



ICJL 2012 Judicial Candidate Questionnaire

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

While an Assistant Attorney General, I was either first or second chair for many civil jury trials that went to verdict in U.S. District Court in Peoria, Springfield, Danville, as well as Chicago, Illinois. These cases would normally involve the defense of 42 U.S.C. §1983 cases that had been brought against Illinois Department of Corrections employees or Illinois State police officers.

My initial assignment at the United States Attorney's Office, was in the Appellate Division, where I wrote approximately one responsive appellate brief each month and then had the privilege of arguing each case before the Seventh Circuit Court of Appeals. As an Assistant U.S. Attorney, I would participate in grand jury investigations and trials. The trials included bank robberies, narcotic violations, wire and mail fraud, as well as public corruption cases. As the Deputy Chief of the Criminal Division in the United States Attorney's Office, I supervised 35 ambitious attorneys on a daily basis. This supervisory position required me to assist many attorneys with sensitive and lengthy grand jury proceedings and investigations, as well as the formulation of trial strategy. As a component of the supervision of other attorneys in their trial preparation, I was required to know the rules of criminal procedure and evidence, to insure that the assistants would be able to smoothly conduct trials and not unnecessarily create potential appellate issues. The U.S. Department of Justice appointed me as a trial instructor in 1990. In that capacity, I served as a trial instructor for Assistant United States Attorneys throughout the country.

While in private practice, I have concentrated my law practice on personal injury cases and more specifically on cases that involve catastrophic personal injuries stemming from medical negligence and product liability. I have taken hundreds of discovery and evidence depositions, of various witnesses, including expert witnesses and have tried many civil jury cases to verdict.

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.

Although I believe that my Integrity, Impartiality, Legal Ability and Temperament are all excellent, I believe that the most objective evaluation of each of these qualities/areas is best and most objectively made by other attorneys who have assessed me and my skills. I have received the "Highly Qualified" rating by the most prominent bar associations in Illinois and I look

forward to continuing to serve our community with the qualities and skills that I have worked to diligently develop in my 30 years of practicing law.

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

As a federal prosecutor, I was lead counsel in USA v. First Commodities Corp. et al. This was a RICO, mail and wire fraud case that involved the successful prosecution of numerous commodities traders/brokers who were involved in an extremely sophisticated \$600,000,000.00 fraud.

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

I will aggressively encourage successful attorneys to seek appointments to the bench or to pursue becoming elected to the bench so as to improve the quality of the judges that serve our community.

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?

Every system, whether civil or criminal, needs to be constantly reviewed in order to insure fairness for all, as no one system is perfect. All three branches of government must work with each other to identify the strengths and weaknesses of the civil system and improve on both. Per Canon 67, I am unable to formally respond to the remaining questions, as I may have to later rule on these issues.

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

Absolutely.

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 am and will be guided by the recent decision of the Illinois Supreme Court as it pertains to this specific issue. See, *Lebron v. Gottlieb Memorial Hospital*, 237 Ill.2d 217, 341 Ill.Dec.381, 930 N.E.2d 895 (2010). Per Canon 67, I am unable to formally respond to the remaining questions, as I may have to later rule on these issues.