



Candidate: Linda J. Pael

Cook County Circuit Court, Dolan Vacancy

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

I have been an attorney for over 18 years and have extensive legal experience. I spent 3 years in private practice at Sachnoff & Weaver as an associate in the litigation department where I worked on a variety of cases including employment discrimination, securities, Fourth Amendment strip search defense, death penalty post-conviction appeals, reproductive rights, and contract litigation. For the past 15 years I have been an attorney at the City of Chicago's Department of Law. I have extensive litigation and administrative experience and have practiced in the Municipal, Chancery and Law Divisions of the Circuit Court. I have served as Senior Counsel in the City's Municipal Prosecutors Division where I supervise the branch court, traffic and administrative hearing attorneys and worked extensively on issues such as 1st Amendment protections, gang loitering issues, HIV abuse problems, animal abuse prevention and prosecution, and constitutional challenges. I have practiced before federal and state courts as well as administrative agencies. I have handled bench and jury trials, I have practice criminal and civil law, and I have experience as a prosecutor and defense counsel. I have already been reviewed by the Chicago Bar Association and the Alliance of Bar Associations and have been found qualified, recommended or highly recommended by all of the Associations.

I received my Bachelor of Arts in May 1987 from Cornell College in Mt. Vernon, Iowa. I graduated cum laude and was on the dean's list all four years. I received my Juris Doctor in May 1991 from Chicago-Kent College of Law in Chicago, Illinois. I was a member of the order of Coif, Law Review, and I graduated 3rd in my class with High Honors. I was also a Merit Scholar Recipient, served on the Dean's Advisory Council, and made Dean's List every semester.

With respect to civic activities, I have served as a professional advisor to the DePaul School of New Learning, as a mentor for the Black Women Lawyer's Association mentoring program, and for the last 10 years I have been a volunteer reader in the Chicago Public Schools WITS program. I am a volunteer "Buddy" runner for Girls on the Run, a clean-up volunteer for the Cook County Forest Preserve District, an active member of my neighborhood community association, and a past Board Member of Equality Illinois.

I am running for judge because I believe that we need more qualified and fair-minded judges on the bench in Cook County. With respect to being fair-minded,

my personal history is relevant. I was born in Jamaica to mixed race and heritage parents (Jamaican, Dutch and Chinese) and came to the United States after we were forced to flee Jamaica during a violent political and social upheaval. I know firsthand the opportunities that people can have if they are treated with respect and dignity and that great things can be accomplished through dedication and hard work. As an attorney, I have seen the role and impact the judicial system has on the lives of ordinary citizens and its influence on their lives. Having grown up in a country where people have limited access to the legal and judicial system, I am passionate about ensuring that everyone who comes before the courts is given an opportunity to timely present their case and be treated fairly throughout the process.

I am equally proud of my accomplishments outside of my legal career. I am the proud parent of two wonderful children. We are an active family and enjoy camping, traveling, swimming, basketball, and triathlon. Before raising children I played competitive women's rugby and was selected to play on the Midwest All Stars team. After a 10 year rugby career, I played soccer for several seasons before trying my hand at triathlons. I enjoy challenges and am willing to work hard to achieve my goals. These qualities convey a candidate with the necessary legal knowledge, professional experience, physical and mental ability, integrity, temperament, diligence, and common sense to serve as a Judge in the Circuit Court of Cook County.

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 and Impartiality: I believe that these two areas are inseparable. A person of integrity is someone who can be trusted to do the right thing and who will treat all people equally. I live by those values. While self-proclamation seems unconvincing, I believe my friends and co-workers would agree that I have a strong work ethic and a reputation for being honest and fair. This is in large part due to my upbringing. Having come from a mixed race and heritage family, and having been exposed to people of different cultures, ethnicities and religions throughout my life, I can honestly say that I hold very few personal biases. These qualities would serve me well on the bench when making credibility determinations since I would not hold one person's testimony in higher regard because of his or her racial, cultural or educational background.

Legal Ability: As mentioned above, I have been practicing law since 1991. I have a broad range of experience which includes civil and criminal litigation. I have practiced before federal and state courts as well as administrative agencies. I have jury and bench trial experience and have worked as both a prosecutor and a defense attorney. I have also been found qualified, recommended or highly recommended by all of the major bar associations. I believe that my wide range of experience will serve me well on the bench because I already have a good grasp of evidentiary rules and a basic understanding of the law in a variety of areas.

