

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

James Edward Shadid

2. **Position**: State the position for which you have been nominated.

United States District Judge for the Central District of Illinois

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Peoria County Courthouse
324 Main Street, Room 215
Peoria, Illinois 61602

4. **Birthplace**: State year and place of birth.

1957; Peoria, Illinois

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1980 – 1983, The John Marshall Law School; J.D., 1983
1975 – 1979, Bradley University; B.S., 1979

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2001 – present
Circuit Court of Illinois, Tenth Judicial Circuit
Peoria County Courthouse
324 Main Street, Room 215
Peoria, Illinois 61602
Circuit Judge

2004 – present
Bradley University
1501 West Bradley Avenue
Peoria, Illinois 61606
Adjunct Faculty

1983 – 2001
James E. Shadid Law Office
456 Fulton Street, Suite 192
Peoria, Illinois 61602
Sole Practitioner

1996 – 2001
Illinois Court of Claims
630 South College Street
Springfield, Illinois 62756
Commissioner (part-time)

1986 – 2001
Office of the Peoria County Public Defender
416 Main Street, Suite 300
Peoria, Illinois 61602
Assistant Public Defender (part-time)

1989 – 1990
Rose, Shadid & Boucher
627 Commerce Bank Building
Peoria, Illinois 61602
Law Partner

Mid 1980s (approximately two years)
Office of the Attorney General of Illinois
500 South Second Street
Springfield, Illinois 62706
Assistant Attorney General (part-time, handled estate matters)

Summer 1982
Parker & Halliday Attorneys
411 Hamilton Boulevard
Peoria, Illinois 61602
Law Clerk

Summer 1981
Heyl, Royster, Voelker and Allen
124 Southwest Adams Street, Suite 600
Peoria, Illinois 61602
Law Clerk

1979 – 1980
Joseph Abraham and Sons Amusement
922 Detweiller Drive
Peoria, Illinois
Route Collector

Summer 1979
San Francisco Giants
24 Willie Mays Plaza (current address)
San Francisco, California 94107
Minor League Baseball Player (assigned to Great Falls, Montana)

Other Affiliations (uncompensated)

1986 – 1989
PARC (formerly Peoria Association for Retarded Citizens, Inc.)
1913 West Townline Road
P.O. Box 3418
Peoria, Illinois 61612
Board of Directors

1994 – 1996
Pediatric Resource Center
530 N.E. Glen Oak Park Avenue
Peoria, Illinois 61637
Board of Directors

1992 – 1995
Greater Peoria Sanitary District
2322 South Darst Street
Peoria, Illinois 61607
President (1994)
Board of Directors (1992 – 1995)

1991 – 2001
Boys & Girls Clubs of Greater Peoria, Inc.
806 East Kansas Street
Peoria, Il 61603
President (2000 – 2001)
Board of Directors (1991 – 2001)

1998 – 2001
St. Thomas Parish Council
904 E. Lake Ave
Peoria Heights, Il 61616
Vice-President (2000-2001)
Board of Directors (1998 – 2001)

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the United States Military. I have not registered for selective service because I was born during a period when I was not required to do so.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Sheriff Schofield Community Service Award (2007)
Forty under Forty Award, InterBusiness Issues (1995)
Bradley University Athletic Hall of Fame (1984)
Baseball Scholarship to attend Bradley University (1975 – 1979)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Abraham Lincoln Inn of the Court
American Bar Association
Illinois State Bar Association
Illinois Trial Lawyers Association
Peoria County Bar Association
Special Supreme Court Committee (Illinois) on Capital Cases (2010)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Illinois, 1983

There has been no lapse in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse

in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Seventh Circuit, 1984
United States District Court for the Central District of Illinois, 1983
Supreme Court of Illinois, 1983

There has been no lapse in membership.

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Peoria Association for Retarded Citizens (1986 – 1989)

Pediatric Resource Board (1994 – 1996)

Greater Peoria Sanitary District (1992 – 1995)
President (1994)

Boys & Girls Club of Greater Peoria (1991 – 2001)
President (2000 – 2001)

Mt. Hawley Country Club; Peoria, Il (1990 – 1993) & (1996 – present)

Old Timers Baseball Association (1985 – present)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

None of the organizations listed above discriminate on the basis of race, sex, religion, national origin, ethnicity, or sexual orientation.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

None that I can recall or have been able to identify.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None that I can recall or have been able to identify.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None that I can recall or have been able to identify.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

As a judge, I have made it my practice to be involved in my community and to speak frequently to civic groups, students, and others, usually about the work of the judiciary. The list below is of all such speeches or talks I have been able to identify from my recollection, my files, and Internet searches, but there may be others that I was unable to find. All of my speeches have taken place in Peoria, Illinois.

May 2009. Speech to Summa Cum Laude dinner, Bradley University. Text supplied.

August 20, 2009. Speech to Kiwanis Club, Peoria Castle Lodge, on drug awareness. No text.

Fall 2008. Appeared with Judge Mark Drummond and Judge Paul Gilfillan at Peoria Notre Dame High School. Judge Drummond presented an Illinois Judges Association sponsored program called "Seven Reasons to Leave the Party." Judge Gilfillan and I did not present but we participated in a question and answer session after Judge Drummond's presentation. No text.

October 2006. Speech to Easter Seals Dinner honoring my parents for their work with autistic children, Peoria Civic Center. Text supplied.

May 2006. Speech to Woodruff High School. No text.

2006. Speech to Kiwanis Club, Jumers Castle Lodge. No text.

March 3, 2006. Speech to Peoria High School on making good choices. Text and coverage from the *Peoria Journal Star* supplied.

August 2005. Speech to Mitchell Anderson All-Star Basketball Camp. Coverage from the *Peoria Journal Star* supplied.

May 2004. Speech to Richwoods High School National Honor Society, Vonachen's Old Place. Text supplied.

March 2004. Speech to Illinois High School Association State Basketball Tournament Banquet, Pere Marquette Hotel. Text supplied.

February 12, 2004, "Dialogue on Freedom," South-West Kiwanis Club, Peoria Castle Lodge Restaurants.

2004. Panelist, "View from the Bench," (civil law) Continuing Legal Education, Peoria County Bar Association. No text.

2003. Speech on the Judiciary. South-West Kiwanis, Jumers Castle Lodge. Text supplied.

November 2002. "Dialogue on Freedom," Speech to the Optimist Club. Text supplied.

October 2002. "Dialogue on Freedom," Remarks at Bradley University as part of national program exploring American values and civic traditions through classroom dialogue with lawyers and judges. No text.

