



Illinois Civil Justice League

ICJL 2018 Judicial Candidate Questionnaire

Daniel Patrick Fitzgerald Cook County Circuit Court (13th Subcircuit) – Lawrence Vacancy

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

I am an accomplished litigation attorney with over 25 years of experience in public and private practice.

Upon graduating law school, I had the opportunity to clerk under a Cook County Circuit Court Judge in the Chancery Division. After that experience, I joined the Illinois Attorney General's office as an Assistant Attorney General. I served as a litigation attorney handling hearings and trials at the administrative, state, and federal levels. Serving as an Assistant Attorney General provided my litigation foundation, instilling in me principles that have stuck with me throughout my entire professional life.

After six years in the Illinois Attorney General's office, I was called upon by the Governor to serve the state in an official capacity. I served as Chief Legal Counsel for the Office of the Inspector General ("OIG") and Chief of the Bureau of Administrative Litigation in the Illinois Department of Healthcare and Family Services. In this capacity, I provided legal advice to the Inspector General's office on healthcare regulatory and compliance matters. I also participated in civil prosecutions and litigation enforcement actions against Medicaid providers, working with the United States Attorney's Office and the Illinois Medicaid Fraud Control Unit to root out Medicaid fraud and abuse. In 2004 alone, I helped secure over 75 sanctions, resulting in the removal of over 20 fraudulent providers from the Illinois Medicaid Program and the recovery of over \$24 million for Medicaid. In addition to my position at OIG, I also served as General Counsel and Legislative Liaison for the Illinois Racing Board.

I currently work as Senior Counsel for Walgreens, handling complex health care litigation across the nation and providing legal advice and counsel on health care litigation and regulatory issues. I also ensure company compliance with various health care laws, and help design and monitor the company's fraud and abuse compliance programs. I have become a sought after speaker on health care litigation topics, and am regularly invited to speak at national conferences.

With an educational background as well-rounded and diversified as my legal experience, I am prepared to serve as judge. I earned my Bachelor's Degree in Economics from the University of Illinois,

making the Dean's List five times and graduating with high honors. I earned my law degree from the University of Notre Dame, where I won the First Speaker Award twice at the Moot Court Competition and served as President and Treasurer of the Phi Alpha Delta Legal Fraternity. I then broadened my education and approach by earning a Master of Business Administration degree from DePaul University.

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.

I have had the privilege of sitting on committees that have evaluated judges, and in every instance, one of the most important qualities identified for any judge is "judicial temperament." Judges need to be approachable, professional in their demeanor, objective, and decisive. Over the years, I have worked with and appeared before many judges who have proper judicial temperament, and sadly some who do not. People dread going to courtrooms where judges do not embody these necessary qualities. I believe I have the proper judicial temperament to serve as judge, and I will strive to run a courtroom where people recognize that they can trust their judge to do what is right and equitable, and to do so in a respectful way.

I hold the legal system in the highest regard, believing wholeheartedly in the rule of law, the supremacy of facts, and the need for the fair administration of justice. I am hard working, strive for excellence, and have the temperament necessary to run a fair and respectful courtroom where all could be heard and all decisions would be made in a thoughtful, objective, and equitable manner. I believe that it is the role of our judges to apply the law, not create or rewrite law to fit their viewpoints. Unfortunately, all too often in Cook County, our judges are not following these principles. You can count on me to be fair and impartial, with no vested interest in who wins. I will simply apply the rule of law to the facts, and make decisions in a thoughtful and objective manner.

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

Smith v. Matlock, et al. (1995 -- while employed by the Illinois Attorney General's office)

I represented the defendants in this federal jury trial in the Northern District of Illinois. The plaintiff alleged that the defendants violated his civil rights pursuant to 42 U.S.C. Section 1983 by using excessive force against him. Following a full trial with witnesses, the jury rejected the plaintiff's claims and ruled for the defendants. I am proud of this case because the system worked properly and the jury reached the correct verdict.

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

The Illinois court system should advocate truth in damages awarded and eliminate the collateral source rule in personal injury cases. To

be equitable, plaintiffs should only recover the amount paid by insurance companies and not the amount billed by the health care providers.

In addition, we need hard-working, prepared, and dedicated judges who will move cases and give people their day in court. Citizens should have the opportunity to be heard, especially those awaiting trial, and justice should never be unnecessarily delayed, which is often the case in Cook County. I will be the hardest working judge in the county, running an appropriate court call and working tirelessly to reduce the county's backlog of cases.

Cook County residents need to know that their court system works for them. As Cook County Judge, I will make certain that the courts are working for the people.

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?

State Attorneys General offices should be more transparent when retaining outside counsel to serve as Special Assistant Attorneys General in litigation matters. For example, when selecting outside counsel, State Attorneys General should utilize a Request for Proposal or implement a similar open bidding process. This would reduce the likelihood that a State Attorney General's office would simply retain a politically connected plaintiff's firm to pursue the litigation.

Ideally, this change should be enacted through the legislature or through Constitutional amendment. Allowing the courts to impose such a change through judicial fiat would be non-democratic and contrary to the goal of increasing transparency in the process.

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

No, I do not believe that our system adequately deters and penalizes frivolous litigation. I would propose considering a process in which the unsuccessful party pays its opponent's reasonable litigation costs.

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?

No, I do not believe that the Illinois Constitution precludes the legislature from enacting reasonable limitations on civil damages. I disagree with Illinois Supreme Court decisions that struck down previous attempts at reasonable tort reform. The Illinois Legislature should revisit a discussion of prudent civil justice reform and caps on civil damages.