Temperament: I think all judges must possess an even temperament. Litigants who come before the courts must know that the judges before whom they appear will remain calm and fair no matter how contentious the case. Judges who lose their temper also lose their objectivity and make poor decisions. That said, I am a very even-tempered person. I have been a supervisor at the City of Chicago's Law

Department for almost 12 years and have always received excellent evaluations because of my work product and, equally important, because of the way I treat my co-workers, supervisors and opposing counsel alike. I am proud of my good reputation in this regard and believe these qualities would serve me well on the bench.

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

While I am equally proud of my work on a variety of cases over the past 18 plus years, I am most proud to have worked on the case of Morgan v. Illinois, 504 U.S. 719 (1992). I assisted in researching and drafting an amicus brief to the United States Supreme Court which helped to make the jury selection process in Illinois more fair to defendants accused of capital crimes. Prior to the Morgan decision, any prospective juror in Illinois who was unalterably opposed to imposing the death penalty could be removed for cause because he or she could not conscientiously fulfill the oath to follow the law and the jury instructions. However, the reverse was not true. A defendant was not entitled to challenge for cause a prospective juror who would always vote to impose the death penalty. Morgan changed the law in Illinois and throughout the country. The United States Supreme Court majority held that a defendant facing the death penalty had the right to challenge for cause a prospective juror who would automatically vote to impose the death penalty in every case because such a juror would lack the qualities of impartiality and indifference required by due process. Furthermore, jurors who would automatically vote to impose the death penalty would not "in good faith ... consider evidence of aggravating and mitigating circumstances" as may be required by law and included in jury instructions.

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

I believe there needs to be serious consideration given to the way we elect judges in Illinois. Although judges have the ability to take away people's homes, children, livelihoods and freedom, far too often the voters have little, if any, information about the judicial candidates on the ballot. Past elections have indicated that ballot position and "good" Irish names often determine the outcome of races instead of qualifications. And, since judicial candidates are forbidden from directly soliciting funds to help get name exposure, independently wealthy or politically connected candidates have a much greater advantage.

To remedy these problems, I believe that judicial elections should be publically financed, and that judicial candidates should be elected on a non-partisan basis.

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?

As a practicing attorney, I believe we need reforms in a variety of areas to try and control the escalating costs of litigation. As discussed below, there need to be more deterrents put in place to prevent or dissuade frivolous lawsuits. There should also be more control over the discovery process so that parties are not able to force unreasonable expenses on their opponents and unduly delay the cases. This would require more stringent discovery deadlines and closer oversight by

judges. These changes could be accomplished by way of legislative enactments and possibly changes to the Supreme Court rules.

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

Our judicial system does not adequately deter and penalize frivolous litigation. Having worked in the Torts Division at the City of Chicago's Law Department, I can recall countless cases where the City was named as a defendant simply because it was considered to be a "deep pocket." There is little regard given to the amount of time and resources it takes to defend against these frivolous claims. Although people certainly have a right to file lawsuits, I believe that litigants who file truly frivolous lawsuits should be required to reimburse the defendants' costs and attorney's fees, and, in certain circumstances, be subject to sanctions.

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?

The Illinois legislature has tried, unsuccessfully, to impose limits on non-economic damages. In Best v. Taylor Machine Works, 179 Ill. 2d 267 (1997), the Illinois Supreme Court ruled that a \$500,000 cap on non-economic damages functioned as a "legislative remittitur" and invaded the power of the judiciary, in violation of the separation of powers clause. Although courts are empowered to reduce excessive verdicts where appropriate in light of the evidence, the Best court found that the cap reduced damages by operation of law, without regard to the circumstances of each case.

Judicial candidates are not permitted to take a position on issues that may come before the court. Because the issue of non-economic and punitive damages is likely to come before the court, I can only state the law as I know it without regard to my personal opinions on these matters.

There are distinctions between the different types of damages. Economic damages compensate a person for tangible losses such as medical expenses and loss of wages. Non-economic damages compensate injuries and losses that are not easily quantified by a dollar amount. They are also known as quality-of-life damages and include intangible harms such as severe pain, physical and emotional distress, disfigurement, and loss of the enjoyment of life that an injury has caused. Alternatively, punitive damages are aimed not at compensation but principally at retribution and deterring harmful conduct.