October 23, 2002. "Dialogue on Freedom," Speech to Kiwanis Club, Jumers Castle Lodge. Text supplied.

October 10, 2002. Speech to Rotary Club, Barrack's Cater Inn. Text supplied.

2002. Panelist, "View from the Bench," (family law) Continuing Legal Education, Peoria County Bar Association. No notes.

December 2002. Remarks upon being sworn in as a judge. No text.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have given interviews only infrequently, but have not kept records of when I have done so. I have compiled the following list based on my recollection and searches of my files and Internet databases, but there may be others I have been unable to identify. Copies of all clips are supplied.

DeWayne Bartels, "Fewer Smiles and Passes in Courtrooms," PEORIA TIMES-OBSERVER, Aug. 13, 2008

Andy Kravetz, "Peoria Judges Streamline Court Time – Time Waiting for Trial Could be Cut by One-Third," PEORIA JOURNAL STAR, June 16, 2007

Terry Bibo, "Court Aims to Organize the Chaos," PEORIA JOURNAL STAR, Feb. 25, 2007

Terry Bibo, "Courthouse Clog? Call Judge Drano," PEORIA JOURNAL STAR, Feb. 11, 2007

Molly Parker, "Koehler Sworn in Early to Replace Shadid in Illinois Senate – Extra Seniority Will Give Him an Edge Against Other Newcomers," PEORIA JOURNAL STAR, Dec. 5, 2006

Phil Luciano, "Gun-Toting Kids Put Judge on the Spot," PEORIA JOURNAL STAR, May 25, 2006

Dave Haney, "Judge: Students All Have a Choice – Shadid Encourages Teens to Steer Clear of Crime," PEORIA JOURNAL STAR, Mar. 4, 2006

"George Shadid Had Three Careers in One Lifetime," PEORIA JOURNAL STAR, Oct. 3, 2005

Dave Reynolds, "Former Manual Player's Lessons Lead to the Sideline – Booth Tells Camp About Path From High School to the Pros as He Moves to the ICC Bench," PEORIA JOURNAL STAR, Aug. 3, 2005

Daniel C. Vock, "His Instincts as Lawyer Derive From Home Life," CHICAGO DAILY LAW BULLETIN, Feb. 4, 2004

Andy Kravetz, "Taps for Raps – The Banging of a Gavel, the Universal Symbol of a Judge's Authority, is Rarely Heard Nowadays," PEORIA JOURNAL STAR, Oct. 2, 2003

Jennifer Davis & Sonya Klopfenstein, "Word on the Street – Counties to Play Ball for Charity," PEORIA JOURNAL STAR, July 14, 2003

Sharon Oberholtzer, "Decorations by Mother Nature – Here's Pour Local Guide to Every Kind of Wedding Under the Sun," PEORIA JOURNAL STAR, July 10, 2003

Andy Kravetz, "James Shadid Secures 10th Circuit Judgeship," PEORIA JOURNAL STAR, Nov. 6, 2002

Andy Kravetz, "10th Circuit Court Judge – Courson Vacancy – Shadid, Thorbjornsen Seek to Replace Retired Judge Courson," PEORIA JOURNAL STAR, Nov. 2, 2002

Andy Kravetz, "10th Circuit Court Judge Courson Vacancy – James Shadid (D) – Charles Thorbjornsen (R)," PEORIA JOURNAL STAR, Nov. 2, 2002

Scott Mansch, "Down on the Farm," GREAT FALLS TRIBUNE, June 9, 2002

Michael Miller, "Lawyers: Pope's Plea is 'Impractical' – Judge, Attorneys Sound Off on Call to Shun Divorce Cases," PEORIA JOURNAL STAR, Jan. 30, 2002

Adriana Colindres, "Judge Candidate Named to Bench – James Shadid Replaces Courson, Will Run For Full Term," PEORIA JOURNAL STAR, Dec. 1, 2001

Anne M. Glenzer, "Sword-Wielding Central Illinois Man Pleads Guilty to State Trooper's Attempted Murder," COPLEY NEWS SERVICE, June 2, 2000

Jeff Coen, "Answers Still Elude Parents of Student Killed at Knox; Naperville Family Finds Comfort in Faith, Friends," CHICAGO TRIBUNE, Sept. 5, 1999

Jeff Coen, "Ex-Student Admits Killing Man, 19, Tells Judge He Was Mentally Ill," CHICAGO TRIBUNE, June 8, 1999

"Las Vegas Man Pleads Guilty in Illinois Beating Death of Woman," LAS VEGAS REVIEW-JOURNAL, June 8, 1999

Jeff Coen, "Lawyers of Knox Murder Suspect Can't Quit; Trial Date Set in Death of Naperville Woman," CHICAGO TRIBUNE, May 28, 1999

Kari Siegle, "Judge Says Murder Defendant's Attorneys Must Stay; Judge Orders Both to Represent Man Charged with Killing Knox Student," PEORIA JOURNAL STAR, May 28, 1999

Jeff Coen, "Knox Murder Defendant Allowed to Represent Himself," CHICAGO TRIBUNE, May 18, 1999

Jeff Coen, "Knox Slaying Suspect Wants to be His Own Attorney," CHICAGO TRIBUNE, Apr. 28, 1999

Jeff Coen, "Homicide Suspect Faces New Exams; Man's Mental Fitness for Knox Trial Uncertain," CHICAGO TRIBUNE, Mar. 18, 1999

Jeff Coen, "State Seeks Mental Exam of Slaying Suspect," CHICAGO TRIBUNE, Dec. 16, 1998

Jeff Coen, "Insanity Defense Eyed in Knox College Killing," CHICAGO TRIBUNE, Dec. 4, 1998

Jeff Coen, "Knox College Slaying Trial Set; Judge Finds Suspect, 19, Mentally Fit," CHICAGO TRIBUNE, Nov. 19, 1998

Jeff Coen, "Mental Fitness Ruling Delayed; More Evaluation OK'd on Man Accused of Slaying Knox Student," CHICAGO TRIBUNE, Aug. 27, 1998

Jeff Coen, "Judge to Decide Fitness of Slaying Suspect After All," CHICAGO TRIBUNE, June 2, 1998

Janan Hanna, "Jury to Rule if Man is Fit for Trial in Knox Death; Naperville Student was Slaying Victim," CHICAGO TRIBUNE, May 28, 1998

Scott Hilyard, "Siblings of Famous Killer Write Book," COPLEY NEWS SERVICE, May 28, 1998 (this story describes me as a putative co-author of a book about a high-profile criminal case; although I understand that the would-be publisher circulated a soft-cover draft for promotional purposes, I never wrote any material for it and the book was not published)

