



Illinois Civil Justice League

ICJL 2012 Judicial Candidate Questionnaire

James L. Kaplan Cook County Circuit Judge – 8th Subcircuit – Cole Vacancy

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

I have worked as a Judge since 2005, first in the Illinois Court of Claims, and in 2010, I was appointed to the serve as a Circuit Court Judge in Cook County's First Municipal District. I believe that my hands-on experience in the courtroom, my temperament and my integrity qualify me to continue serving as judge.

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: In 35+ years as an attorney, my integrity has never been questioned, and I have never had a complaint at the ARDC.

Impartiality: Each day in my court room I decide cases based on their merits alone, and I will continue to follow the law and act on an impartial basis.

Legal Ability: I exercise my legal ability on a daily basis in my court room, and I have been an attorney for over 40 years. Similar comments have been made by the Chicago Bar Association and the Chicago Council of Lawyers.

Judicial Temperament: I have been complimented on my judicial temperament on many occasions, and the Chicago Bar Association and the Chicago Council of Lawyers both cited my temperament in their letters of recommendation.

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

Dedaro v. The City of Chicago – 2010/2011 – Illinois Supreme Court (Petition for Leave to Appeal Denied)

This case, for the first time, authorized workers' compensation benefits for Cadets at the Chicago Police Academy.

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

In the First Municipal District where I serve, one issue we face is the uneven distribution of cases on a daily basis. Implementing a simple computer system which would distribute cases evenly among court rooms would assure a more expeditious resolution of cases, enhance the ability of judges to manage their court room and provide more time for each case that a judge hears.

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?

Yes. Regarding undocumented workers: In petty offenses such as those pending in traffic court, undocumented workers are not eligible for driver's licenses. A large number of undocumented workers appear in traffic court every day. Currently, there is no regulation of these drivers on the streets and roads of Illinois.

The Illinois legislature could remedy this situation, so that testing, both by written examination and road tests could be given to these drivers. In so doing, the Secretary of State would have more complete knowledge of the drivers on our streets, insurance for those drivers could be provided and public safety enhanced.

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 frivolous litigations have been reduced substantially, and now it is up to judges to enforce the current law and continue this trend.

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?

Yes. The Illinois Supreme Court has ruled that caps are unconstitutional. I believe there are distinctions.