civil justice system is the institution of a non-partisan process for electing judges at all levels of the Illinois judiciary.

I believe that it is the function of the Legislative Branch, and not the function of the Judiciary, to establish public policy, including the enactment of laws dealing with civil justice reform. Of course, it is the function of the Supreme Court to interpret the enacted laws.

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

Current law provides remedies to address frivolous lawsuits, including sanctions for signing pleadings asserting frivolous claims, motions to dismiss and the availability of costs. These remedies are infrequently utilized and are potentially inadequate in deterring frivolous litigation. As indicated above, a possible solution would be a required judicial determination as to the sufficiency of the pleaded claims at the outset of a lawsuit. This could perhaps be accomplished by an initial meeting with counsel or the formation of judicial panels and/or court appointed attorneys who must approve the sufficiency of the pleading before a lawsuit can proceed.

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?

A judge in Illinois is required to strictly adhere to Illinois law. According to the Illinois Supreme Court, laws limiting damages are unconstitutional. *Taylor v. Best*, 179 Ill. 2d 367; 689 N.E.2d 1057.

Resume for Mark L. Levitt
www.LevittForJudge.com

Candidate for the Democratic Nomination, 19th Judicial Circuit, 4th Subcircuit

Professional Experience and Affiliations

Law Office of the Cook County Public Defender (1990-present)

Assistant Public Defender I, II, III and IV

- Homicide Task Force
- Felony Trial Division
- Juvenile Delinquency Division
- Juvenile Abuse and Neglect Unit

Lake County Public Defender (1989)

711 Intern

Member, Illinois State, Chicago, and Lake County Bar Associations

QuickTime™ and a decompressor are needed to see this picture.

Admitted to Practice Before:

- Supreme Court of Illinois
- United States District Court for the Northern District of Illinois

Education

Juris Doctor, University of Illinois, Champaign/Urbana, 1990

- Editor, Frederick C. Green Moot Court Board
- Rickert Scholarships for Excellence in Moot Court and Excellence in Public Service

Bachelor of Arts, Political Science and Philosophy with High Honors, University of Illinois, Champaign/Urbana, 1987

Professional and Community Activities

- Chicago Bar Association Judicial Evaluation Committee, Investigation and Hearing Divisions: Evaluated sitting judges and prospective candidates for judicial office
- Faculty Supervisor, University of Wisconsin, Madison, Criminal Justice Certificate Program
- Guest Lecturer, DePaul University College of Law, Trial Advocacy Program
- Faculty, Office of the State Appellate Defender
- Training Division Lecturer, Law Office of the Cook County Public Defender
- Member, Capital Litigation Trial Bar and Screening Committee
- Member, Deerfield Public School District 109 School Board
- Member, Deerfield Rotary
- President, Vice President, Committee Member and Team Manager, Deerfield Youth Baseball Association

Personal Information

Married to Catherine

Four children (Marisa, Jacob, Abigail and Tess) who span three Deerfield Schools

Raised in Highland Park

Deerfield Resident for 15 years