

Looking at Judicial Careers

Judge William Maddux Discusses His Life and the Black Line System

ATORNEYS WHO APPEAR before the Honorable William Maddux, Presiding Judge of the Law Division of the Circuit Court of Cook County, are familiar with his command of a courtroom, his dry wit, and his ability to quickly grasp even the most complicated legal issues. But few lawyers are aware of Maddux's difficult childhood, or how he overcame extreme poverty and family turmoil to reach his current position atop one of the nation's busiest court systems.

Maddux, now 73, spent his early childhood with his parents and six siblings in a two-room, dirt-floor, shanty on the banks of the Mississippi River in Eastern Iowa. "In some ways, I had an idyllic early childhood," Maddux says. "I thought everybody played barefoot all summer long and took a bath every Saturday night in the tub." In fact, Maddux's family was very poor, although Maddux claims he never felt deprived because he didn't know any better. "The only difference I understood between rich and poor was that the people who had money could eat chicken, while we mostly ate beans and cornbread."

When Maddux was eight, he and his family moved to Omaha, Nebraska, searching for a better life. But things failed to improve, and Maddux's parents eventually



divorced, leaving his mother to care for the family. "There was no money and little parental involvement," Maddux says. "My memory of my mom was that she was a good mother, but she was overwhelmed by life. I am sure that things would have been different if she had been given some of the opportunities that others had. Opportunities we all should experience."

In 1948, when Maddux was eleven, his mother left home permanently, leaving him behind to care for his younger siblings. Desperate for money, Maddux quit school and began selling newspapers and shining shoes on the streets of Omaha. After a year, a Nebraska

social services agency became aware of the situation and placed him and his younger brother at "Boys Town" orphanage, which in 1939 was made famous in a movie starring Spencer Tracy and Mickey Rooney. The move to Boys Town redefined Maddux's life.

Discipline and Perseverance

Boys Town was "just the opportunity I needed to thrive," Maddux says. "For the first time in my life, I was given a chance to be a kid and play sports. It was also the first time I'd ever slept in a bed with sheets." Maddux credits Boys Town with teaching him discipline and perseverance. "Father Flanagan, the founder of Boys Town, originated a system of childcare based on his belief that there is no such thing as a bad boy," he says. "I remember many 'hard core' cases that had their lives turned around because of Boys Town. It's famous for its successes not its failures."

In his senior year, Maddux was the valedictorian, class president, quarterback of the football team, and elected "Mayor" of Boys Town, with responsibility for presiding over a student court that heard cases of student misconduct and imposed punishments on offenders. "Self-government was a product of necessity," he says "because we couldn't afford adult supervision."

Maddux credits Boys Town for allowing him and his brother to become the first members of their family to graduate from high school and attend college. "I used to feel sorry for the kids who didn't get to go to Boys Town," Maddux says. "The spirit was unequaled."

Boys Town also exposed Maddux to what would become two of his lifelong passions: the law and the University of Notre Dame. Maddux had always yearned to be a doctor, but in his sophomore year at Boys Town, he was paired with a prominent attorney, Paul Hellmuth, in a mentoring program. Hellmuth, who was part of a law firm that stood against Senator Joseph McCarthy during the height of the Red Scare, taught Maddux that lawyers could be a force for positive social change. From that point on, Maddux knew that he was going to be a lawyer.

Maddux's love for Notre Dame began when the university's renowned football team stayed at Boys Town before a game against Nebraska. Maddux remembers being impressed with the tremendous sense

of pride and teamwork in the Notre Dame players. Maddux was determined to attend Notre Dame, and he turned down scholarships from several other schools before leaving for South Bend in 1953. He attended Notre Dame on an academic scholarship.

Maddux graduated in 1957 with a degree in philosophy. He then attended law school at Georgetown on an academic scholarship, and served as an editor of the Law Review while working nights as a Capital police officer.

After graduating from Georgetown in only two years, Maddux moved to Chicago in 1959 to practice law. "I wanted to be a trial attorney," Maddux says "I need a city large enough to specialize in trial practice."

