



---

## An Argument on the Merits for More DePaul Law Graduates in Federal Circuit Judgeships

Christopher W. Carmichael

Follow this and additional works at: <https://via.library.depaul.edu/law-review>

---

### Recommended Citation

Christopher W. Carmichael, *An Argument on the Merits for More DePaul Law Graduates in Federal Circuit Judgeships*, 50 DePaul L. Rev. 1069 (2001)

Available at: <https://via.library.depaul.edu/law-review/vol50/iss4/4>

This Essay is brought to you for free and open access by the College of Law at Via Sapiientiae. It has been accepted for inclusion in DePaul Law Review by an authorized editor of Via Sapiientiae. For more information, please contact [digitalservices@depaul.edu](mailto:digitalservices@depaul.edu).

# AN ARGUMENT ON THE MERITS FOR MORE DEPAUL LAW GRADUATES IN FEDERAL CIRCUIT JUDGESHIPS

*Christopher W. Carmichael\**

## INTRODUCTION

The federal circuit courts current case load, according to extrapolations based on models provided by the Judicial Conference Center, requires the addition of ninety-eight judgeships to make the maximum number of desirable merit dispositions per judge, set at two hundred fifty-five, be proportional to the number of judgeships.<sup>1</sup> The addition of ninety-eight judgeships, bringing the total to two hundred seventy-seven judgeships, divided by the current number of cases handled by the circuit courts, would allow each judge to make the desired two hundred fifty-five merit dispositions.<sup>2</sup> These facts have caused various scholars to call for the creation of additional judgeships and circuits in the existing circuit courts.<sup>3</sup> Several studies have found that, in order to deal with the ever increasing federal appellate docket, circuit judges currently rely upon institutional framework to reduce the number of dispositions an individual judge must actually decide.<sup>4</sup> This institutional framework, used to ease the work of the federal circuit judges, includes fewer oral arguments, the use of staff attorneys, increasing

---

\* The author is a 2001 graduate of DePaul University College of Law and Article & Note Editor for Volume 50 the DePaul Law Review.

1. See William M. Richman & William L. Reynolds, *Elitism, Expediency, and the New Certiorari: Requiem for the Learned Hand Tradition*, 81 CORNELL L. REV. 273, 297-300, nn. 126-133 (1996). Currently the number of circuit judgeships, set by statute, is one hundred seventy-nine. *Id.*

2. *Id.*

3. THOMAS E. BAKER, RATIONING JUSTICE ON APPEAL: THE PROBLEMS OF THE U.S. COURTS OF APPEALS (1994); JOE S. CECIL & DONNA STIENSTRA, DECIDING CASES WITHOUT ARGUMENT: AN EXAMINATION OF FOUR COURTS OF APPEALS (1987); J. Clifford Wallace, *Developing the Mission of the Federal Courts—A Method to Determine the Size of the Federal Judiciary*, 27 CONN. L. REV. 815 (1995); Stephen Reinhardt, *A Plea to Save the Federal Courts—Too Few Judges, Too Many Cases*, 79 A.B.A. J. 52 (Jan. 1993); Lauren K. Robel, *Caseload and Judging: Judicial Adaptations to Caseload*, 1990 B.Y.U. L. REV. 3.

4. See, e.g., Richman & Reynolds, *supra* note 1, at nn. 12-99 (listing various studies). "In response to an opinion survey undertaken by the Federal Courts Study Committee, 81% of the current judges reported that the workload was 'heavy' or 'overwhelming.'" *Id.* at n. 128.

the number of law clerks, and the use of unpublished decisions.<sup>5</sup> The current practices of the circuit courts depart significantly from the traditional appellate model, or Learned Hand model,<sup>6</sup> which provides that an oral argument is heard in all cases, after which the judges discuss the cases in conference and assign the drafting of the panel opinion to one of the judges. The opinion, similar to a piece of fine furniture, is crafted by a single master craftsman, the judge, who employs clerks only as research tools and has no staff attorneys. Finally, the draft is revised according to comments by the judges and the opinion is published in the federal reporter.

However, other scholars, including members of the federal judiciary, have stated that no additional judgeships should be added.<sup>7</sup> One of the primary arguments scholars opposing additional judgeships have fielded is that there are not enough qualified applicants to fill these additional judgeships.<sup>8</sup> This essay does not specifically address the argument that more judgeships should be created.<sup>9</sup> Instead, this essay directly addresses the argument, made by some federal judges, that there are not enough qualified applicants to fill these additional judgeships, if they were to be created.

