

James F. SMITH

Present Judicial Duties

Justice, Illinois Appellate Court, First District, Sixth Division

Previous Judicial Duties

1998-2002: Judge Circuit Court, Second Municipal District; 1995-1998: Judge, Circuit Court, Law Division: Judge, Circuit Court, First Municipal District; 1989-1994: Associate Judge, First Municipal District

Appointed Associate Judge in 1989; elected to the Circuit Court in 1992; elected to the Illinois Appellate Court in 2002.

Evaluation

11/92 (Walsh vacancy): Not Qualified

Judge Smith, 49, has been an Associate Judge since 1989. He submitted materials to the Council, but did not appear for an interview. He currently sits in the eviction court in the First Municipal District. Lawyers report that he is extremely pro-landlord in his duties. Indeed, the Council learned that Judge Smith refused to honor a jury demand filed by a defendant because the defendant's lawyer but not the defendant was present in court. Instead, Judge Smith entered a judgment against the defendant. A supervisory judge subsequently corrected the error by permitting defendant's attorney to file a motion to vacate the judgment in his courtroom.

The Council believes that Judge Smith's lack of fairness and respect for the rule of law render him not qualified for election to the Circuit Court.

11/00 Retention – Circuit Court: Not Qualified

James Fitzgerald Smith, 57, has been a judge since 1989. He sits in the Second Municipal District hearing both civil and criminal cases. He has also served in the Law Division and in the First Municipal District. Judge Smith is considered to have good legal ability and to be hardworking. The judge did disclose a 1995 incident concerning racial sensitivity. The Judicial Inquiry Board ruled that no disciplinary action was warranted. However, the Council continues to receive reports saying that his temperament can be impatient, brusque, and irascible. The Council finds him Not Qualified.

2002 Primary & General Elections – Appellate Court: Not Qualified

The Honorable James Fitzgerald Smith has been a Circuit Court Judge for the past twelve and one-half years. He was admitted to the Illinois bar in 1975. From 1989 through 1994, he was assigned to the First Municipal District, Chicago, where he heard both civil and criminal matters. From 1995 through 1998, he was assigned to Law Division, Jury, and, from 1998 through the present, he has been sitting in the Second Municipal District, Skokie, hearing both civil and criminal matters. Judge Smith has not written many opinions during his time on the bench. Nor has he had any other type of experience, *e.g.*, publishing articles or teaching, which would indicate that he is presently prepared to become a Justice of the Appellate Court. Moreover, the Council has concerns over Judge Smith's temperament. Attorneys report that Judge Smith has a bad temper. The Judicial Inquiry Board in 1998, upon closing an investigation against Judge Smith, nonetheless admonished him in writing for his use of profane language directed toward an attorney. Based on the foregoing, the Council finds Judge James Fitzgerald Smith Not Qualified for the position of Appellate Court Justice.

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