Jim Stahly Jr., "Cunanan's Family Doesn't Understand Killing Spree," THE PANTAGRAPH, Aug. 9, 1997

Mark Fitton, "Peoria Attorney Representing Cunanan Family," COPLEY NEWS SERVICE, Aug. 7, 1997

Tim Meidroth, "Simpson Trial Tactics May Ripple Into Illinois; Lyons, Others See No Reason Why Racism Defenses Won't Increase," PEORIA JOURNAL STAR, Oct. 5, 1995

"Varying Views of Justice Evident in Area; Simpson Verdict Prompts Frank Comments on System," PEORIA JOURNAL STAR, Oct. 4, 1995

Mark Fitton, "Peculiar Verdict Ends Murder Trial; One Ruling of Guilt, One of Innocence for Peorian Appear to be Legally Inconsistent," PEORIA JOURNAL STAR, Apr. 16, 1992

George Geise, "Giants' Shadid Steals Bases . . . Legally," GREAT FALLS TRIBUNE, June 1979 (approximately).

In 2007, I gave an interview to WCBU Radio about our court reorganization. I have no transcript or recording.

In 2002, I completed a questionnaire for judicial candidates, a copy of which is supplied. I also met with the editorial board of the *Peoria Journal Star*. I have no material to provide from that meeting.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have served as a Circuit Judge for the Tenth Judicial Circuit, State of Illinois, since December 2001. On December 1, 2001, I was appointed by the Illinois Supreme Court to fill a vacancy created by the retirement of Judge Donald Courson. On November 5, 2002, I was elected to a full six-year term as Circuit Judge. On November 4, 2008, I was retained for a second six-year term as Circuit Judge. The 10th Judicial Circuit is made up of Peoria, Tazewell, Stark, Putnam and Marshall Counties. The Circuit encompassed all trial courts in these counties, including felony, civil, family, juvenile, traffic and probate courts. Peoria and Tazewell Counties also have drug courts.

From 1996 to 2001, I served as a Commissioner of the Court of Claims, State of Illinois. I was appointed by Governor Jim Edgar. I presided over cases brought against the State of Illinois and made recommendations to the Court of Claims.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

I have presided over approximately 300 criminal jury and bench trials. I have presided over thousands of additional pleas and sentencings during my time as a judge.

- i. Of these, approximately what percent were:

jury trials:	75%
bench trials:	25%
civil proceedings:	10%
criminal proceedings:	90%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

In the Illinois circuit courts, judges do not typically issue opinions. It is routine that findings, or rulings, are made from the bench and announced in open court, on the record, and transcribed by the court reporter or the electronic recording. The list below consists of written opinions I was able to identify from my files.

Civil Cases

Garzee v. Crane Inc., No. 01 L 201
Adams v. City of Peoria, No. 02 CH 207; No. 3 06 0778
Wolfram v. Jones, No. 00 L 94
Bennett v. Kabatay, M.D., No. 01 L 450
Irby v. Halverson Construction; Hanson Professional Services and Midwest Foundation, No. 00 L 397; No. 01 L 4; No. 00 L 442 (consolidated cases)
McClaskey v. Rapid Americian, No. 02 L 257
McClaskey v. Sprinkman Sons Corp, No. 02 L 257
Ramirez v. Smart Corp, No. 01 L 385
Downs v. Clayton House Motel, Inc., No. 02 LM 1363
Wolcott v. Carroll, No. 00 CH 258
Barlow v. Newmar Corp., No. 01 L 378
Clark v. Bell, No. 06 L 183
Funk v. First American Title, No. 02 LM 336
Hamlin v. Harbaugh Enterprises, No. 00 L 121
Johnson v. OSF Healthcare System, No. 03 L 122

Criminal Cases

People v. Bailey, No. 04 CF 825
People v. Bell, No. 95 CF 248
People v. Alexander, No. 05 CF 80
People v. Foster, No. 05 CF 1420

People v. Sims, No. 06 CF 235
People v. Pruitt, No. 05 CF 446

Domestic Relations Cases

McDonough v. McDonough, No. 01 D 770
Brignall v. Brignall, No. 03 D 272
In Re Clark, No. 02 D 487
In Re Hillyer, No. 91 D 1005
Fairow v. Fairow, No. 02 D 93
Peters v. Peters, No. 89 D 397
In re Anderson, No. 01 D 409
In re Barker, No. 02 D 481
In re Bergman, No. 89 D 63
In re Carter, No. 02 D 789
In re Clark, No. 01 D 629
In re Colloton, No. 95 D 471
In re Conklin, No. 02 D 209
In re Crane, No. 93 D 371
In re Crusen, No. 99 D 21
In re Dixon, No. 01 D 449
In re Duhs, No. 03 D 269
In re Ellis, No. 01 D 633
In re Evans, No. 96 D 884
In re Foster, No. 02 D 575
In Re Giberson, No. 02 D 509
In re Hafley, No. 99 D 769
In re Holm, No. 02 D 219
In re Hussain, No. 98 D 633
In re Hussain, No. 98 D 633
In re Jones, No. 01 D 862
In re Jones, No. 02 D 513
In re Kileli Hill, No. 02 AD 171
In re Leeper, No. 98 D 319
In re Martin, No. 01 D 843
In re McIntosh, No. 02 D 25
In re Nanninga, No. 02 D 449
In re Pottorf, No. 00 D 299
In re Sarmiento, No. 97 D 391
In re Schermann, No. 89 D 257
In re Sleevar, No. 02 D 359
In re Smith, No. 91 D 391
In re Smith, No. 95 D 728
In re Storck, No. 00 D 665
In re Taylor, No. 02 D 427
In re West, No. 96 D 567

In re White, No. 02 D 61
In re Winberry, No. 92 D 781

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *People v. Bright*, No. 05 CF 83. The defendant was charged with the murder of eight females who had been kidnapped and killed, and whose bodies had been burned. Although the State originally sought the death penalty, prosecutors agreed to a negotiated guilty plea on seven counts of first-degree murder and one count of drug-induced homicide. I imposed eight life sentences in prison.

The State's Attorneys were Kevin Lyons and Assistants Nancy Mermelstein and Dave Gast, Office of the State's Attorney, Peoria County Courthouse, Peoria, IL 61602, Tel: (309) 672-6900. The defense attorney was James Elmore, 808 S. Second St. Springfield, IL 62704, Tel: (217) 523-2340.

