



Candidate: Michael J. Perillo, Jr.

Nineteenth Circuit Court, 6th Subcircuit, Additional Judgeship A

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

In 1983, I began my practice of law as a Naval Judge Advocate prosecuting Courts-Martial. Thereafter, I had administrative experience in the Navy, working from time to time in a law enforcement type capacity interfacing with local Lake County police agencies. Having later served as a Senior Assistant in both the Public Defender and State's Attorney's offices of Lake County, I experienced both sides of courtroom criminal practice in felony cases. Since 1992, I have been in continuous private practice with the same Lake County law firm. I have and continue to represent both plaintiffs and defendants in my civil practice.

An effective judge brings life experiences to the bench in addition to educational and professional competence. Experiential insight can only serve to assist the judge in properly applying the facts to the law in any given case. I am a husband and a father; I have experienced the joys, and some of the pains, of life. I have been involved on both sides of civil and criminal cases where emotions and stakes have run high. In short, there is no substitute for the professional and life experiences a jurist brings to the bench. I offer that experience.

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.

My parents always stressed the importance of treating others with courtesy, with respect, and in a dignified manner. That solid upbringing, along with serving as a Naval Officer in my first attorney position out of law school, has served me well in terms of professional temperament and impartiality toward all people. Personal integrity means everything to me and I have always been mindful that when one loses one's reputation, he or she retains nothing.

While my professional background is varied in both civil and criminal practice (in addition to Court-Martial practice), I suggest that my legal ability is best judged by others. In that regard, I have had the privilege of being rated as "Highly Recommended" for judicial office by the Judicial Selection and Retention Committee of the Lake County Bar Association. Additionally, I have been "Recommended" in the attorney poll conducted by

the Illinois State Bar Association (in association with the Lake County Bar Association).

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

Having practiced law for about half my life there are a number of cases which immediately come to my mind. If pressed to choose only one, I would offer a criminal case I prosecuted many years ago against a man who raped his girlfriend's eleven year old daughter. The child became pregnant as a consequence of the rape but told no one as she had been threatened by her attacker with death. When the children at school teased her about putting on weight, she was examined by a physician and found to be pregnant. The child then offered her story. She ultimately gave birth. This same defendant had committed a similar act upon the young daughter of a previous girlfriend. He had been sentenced to the penitentiary in that case, in another state. As I was certain that the young victim was telling the complete truth, I agreed to a DNA test to establish or rule out paternity (this was in the early days of such testing, as I recall). The defendant had agreed in open court to enter a plea of guilty if the test came back as a positive match. Ultimately, the test came back positive and the defendant pled guilty obviating the necessity for trial. I personally located his previous out of state victim (she was now a young adult), spoke with her and arranged for her to testify in open court at the sentencing hearing.

The rapist was sentenced to a lengthy term of years in prison and his eleven year old victim was neither required to testify nor to personally appear in court. I was convinced this was crucially important for the psychological well being of the child in consideration of her tender age and her previous ordeal at the hands of her assailant.

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

I would like to see some sort of court supervised mandatory, non binding, mediation in all major civil law suits. Such mediation conferences would be convened 30-60 days prior to trial in an attempt to settle the matter short of trial. The cases could be mediated by the trial court judge or by that judge's designee (another judge). These sessions would be similar to pretrial conferences currently convened in many cases, the difference being a mandatory requirement to participate. Issues would (or at least could) be clarified and some difficult cases might well be settled short of trial. Of course, the parties would not and could not be compelled to settle and all sides would retain their respective rights to trial by jury.

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?

Electronic filing of pleadings has yet to arrive in Lake County. I understand that it is quite successful in those jurisdictions in which it is employed and I would like to see some sort of electronic filing system engaged throughout the state.

While lawyers must be permitted to manage their respective cases, in more complex matters it may well be helpful for the court to become involved in status conferences during the early stages of litigation. Such conferences would go beyond simply scheduling dates for discovery compliance and trial. It is certainly within the province of the trial court to convene such conferences. Problematic evidentiary and/or discovery issues could be identified at an early point in the lifetime of the suit with appropriate steps taken to rectify same.

Any substantive changes to our rules of practice are within the ambit of the legislature or the Supreme Court. If elected, I will certainly follow all rules of practice and procedure as mandated by those bodies and/or as required by Constitutional Amendment.

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

I am of the opinion that Illinois law provides the trial court with appropriate and effective tools, remedies and sanctions to deal with abuses in the litigation process. Supreme Court Rule 137 immediately comes to mind. Motions for Summary Judgment in addition to other pretrial motions can be effective in eliminating baseless suits at the early stages of proceedings with a concomitant saving in time and expense. On a personal note and by way of illustration, I was involved in the defense of a civil law suit some years ago where (through the discovery process) I determined that a plaintiff had significantly misrepresented his prior medical history. Upon bringing this to the attention of the court by way of motion, the suit was dismissed.

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?

To the extent that these issues may be raised in the trial court, I defer to the requirements of Supreme Court Rule 67 which I understand to preclude me from offering an opinion regarding same.