In Part I, this essay argues that a legal education at DePaul more than adequately prepares its graduates for federal judgeships.<sup>10</sup> In Part II, this essay argues that, for a variety of reasons, including cultural diversity, graduates of DePaul should be selected to fill many of

---

5. *Id.* at 279-93. Richman and Reynolds also note that a variety of other methods, including calling for the limitation of diversity jurisdiction, have been proposed by the opponents to expansion of the federal circuit court system. Rather than add circuits or judges to keep up with the number of cases added to court dockets nationwide, these opponents of federal judicial expansion would have federal cases decided by an already overburdened state court system. "State courts handle 52 times the caseload [of federal courts] with only 15 times the judges." *Id.* at n. 283. "Two proponents of a small, elite federal judiciary have recently suggested that if Congress fails to exercise jurisdictional restraint, the federal courts could do so on their own." *Id.* at n. 258 (citing Robert M. Parker and Leslie J. Hagin, *Federal Courts at the Crossroads: Adapt or Loose!*, 14 *MISS. C. L. REV.* 211, 239 (1994)).

6. Richman & Reynolds, *supra* note 1, at 278-79.

7. See, e.g., Jon O. Newman, *1,000 Judges: The Limit for an Effective Federal Judiciary*, 76 *JUDICATURE* 187 (1993); Gerald B. Tjoflat, *More Judges, Less Justice*, 79 *A.B.A. J.* 70 (July 1993); Justice Antonin Scalia, Remarks before the Fellows of the American Bar Foundation and the National Conference of Bar Presidents (Feb. 15, 1987).

8. See Newman, *supra* note 5, at 188. "A federal judiciary of 3,000 to 4,000 . . . would also include an unacceptable number of mediocre and even a few unqualified people. At a size of 3,000 to 4,000, its quality would be indistinguishable from the most pedestrian of state judiciaries." *Id.*

9. It is the position of this essay that those commentators arguing in favor of more judgeships have substantively won the argument that more federal judgeships are needed. See *supra* notes 1-5 and accompanying text.

10. See *infra* notes 14-30 and accompanying text.

these additional judgeships.<sup>11</sup> This essay recommends ten distinguished DePaul law graduates, and DePaul Law Review alumni, as examples of exceptionally qualified applicants for federal judgeships.<sup>12</sup> Finally, this essay concludes that DePaul law graduates should be considered highly qualified applicants able to fill current and future federal circuit vacancies.<sup>13</sup>

## I. DEPAUL UNIVERSITY COLLEGE OF LAW: PROVIDING A WORLD CLASS LEGAL EDUCATION

### A. *Short History of DePaul University College of Law*

DePaul University College of Law is the oldest law school in the City of Chicago and the second oldest law school in the State of Illinois.<sup>14</sup> The school was founded in 1897 as the Illinois School of Law.<sup>15</sup> It later merged with DePaul University in 1911, doubling the size of the University at the time, and was renamed the DePaul University College of Law.<sup>16</sup> DePaul, unlike some other Chicago area law schools, did not begin publishing a law review until after World War II. The first issue of the DePaul Law Review was printed in 1951.<sup>17</sup> Since that time, a number of DePaul graduates have had a significant influence in structuring and shaping various aspects of law, business, and government. Seventeen DePaul law graduates serve as judges on federal and state appellate benches, and over one hundred fifty DePaul alumni serve as members of the state trial judiciary in Illinois.<sup>18</sup> Numerous DePaul alumni have previously held, or currently hold, political office, including three Chicago Mayors, the Cook County Board President, and members of the Illinois legislature.<sup>19</sup>

---

11. See *infra* notes 31-39 and accompanying text.

12. See *infra* notes 40-41 and accompanying text.

13. See *infra* notes 42-44 and accompanying text.

14. See DePaul University Archives.

15. See *id.*; Rev. John R. Cortelyou, *In Memoriam: Francis Xavier Busch*, 25 DEPAUL L. REV. 1 (1975).

16. See DePaul University Archives; Rev. John R. Cortelyou, *In Memoriam: Francis Xavier Busch*, 25 DEPAUL L. REV. 1 (1975).