2. *People v. Sargent*, No. 08 CF 200. The defendants were charged with neglecting and starving their five-month-old child. The infant died after being without food and water for seven days. After a bench trial, I found the father guilty and sentenced him to 100 years in prison. Pursuant to a plea agreement, the mother pleaded guilty, and I imposed a sentence of fifty years in prison.

Father's case: The Assistant State's Attorneys were Nancy Mermelstein and Donna Cruz, Office of the State's Attorney, Peoria County Courthouse, Peoria, IL 61602, Tel: (309) 672-6900. The defense attorney was William Loeffel, Williams, Williams & Loeffel, P.C., 139 E. Washington St., East Peoria, IL 61611, Tel: (309) 694-3196.

Mother's case: The State's Attorney was Kevin Lyons. Office of the State's Attorney, Peoria County Courthouse, Peoria, IL 61602, Tel: (309) 672-6900. The defense attorney was Thomas J. Penn, Jr., 416 Commerce Bank Bldg, Peoria, IL 61602, Tel: (309) 674-9332.

3. *People v. Miller*, No. 09 CF 454. The defendant, who had an extensive criminal history, was charged with trafficking over 140 pounds of cannabis. A jury found him guilty. I sentenced him to twenty-six years in prison.

The Assistant State's Attorneys were Jodi Hoos and Jeff Manderscheid, Office of the State's Attorney, Peoria County Courthouse, Peoria, IL 61602, Tel: (309) 672-6900. The defense attorneys were Stanley Hill, 651 W. Washington Blvd. Chicago, IL 60661, Tel: (312) 917-8888; and Karen Kamp and Cassandra Justice, 416 Main St. Peoria, IL 61602, Tel: (309) 497-3315.

4. *People v. Bradley*, No. 06 CF 949. The defendant was charged with heinous battery and aggravated domestic battery for torturing his wife over a two week period. A jury found the defendant guilty and I imposed the maximum sentence of fifty-nine years in prison.

The Assistant State's Attorney was Larry Evans, Office of the State's Attorney, Peoria County Courthouse, Peoria, Il 616102, Tel: (309) 672-6900. The defense attorneys were Kevin Sullivan, Janssen Bldg., 3d Floor, Peoria, Il 61602, Tel: (309) 696-2500 and Collette Bailey, Office of the Public Defender, 416 Commerce Bank Bldg., Peoria, Il 61602, Tel: (309) 674-9332.

5. *People v. Wright*, No. 06 CF 20. The defendant was charged with murder. During a drug deal, he stole money and shot and killed the buyer. His co-defendant testified against him and he was found guilty by a jury verdict. I sentenced him to sixty years in prison.

The Assistant State's Attorney was Nancy Mermelstein, Office of the State's Attorney, Peoria County Courthouse, Peoria, Il 616102, Tel: (309) 672-6900. The defense attorney was Collette Bailey, Office of the Public Defender, 416 Commerce Bank Bldg., Peoria, Il 61602, Tel: (309) 674-9332.

6. *People v. Cromick*, No. 08 CF 1090. The defendant, a 24 year old soccer coach of a high school girls soccer team, was charged with Aggravated Criminal Sexual Abuse. Specifically, he was charged with committing an act of sexual conduct with a 16-year-old player on his team. The defendant denied the allegations, claiming he was being set up. The student testified as to the consensual nature of the conduct. Even though consensual, the age of the student made this act a felony by statute. A jury found the defendant guilty and I sentenced him to four years imprisonment. The Assistant State's Attorney was Brian Fitzsimmons, Office of the State's Attorney, Peoria County Courthouse, Peoria, Il 61602, Tel: (309) 672-6900. The defense attorney was Joel Brown, 416 Main Street, Suite 1300, Peoria, Il 61602, Tel 309-673-4357.

7. *People v. Satterwhite*, No. 04 CF 1179. Upon his release from a Michigan prison where he had been incarcerated on a prior conviction, the defendant returned home to Peoria where he beat and sexually assaulted his mother. A jury found him guilty and I sentenced him to thirty years in prison.

The Assistant State's Attorney was Nancy Mermelstein, Office of the State's Attorney, Peoria County Courthouse, Peoria, Il 61602, Tel: (309) 672-6900. The defense attorney was Robert Gaubas (no longer practicing law).

8. *People v. McCottrell*, No. 08 CF 102. The defendant in this case was charged with robbery of a pharmacy. Surveillance video had captured the defendant walking up a set of stairs to the store manager's office, where he repeatedly

assaulted the store manager on the head with a hammer, took money and left. After a bench trial, I found the defendant guilty and sentenced him to thirty years in prison.

The Assistant State's Attorney was Seth Uphoff, Office of the State's Attorney, Peoria County Courthouse, Peoria, IL 616102, Tel: (309) 672-6900.

The defense attorney was Collette Bailey, Office of the Public Defender, 416 Commerce Bank Bldg., Peoria, IL 61602, Tel: (309) 674-9332.

9. *People v. Harris* (04 CF 897). The defendant was charged with armed robbery in a local bar. He was found guilty by jury verdict and sentenced to twenty-four years in prison. The defendant appealed his conviction over an issue of admissibility of prior juvenile adjudications. The Appellate Court of Illinois, Third District, and the Supreme Court of Illinois affirmed my rulings. 901 N.E.2d 367 (Ill. 2008).

The Assistant State's Attorney was Jodi Hoos, Office of the State's Attorney, Peoria County Courthouse, Peoria, IL 616102, Tel: (309) 672-6900. The defense attorney was Gary Morris, 411 Hamilton Blvd. Peoria, IL 61602-3100, Tel: (309) 676-1594.

10. *People v. Williams*, No. 07 CF 111. Under the pretense of a drug deal, the defendant, along with three other individuals, planned to rob the occupants of a residence. The principal defendant and three accomplices entered the building, encountered the victim cooking dinner, and killed the victim when he approached the door. I imposed a life sentence on the principal defendant.

The Assistant State's Attorney was Jodi Hoos, Office of the State's Attorney, Peoria County Courthouse, Peoria, IL 616102, Tel: (309) 672-6900. The defense attorney was William Loeffel, Williams, Williams & Loeffel, P.C., 139 E. Washington St., East Peoria, IL 61611, Tel: (309) 694-3196.

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *Garzee v. Crane*, No. 01 L 201. Counsel for Garzee were Lisa Corwin and Andrew Kelly, Walker & Wylder, 207 W. Jefferson St., #200, Bloomington, IL 61701, Tel: (309) 828-5099. Counsel for Crane was Thomas Burns, O'Connell and Assoc., 645 Tollgate Rd., #220, Elgin, IL 60123, Tel: (847) 741-4603.