His first job was at Kirkland and Ellis, where he defended major corporations in a wide variety of cases. In his first two years at the firm, Maddux tried 27 civil jury trials, all in the same brown suit. Maddux became a partner at Kirkland & Ellis and remained with the firm until 1975, when he started his own firm, Maddux, Ltd., which would

eventually become Johnson & Bell, Ltd.

Maddux quickly established himself as one of the most accomplished lawyers in the country. In one jury trial, Maddux established that the now defunct Northlake Hospital was requiring patients who only needed local anesthesia to undergo more costly general anesthesia, purely for the hospital's financial gain. Maddux asked the jury to award \$3 million to his client, a mother of five, who died as a result of the hospital's negligence in administering anesthesia. The jury more than tripled his request, returning a verdict of over \$10 million.

Thoughtful and Effective

In 1991, after trying more than 250 jury trials, Maddux was appointed judge. "When I was a young attorney, an older lawyer once told me that a trial lawyer peaks at age 50 and by 55 is over the hill. I found that he was right." Maddux, who was 55 years old when he took the bench, quickly built his reputation as a thoughtful and effective jurist.

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In 2001, when Maddux was offered the position of Chief Judge of the Law Division, he didn't hesitate. "I welcomed it as an opportunity to improve the system. It is my firm belief that excess discovery stands in the way of the dispensation of justice to the people."

When Maddux took over as Presiding Judge, cases would often take years, even decades, to work their way through the system before they were tried. "Time is the enemy of people who have legitimate complaints," Maddux says. "I wanted to devise a system we could be proud of, a system that did for people what it was designed to do—namely, obtain a resolution to a grievance as quickly as possible, despite a complex and cumbersome discovery process."

His answer was the controversial "Black Line System," which requires civil cases to be tried within two years after a lawsuit is filed.

Maddux's goal of reducing trial delays places him at odds with what he calls "the

intrinsic lethargy of the system." He believes that modern trial practice often results in overwhelming discovery that not only postpones justice but makes it too expensive. Not surprisingly then, the Black Line System has its critics. Many lawyers have complained that the system is inflexible and unable to accommodate the subtleties of different cases. In short, they resent the one-size-fits-all approach.

Maddux dismisses such criticism as "natural resistance to change." He believes firmly in the principle that "justice delayed, is justice denied," and feels that the Black Line System is indispensable to the prompt and fair resolution of cases. "Although reversing the momentum of an entrenched system is difficult, it is more than worth the effort."

Whatever its deficiencies, the Black Line System seems to be working. Since it was implemented in 2003, cases pending in the Law Division have been reduced by 10%,

and the average number of jury verdicts per year has increased by approximately 28%.

Maddux has also been successful in managing the substantial volume of asbestos-related lawsuits that have overwhelmed the court in recent years. "There is a latency period of many years from asbestos exposure until manifestation of injury," Maddux explains. "Hundreds of cases were clogging the system even though there was not yet a quantifiable injury."

Maddux, therefore, enforced a simple but effective system for handling asbestos cases that is now being used as a model by courts across the country. Under the system, a case is placed on the active calendar when a genuine injury to the plaintiff is present, while cases in which injuries have yet to manifest remain on a dormant calendar. "This has allowed the limited resources of the system to focus on those who need it the most." The *Chicago Tribune* recently praised Judge Maddux for his efforts in managing the asbestos docket.

Maddux has also made headlines in recent months by filing a lawsuit against the state and Cook County Board of Elections claiming a state law is forcing him out of the courtroom because of his age. Judge William Maddux is 73. According to state law, Maddux won't be able to run for retention after age 75. Maddux believes that age shouldn't be tied to judicial competency, and his hope is that the suit will result in a change of law that will allow all judges of such an age to keep working. More than anything Maddux is hoping to keep a job he loves. "There is no heavy lifting," he told ABC TV when asked about the case. "People stand and say 'thank you,' when they lose. Where else can you get that?"

Regardless of the outcome of his lawsuit, Maddux has not ruled out leaving the bench and trying more cases in the future. "I love being in front of jury. I still crave the smell of napalm in the morning." ■

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