



Illinois Civil Justice League

ICJL 2012 Judicial Candidate Questionnaire

Julie Line Bailey

Cook County Circuit Judge – 4th Subcircuit – Judgeship A

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

A candidate for Cook County Judge needs to have experience in civil as well as criminal law. This is no job for a specialized practitioner. In contrast to the other candidates in this race, I have significant civil and criminal experience, ranging from murder prosecutions and misdemeanor traffic cases as a State's Attorney to complex commercial class actions involving millions of dollars. I have represented recent immigrants and young children as well as Fortune 100 corporations and nationally known insurers. I have handled more than 80 appeals in the highest levels of our state and federal courts, and my trial experience gained me admission to the Federal Trial Bar. I have worked in a small partnership, as well as one of Chicago's most prestigious large law firms.

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.

A lawyer who does not believe he or she has the highest levels of integrity and impartiality should not be a candidate for the bench. In finding me "Qualified" for the Cook County Circuit Court, the Chicago Council of Lawyers recently observed that I am "well-respected" and noted for "good legal ability" as well as a "good temperament." I was named to the 2011 "Bar Register of Preeminent Women Lawyers" based upon recommendations from judges and attorneys, in an evaluation which assesses legal ability as well as ethics.

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

Looking back over a 21 year career as varied as mine, it is very difficult to pick one case as the one that has made me "most proud." I have comforted the families of murder victims who are assured that justice was done and the sentence was upheld, I have helped recover millions to provide for the lifetime care of an infant severely injured at the hands of third parties, I have protected a small family business from an adverse verdict that would have threatened its very existence.

However, as a mother of four, one pro-bono case particularly resonates with me. Years ago, I was on a team of lawyers who represented the family of a 8 year old child afflicted with cystic fibrosis whose health insurer denied their request for occupational "self-feeding" therapy, on the ground that a "feeding tube" was cheaper. I was thrilled to help secure coverage for the occupational therapy our young client needed to learn to eat independently, and I thought of that child's struggle every time I watched my own healthy children learn to handle a fork or spoon.

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

I would encourage qualified, experienced, civil attorneys to seek election or appointment to the bench. While the State's Attorney's office is a great place to get criminal jury trial experience, too many judges assume the bench with no understanding of civil discovery or motion practice. The People of Cook County need judges who have experience with discovery schedules, can understand complex civil issues and are not afraid to rule on dispositive pretrial motions. A practitioner with hundreds of criminal bench trials will be lost when confronted on the bench with a motion for class certification, or even a simple Rule 103(b) motion.

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?

This year, the General Assembly took an important step toward reducing congested small-claims dockets by amending the Insurance Code to require that all insurers writing policies in Illinois agree to resolve disputes about property damages by means of Intercompany Arbitration. See 215 ILCS 5/143.24d. This cost-savings measure was originally proposed for property damage cases up to \$10,000; however, to facilitate passage, the threshold was dropped to limit the law's application to cases involving \$2500 or less. Still, this may reduce crowding in the municipal courts.

I would also like to see Cook County consider adopting a step taken in neighboring DuPage County, which compels parties to subrogation actions involving two insurers to meet with their respective adjusters at a pretrial conference before an arbitration is set, to see if the underlying case can be settled before the expenses of arbitration are incurred.

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

I believe all the tools are there, but many judges are reluctant to use them. While every person has the right to come to court, and a lawsuit must never be dismissed out of convenience or haste, a judge should not be afraid to grant a dispositive motion terminating the

litigation or resolving the case by summary proceedings when appropriate under the facts and circumstances of a particular case. When the rationale for the dismissal or summary judgment is clearly articulated, the party who wishes to challenge the ruling may do so in the Appellate Court. Allowing meritless cases to linger in the hope that they may settle "some day" creates additional costs for the litigants and the taxpayer. A well-founded motion, brought in a timely fashion, may crystallize the issues and also facilitate meaningful settlement discussions.

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?

As a Cook County Circuit Court Judge, I would be bound by our Supreme Court's ruling in *LeBron v. Gottlieb Mem. Hosp.*, 237 Ill. 2d 217 (2010), and ethics rules preclude me from speculating or further discussing my positions on legal issues that may come before me as a judge.