2. *Adams v. City of Peoria*, Nos. 02 CH 207 & 3-06-0778. Counsel for Adams was George Galland, Jr., Miner, Barnhard and Galland, 14 W. Erie St., Chicago, IL 60610, Tel: (312) 751-1170. Counsel for City of Peoria was David Jones, Hinshaw & Culbertson LLP.

3. *Ramirez v. Smart Corp*, No. 01 L 385. Counsel for Ramirez was Cusack, Gilfillan & O'Day, 415 Hamilton Blvd., Peoria, IL 61602, Tel: (309) 637-5282. Counsel for Smart was Stephen Heine, Heyl, Royster, Voelker & Allen, 124 SW Adams St., Peoria, IL 61602, Tel: (309) 676-0400.

4. *McDonough v. McDonough*, No. 01 D 770. Wife's counsel was Gerald Brady, 1133 N. North St., Peoria, IL 61606, Tel: (309) 674-0821. Husband's counsel was David Benckendorf, 101 NE Randolph Ave., Peoria, IL 61606, Tel: (309) 673-0797.

5. *Brignall v. Brignall*, No. 03 D 272. Wife's counsel was John Vespa, 411 Hamilton Blvd., Suite 1900, Peoria, IL 61602, Tel: (309) 671-0700. Husband's counsel was David Lynch, Lynch & Bloom P.C., 411 Hamilton Blvd., Suite 1300, Peoria, IL 61602, Tel: (309) 673-7415.

6. *People v. Bailey*, No. 04 CF 825. The Assistant State's Attorney was Nancy Mermelstein, Office of the State's Attorney, Peoria County Courthouse, Peoria, IL 61602, Tel: (309) 672-6900. Counsel for Bailey was Marcia Straub, 411 Hamilton Blvd., Suite 1936, Peoria, IL 61602, Tel: (309) 637-8240.

7. *People v. Bell*, No. 95 CF 248. The Assistant State's Attorney was Joe Bembenek, Office of the State's Attorney, Peoria County Courthouse, Peoria, IL 61602, Tel: (309) 672-6900. Counsel for Bell was Marcia Straub, 411 Hamilton Blvd., Suite 1936, Peoria, IL 61602, Tel: (309) 637-8240.

8. *People v. Foster*, No. 05 CF 1420. The Assistant State's Attorney was Joe Bembenek, Office of the State's Attorney, Peoria County Courthouse, Peoria, IL 61602, Tel: (309) 672-6900. Counsel for Bell was Marcia Straub, 411 Hamilton Blvd., Suite 1936, Peoria, IL 61602, Tel: (309) 637-8240.

9. *In Re Clark*, No. 02 D 487. Wife's counsel was David Lynch, Lynch & Bloom P.C., 411 Hamilton Blvd., Suite 1300, Peoria, IL 61602, Tel: (309) 673-7415. Husband's counsel was Drew Parker, 411 Hamilton Blvd., Suite 1900, Peoria, IL 61602, Tel: (309) 673-0069.

10. *Peters v. Peters*, No. 89 D 397. Wife's counsel was David Lynch, Lynch & Bloom P.C., 411 Hamilton Blvd., Suite 1300, Peoria, IL 61602, Tel: (309) 673-7415. Husband's counsel was Philip Jaeger, 416 Main St., Suite 727, Peoria, IL 61602, Tel: (309) 673-8108.

- e. Provide a list of all cases in which certiorari was requested or granted.

I am not aware of any case I decided in which certiorari was requested of or granted by the Supreme Court of the United States.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

As a trial judge, I have sought to apply the law to the facts in each case before me and have not tracked appeals and reversals. To prepare my answer to this question, I supplemented the cases I recalled by requesting from the Appellate Court of Illinois (Third District) a report of appeals of cases over which I presided.

I recall the following reversals in detail:

People v. Alexander, 05 CF 80 and No. 3-08-0373. The Appellate Court found that I had erred in sentencing a defendant to 24 years imprisonment for discharge of a firearm and unlawful use of a weapon by treating the occurrence of the crime in a school (where the defendant shot five times at the victim while chasing him through school hallways where other teachers and students were present) as an aggravating factor. On remand, I imposed the same sentence based on the number of shots fired and the circumstances of the offense. The Appellate Court reduced the sentence to six years.

People v. Newborn, 379 Ill. App. 3d 240 (Ill. App. Ct 2008). The Appellate Court remanded for a new trial on armed robbery charges, finding that I had improperly refused to allow impeachment of a witness with the witness' juvenile felony adjudications.

Lulay v. Parvin and Walters Bros. Harley-Davidson, Inc., No. 00-L-318, 834 N.E.2d 989 (Ill. App. Ct. 2005). The Appellate Court reversed my grant of summary judgment, finding a genuine issue of material fact created by the language in a release of claims for injuries occurring during demonstration rides of motorcycles.

Adams v. City of Peoria, 228 Ill. 2d 529 (Ill. App. Ct. 2008). The Appellate Court reversed my decisions on cross-motions for summary judgment in this breach of contract case.

People v. Holley, 879 N.E.2d 530 (Ill. App. Ct. 2007). The Appellate Court remanded for hearing on an ineffective assistance of counsel claim, which was based on defendant's assertion that he had told his attorney he wanted a bench trial rather than a jury trial on charges of aggravated criminal sexual assault, and for resentencing in light of a citation to an incorrect code subsection.

Although there may be others I have been unable to identify, I generated the following list of other reversals from the Appellate Court report of appeals from my cases and from my notes:

People v. Thompson, No. 3-05-0205 (reverse/remand)
People v. Wooten, No. 3-05-0295 (remand for hearing post-conviction)
People v. Jackson, Nos. 3-05-0301 & 3-05-0338 (remand for hearing post-conviction)
People v. Lilly, No. 3-05-0435 (remand ineffective assistance of counsel)
People v. Woods, No. 3-06-0120 (remand for hearing post-conviction)
People v. Pruitt, No. 3-06-0765 (remand for hearing post-conviction)
People v. Younger, No. 3-07-0114 (reversed – remand new trial)
People v. Young, No. 3-7-0331 (remand ineffective assistance of counsel)
People v. Alexander, No. 3-08-0373 (affirmed judgment, reduced sentence)
People v. Brown, No. 3-09-0225 (remand 604(d) certificate)
People v. McDonald (remand 604(d) certificate)

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

As is typical in Illinois circuit courts, I make most rulings and decisions from the bench, in open court, on the record for transcription by the court reporter or recording by electronic device. My rulings and decisions are almost always accompanied by my reasoning. All of my written opinions have been unpublished.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

None.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

Our court does not employ an automatic recusal system. Recusal is governed by the procedures and guidelines in Rule 63 of the Illinois Code of Judicial Conduct, and as provided by statute. I also undertake my own analysis about any potential conflict or appearance of conflict based on the facts and circumstances of each case.

The Code of Conduct, Rule 63c, sets a time frame for recusal as it pertains to prior representation of a party or a witness. In these instances, strict compliance with the Rule resolves any appearance that impartiality might reasonably be questioned.

In other instances of prior representation, outside of the time frame requiring recusal, I have in each case made full disclosure on the record and in open court. In some cases, I have made the full disclosure in open court and then allowed the parties to make a determination as set forth in our Code of Conduct. In other cases, I have recused myself in the first instance.

Illinois Supreme Court Rule 402 allows the court to become involved in plea discussions in criminal cases where the defendant requests and the State consents to such involvement. After a record is made, and if the 402 conference occurs, there is a procedure for recusal if the court has given conditional concurrence to a negotiated plea and later withdraws that conditional concurrence.

Illinois also has a statute that allows a party an automatic substitution of judge if done within 10 days of the case being placed on the judge's call.

Although I have not kept records of cases in which I recused myself or in which my recusal was requested, I recall three specific cases:

People v. Hinkle, Nos. 08 CF 62; 08 CF 187; 08 CF 256. I recused myself sua sponte. Hinkle was charged with several counts of aggravated sexual assault and the case was assigned to my courtroom. During the pretrial portion, the case became an issue in the contested State's Attorney's race. The defense filed motions for change of venue and requests for certain information. In particular, the defense stated an intent to subpoena

Darin LaHood (the challenger) as a witness for these hearings. Given that I know both Mr. LaHood and Mr. Kevin Lyons (the incumbent), I recused myself from the case.

People v. Herndon, No. 09 CF 1046. The defendant moved for substitution of judge pursuant to 725 ILCS 5/114-5, which, upon motion of a party, provides for an automatic substitution of judge within 10 days of a matter being placed on the judges trial call. The statute does require the defendant to state a reason if the motion is timely filed.

Ruch v. Ruch, No. 04 D 225. Defendant Ruch was a lawyer in Kankakee, Illinois, involved in this contentious divorce proceeding with his wife. The Kankakee County courts looked for a judge from out of the area to handle the case. When I took the case, Mr. Ruch moved to recuse me. I do not know why. To avoid having the matter delayed, another judge from our circuit took over the case.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held public office other than judicial office. In 1990, I was unsuccessfully a candidate for Circuit Judge of the Tenth Judicial Circuit, State of Illinois. I have had no other unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

Volunteer, Edward Kennedy for President, Peoria, Illinois, 1980. I distributed literature, put up signs and spoke at campaign events throughout central Illinois.

Volunteer, Neil Hartigan for Attorney General of the State of Illinois, Chicago, Illinois, 1982. I distributed literature.

Volunteer, George Shadid for Peoria County Sheriff, Peoria, Illinois, 1976-1978-1982-1986 and 1990. I distributed literature, put up signs and spoke at campaign events.

Volunteer, George Shadid for Illinois State Senate 46th District, Peoria, Tazewell and Fulton counties, 1994-1996-2000-2004.

Candidate, James E. Shadid for Circuit Judge, Peoria, Illinois, 1990 (lost).

Candidate, James E. Shadid for Circuit Judge, Peoria, Tazewell, Marshall, Putnam and Stark counties, 2002 (won).

Candidate, James E. Shadid for retention for Circuit Judge, Peoria, Tazewell, Marshall, Putnam and Stark counties, 2008.

Volunteer, Joe McDade for Circuit Judge, 1998. My wife and I hosted a neighborhood gathering for Judge McDade.

I was a member of the Young Democrats in the mid 1980s and early 1990s. I attended various local political functions.

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I did not serve as clerk to a judge.

ii. whether you practiced alone, and if so, the addresses and dates;

I was a sole practitioner from 1983 to 2001 at the following addresses:

456 Fulton, Suite 192, Peoria, Il 61602 (1994-2001)

627 Commerce Bank, Peoria, Il 61602 (1990-1994)

456 Fulton, 2d Floor, Twin Towers, Peoria, Il 61602 (1984-1990)

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

Mid 1980s (approximately two years)

Office of the Attorney General of Illinois

500 S. Second St.

Springfield, Illinois 62706

Assistant Attorney General (part-time, handled estate matters)

1986 – 2001
Office of the Peoria County Public Defender
416 Main St., Suite 300
Peoria, Illinois 61602
Felony Court Public Defender (part-time, 1989 – 2001)
Juvenile Court and Traffic Court Public Defender (part-time, 1986 – 1989)

1990 – 1991
Raymond C. Rose, Ltd.
627 Commerce Bank Bldg,
Peoria, Illinois 61602
Law Partner

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I did not serve as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

I set up my law practice immediately upon my admission to the Illinois bar in 1983. I rented an office from Mr. Harry Sonnemaker, Jr. Initially, my practice consisted of family law and traffic cases. Mr. Sonnemaker was a lawyer for the Peoria Credit Union and he allowed me to handle much of his collection work to help my practice start growing.

In the mid 1980s, my work grew into a more general practice of law. I worked in many areas, including contracts, simple wills and estates, small personal injury cases, workmen's compensation, traffic, misdemeanor and felony cases. By the end of the 1980s I was being retained in a number of criminal cases in the misdemeanor and felony courts.

In 1990, I partnered with Raymond C. Rose for approximately one year. During my partnership with Mr. Rose, I handled personal injury and medical malpractice cases.

Beginning about 1990, I started receiving some high profile cases. Although I handled some serious personal injury cases in the civil courts, I spent most of my time in the criminal courts, at both the state and federal level.

During the course of the next 10 years, I tried approximately 12 murder trials to jury verdict in the Peoria county circuit courts. Two of these were death penalty eligible. In the state courts, I tried cases of home invasion, armed robbery, delivery of controlled substances, and burglary, among others. In the federal courts I tried gambling and tax evasion, conspiracy to deliver controlled substances, and welfare fraud. I handled cases such as mail fraud, RICO actions, cocaine distribution and illegal transportation of wildlife in interstate commerce.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

My typical clients were individuals in need of contracts, simple will and estate work, or representation in injury, workmen's compensation, traffic, misdemeanor and felony cases. During my partnership with Mr. Rose I also handled medical malpractice cases.

After 1990, criminal law was my specialty.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

Much of my practice was in litigation requiring frequent court appearances from 1984 to 2001.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 10%
- 2. state courts of record: 88%
- 3. other courts:
- 4. administrative agencies: 2%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings 25%
- 2. criminal proceedings 75%

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried hundreds of cases to jury verdict, almost all as sole counsel.

- i. What percentage of these trials were:

- 1. jury: 80%
- 2. non-jury: 20%

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I unsuccessfully filed a petition for certiorari in *Equal Employment Opportunity Commission (EEOC) v. Hiram Walker & Sons Inc.*, a matter in which I represented 39 female employees of the defendant company as intervenors in a settlement between the EEOC and the defendant company. 768 F2d 884 (7th Cir. 1985), *cert denied*, 478 U.S. 1004 (1986). I have not retained copies of the petition. I recall no other practice before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *EEOC v. Hiram Walker*, No. 83-CV-1024 (C.D. Ill.), 768 F2d 884 (7th Cir. 1985), *cert denied*, 478 U.S. 1004 (1986). Hiram Walker had been a major employer in Peoria since 1934. In 1983, the EEOC and Hiram Walker reached a settlement on claims by women workers that, during the 1960s and 1970s, they had suffered segregated job classifications, been promoted less frequently, and been paid lower salaries with smaller pensions than their male co-workers. I represented 39 women employees who challenged this settlement as intervenors on appeal to the U.S. Court of Appeals for the Seventh Circuit. The question on appeal was whether the district court abused its discretion in approving the consent decree, which granted limited relief to the class of employees as a whole and virtually no relief to those employees, many of them charging parties, who allegedly endured the most discrimination. Although we were unsuccessful, I believe this was among the most significant representations I took on as a practicing attorney. My co-counsel was Kevin Lyons, Office of the State's Attorney, Peoria County Courthouse, Peoria, Il 61602, Tel: (309) 672-6900.

2. *United States v. Long*, No. 98-cr-10064 (C.D. Ill. 1998). My client, the defendant, was charged with a number of others in a RICO action, cocaine distribution and transportation of stolen vehicles. The defendant reached a plea agreement and was sentenced to the Federal Bureau of Prisons. The Hon. Michael M. Mihm presided. The

Assistant United States Attorney was K. Tate Chambers, Peoria Office, 211 Fulton, Suite 400, Peoria, Il 61602, Tel (309) 671-7050.

3. *United States v. Reimer*, No. 97-cr-10050 (C.D. Ill. 1997). Reimer was charged with illegal transportation of wildlife in interstate commerce. He hired a lawyer from Arizona and I acted as local counsel. The case was dismissed at the motion stage, with the court finding that the prosecution was barred by a previous plea agreement the defendant had entered into in Missouri. Magistrate Kauffman presided over the case. The Assistant United States Attorney was Brad Murphy, Peoria Office, 211 Fulton, Suite 400, Peoria, Il 61602, Tel (309) 671-7050.

4. *United States v. Smith*, No. 94-cr-30014 (C.D. Ill. 1994). My client, Smith, and six others were charged with conspiracy to conduct a gambling operation. Smith was found guilty by jury verdict. The verdict was set aside by Judge Richard Mills in post-trial motions and Smith ultimately pled guilty to a misdemeanor. The Assistant United States Attorney was Pat Chesley, United States Courthouse, Rm 362, 600 E. Monroe, Springfield, Il 62701, Tel (217) 492-4450.

5. *People v. Miles*, No. 91 CF 575 (Ill. Cir. Ct. Peoria County 1991). My client, Miles, was charged with the murder of an individual in a drug house in Peoria's Warner Homes housing complex. Miles was found not guilty. Judge John Barra presided. The Assistant State's Attorneys were Al Purham and Joe Nack, 324 Main St., Peoria County Courthouse, Peoria, Il 61602, Tel (309) 672-6900.

6. *People v. Behm*, No. 97 CF 891 (Ill. Cir. Ct. Peoria County 1997). Behm was charged with the murder of a patron at a local bar. The deceased had assaulted Behm's niece some years before. Behm was bartending when the deceased walked in and sat down. The two exchanged words and Behm shot him six times. Behm was found guilty by jury verdict and sentenced to forty-five years in prison. Judge Donald Courson presided. The Assistant State's Attorney was Frank Ierulli, 324 Main St., Peoria County Courthouse, Peoria, Il 61602, Tel (309) 672-6900.

7. *People v. Childs*, No. 99 CF 810 (Ill. Cir. Ct. Peoria County 1999). My client, Childs, was charged with murder. He and a friend planned to rob someone they knew. Childs was instructed to go to the rear of the house and fire into the back of the house, which in turn would cause the people inside to run out the front. His cohort planned to wait out front and rob the residents at gun point when they exited. Childs had a semiautomatic assault weapon. He fired more than thirty rounds into the back of the house, some of which struck and killed his cohort on the front porch. Child's was found guilty by jury verdict and sentenced to fifty years in prison. Judge Michael Brandt presided. The Assistant State's Attorney was Nancy Mermelstein, 324 Main St., Peoria County Courthouse, Peoria, Il 61602, Tel (309) 672-6900.

8. *People v. Milestone*, No. 93 CF 613 (Ill. Cir. Ct. Peoria County 1993). Milestone was charged with the murder of a fellow worker. Upon Milestone's arrest his mother called me and arranged for my representation. I called the sheriff's department and spoke to the

detective in charge. I told him I would be representing Milestone and would like to talk to him on the phone. I was told that Milestone, who was age 23, had not requested an attorney. Milestone did not know that I had called and subsequently confessed. The pre-trial Motion to suppress the confession was denied and Milestone was found guilty by jury verdict. Milestone was sentenced to forty-five years in prison. Judge Robert Manning presided. On appeal the case was reversed and the confession was suppressed. On remand, Milestone pleaded guilty to second degree murder and per the negotiated plea was sentenced to fifteen years in prison. The Assistant State's Attorney was Al Purham, 324 Main St., Peoria County Courthouse, Peoria, Il 61602, Tel (309) 672-6900.

9. *Yetton v. Henderson*, No. 86 L 527 (Ill. Cir. Ct. Peoria County 1986). My client, Yetton, was injured when a semi driven by Henderson switched lanes in front of him. Yetton's vehicle slammed into the rear of the semi. Defendant Henderson's wife had been a passenger in the semi. At trial the plaintiff was not allowed to testify as to the events of the accident because of the Dead Man's Act (Henderson had died subsequent to the accident and prior to trial). At trial, the deceased's wife testified as to the deceased's careful driving habits. I started to cross examine about the accident. The defense objected. I argued the door was open and the Dead Man's Act no longer prohibited examination about the event. Judge Eagleton disagreed, sustaining the defense objection and further instructed the jury to disregard the testimony. The jury verdict was for the defense. I appealed. The Third District Appellate Court reversed on the issue of the Dead Man's Act and remanded for new trial. The case settled before retrial. Judge Richard Eagleton presided. The defense lawyer was Paul Gilfillan, now at Peoria County Courthouse, Rm 215, Peoria, Il 61602, Tel (309) 672-6047.

10. *People v. Miller*, No. 92 CF 22 (Ill. Cir. Ct. Peoria County 1992). My client, Stanley, was one of three co-defendants charged with aggravated battery and mob action. The three victims were members of the World Wrestling Association. The victims had finished an event at the Peoria Civic Center and were driving to their motel, after having had a few beers. They encountered the defendants in their own vehicle, the occupants of both vehicles exchanged words and then stopped and engaged in a confrontation in which my client and his co-defendants were alleged to have injured the victims with a knife. The defendants were found guilty by jury verdict and sentenced. Judge Donald Courson presided. The Assistant State's Attorneys were Dale Thomas and Ed Deters, 324 Main St., Peoria County Courthouse, Peoria, Il 61602, Tel (309) 672-6900.

18. **Legal Activities**: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Until I became a judge, my practice was primarily in litigation before the courts.

In 2007, I spearheaded the reorganization of the Peoria County courts that handle traffic, DUI, and misdemeanor matters. These courts have approximately 13,000 filings each year. Although Circuit Judges do not routinely preside over traffic or misdemeanor courts, I volunteered for an assignment to those courts for the specific purpose of devising a solution to the large backlog of cases and to devise a docket management procedure so the backlog did not occur again. Another purpose of the reorganization, in addition to reducing backlog, was to reduce the amount of time citizens would spend in court waiting for their case to be called and the number of court appearances those citizens would have to make to process their cases expeditiously.

Another significant legal activity was seeking—and receiving—approval from the American Bar Association to administer a project called “Dialogue on Freedom.” Upon approval, and receipt of information, I contacted local high schools and presented the first program at Bradley University. The Hon. Michael M. Mihm presented with me. The dialogue was with students from a number of high schools. I believe this is significant because the purpose was to explore American civic values and traditions with students.

Another significant legal activity is that I am currently involved in studying the feasibility of starting a law school at Bradley University. Joanne Glasser, President of Bradley, requested that Rex Linder, a partner at a major Peoria law firm, and I, explore this possibility beginning in summer 2009. Mr. Linder and I sought input from a number of academics and law school deans. [REDACTED]

I have not performed any lobbying activities and have never been registered as a lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

Spring 2002 to 2004: Adjunct professor teaching legal research online at Illinois Central College. The subject matter was legal research. I have not retained the syllabus.

Winter 2003: for one semester, an Adjunct professor teaching Civil Procedure online at Mid State College. The subject matter was civil procedure. I have not retained the syllabus.

Spring 2004 to the present: an Adjunct professor at Bradley University. The course is called the “Legal Environment of Business.” The subject matter covers the framework of the courts, constitutional issues, the civil and criminal trial process, business crimes, torts and product liability, agency and employment discrimination. Syllabus supplied.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or

customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

None.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

None.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

I would resolve any conflicts by strict compliance with the recusal statutes and with Canon 3 of the Code of Conduct for United States Judges, as well as with careful attention to any other applicable guidelines.

I am well aware that our legal system is based on the principle that an independent, fair and competent judiciary is central to the concepts of justice and the rule of law. I am aware, as well, that it is a judge's special responsibility to conduct himself or herself at all times—inside and outside of the courtroom—in a manner that will foster respect for the judiciary and our rule of law.

25. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

During the course of my practice I represented many people, free of charge, due to their lack of ability to pay. I am unable to list specific incidents but most of these instances would have been in traffic or misdemeanor court or in divorce or forcible detainer cases.

Since becoming a judge, I have continued to seek opportunities to make the legal system available to those who might not otherwise have access. For example, as a judge assigned to family court from 2002 to 2003, I worked with Prairie State Legal Services to set aside a couple of days specifically for Prairie State to assist in resolving a backlog of hundreds of pending dissolution of marriage cases.

26. **Selection Process**:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In September 2009, Senator Richard Durbin formed a bipartisan screening committee, chaired by Mr. James Potter, to evaluate applications for the position of United States District Judge for the Central District of Illinois. I submitted an application to the Committee.

In mid-December 2009, Mr. Potter contacted me to schedule an interview with the committee. I interviewed with the committee in Peoria on January 6, 2010. The commission recommended my candidacy to Senator Durbin. I interviewed with Senator Durbin, at his Springfield office on January 23, 2010.

Since February 19, 2010, I have been in contact with pre-nomination officials at the Department of Justice. I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C., on April 1, 2010. On May 27, 2010, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or

implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

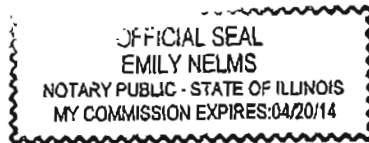
AFFIDAVIT

I, **JAMES EDWARD SHADID**, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

6-4-10
(DATE)

James E Shadid
(NAME)

Emily Nelms
(NOTARY)



JAMES E. SHADID
CIRCUIT COURT JUDGE

324 Main Street - Room 215
Peoria County Courthouse
Peoria, Illinois 61602-1363



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TENTH JUDICIAL CIRCUIT OF ILLINOIS

January 5, 2011

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I have reviewed the Senate Questionnaire I previously filed in connection with my nomination to be United States District Judge for the Central District of Illinois. I am providing additional information for your review. With that, I certify that the information contained in that document is, to the best of my knowledge, true and accurate.

* In 13(b)(6) and 13(e) I referenced the case of the People of the State of Illinois v Dionne Alexander. In that filing I indicated that the Illinois Supreme Court had granted certiorari on the matter of the sentence I imposed. On November 18, 2010, docket number 108932, the Illinois Supreme Court issued an opinion unanimously affirming my original sentence and reversing the judgement of the 3d District Appellate Court. In doing so the 24 year sentence I previously imposed was reinstated.

I am also forwarding an updated Net Worth Statement and Financial Disclosure Report as requested in the Questionnaire. I thank the Committee for its consideration of my nomination.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Shadid".

James E. Shadid

cc:
The Honorable Charles Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510