17. See 1 DEPAUL L. REV. 1 (1951).

18. See DEPAUL UNIVERSITY ALUMNI DIRECTORY (1995). Some of these alumni include justices and retired justices of the Illinois Supreme Court: Michael Bilandic, John Nickles; Illinois Appellate Court Judges: Richard Fitzgerald, David Cerda, Philip Romiti, and Judith Cohen; and William J. Bauer, Senior Circuit Judge, United States Court of Appeals for the Seventh Circuit. *Id.*

19. See *id.* Some of these alumni include: Michael Bilandic, former Mayor of the City of Chicago and Illinois Supreme Court Justice; Mayor of the City of Chicago Richard M. Daley; Commissioner of the Chicago Public Library System, Mary Dempsey; the Chicago Commissioner of Consumer Services; Cook County Board President, John Stroger; and Illinois State Senators, Kirk W. Dillard and Adeline Geo-Karis. *Id.*

DePaul alumni are also leaders in the business world, with more than fifty alumni serving as executives of major corporations.<sup>20</sup> Many other DePaul alumni serve as managing partners or department heads at major law firms throughout the country.<sup>21</sup>

*B. DePaul University College of Law's Curriculum & Programs*

*1. The Curriculum at DePaul: A Rigorous, Comprehensive, and Innovative Curriculum Combining Legal Theory and Professional Skills*

DePaul has a core curriculum of traditional subjects which prepares its graduates for a variety of fields of practice. DePaul provides students with a myriad of educational opportunities to explore, including practical and theoretical courses. Courses on legal theory, for instance, law and economics, sexuality, sexual orientation and the law, feminist jurisprudence, and critical race theory challenge students to dissect and critique existing legal doctrines. "DePaul has also pioneered many creative approaches to teaching the professional skills required of lawyers in practice [including]: trial advocacy, appellate technique, negotiation, mediation, and other forms of dispute resolution."<sup>22</sup> With a variety of skills courses, DePaul prepares its students for the practical aspects of being an attorney. The skills courses, taught by noted trial attorneys and judges, include trial advocacy, advanced trial advocacy, pre-trial civil and criminal litigation, mediation, and appellate technique. A DePaul graduate emerges a complete lawyer with a thorough understanding of legal theories, and a realization that theory is a tool a lawyer should use to empower and assist clients.

*2. Programs at DePaul: Nationally Recognized Legal Specializations and Institutes*

DePaul provides a locally and nationally recognized legal education to its diverse student body.<sup>23</sup> All of the various certificates, joint de-

---

20. *See id.* Prominent DePaul alumni are corporate leaders including: Patrick J. Agnew, President of St. Paul Federal Savings Bank; the former Chairman of the Amoco Corporation, H. Laurence Fuller; the Chairman and CEO of McDonald's Corporation, Jack M. Greenberg; and Anne Jordan, the Senior Vice President and General Counsel of PeopleSoft, Inc. *Id.*

21. *See id.* A few of the alumni include, Richard A. Ungaretti, of Ungaretti & Harris; William E. Ryan, of Burke & Ryan; and Theodore B. Atlass, of Atlass Professional Corporation, both founding members of their firms. *Id.*

22. DePaul University College of Law, Application for Admission (2000).

23. DePaul is one of the small percentage of law schools which boasts a chapter of the Order of the Coif. Membership in the Order of the Coif, as well as law review, is a nationally recognized mark of excellence in the study of law. It is the position of this essay that such honors, garnered in the actual study of law, rather than the rank of one's law school are more worthy of

gree programs, institutes, and clinics provide DePaul students with numerous opportunities for in-depth study in a variety of legal fields. DePaul is one of a handful of schools to offer certificates in Health law, Tax law, two certificates in Intellectual Property (general and patents), and L.L.M.s in Health law and Tax law.<sup>24</sup> DePaul also offers three joint degrees, including a J.D./M.A. in International Studies, a J.D./M.S. in Public Service Management, and a J.D./M.B.A. with DePaul's Kellstadt Graduate School of Business.<sup>25</sup> DePaul is host to five nationally recognized research centers and institutes, including the Center for Church and State Studies, the Center for Intellectual Property Law, the International Human Rights Law Institute, the Center for Justice in Capital Cases, and the Center for Law and Science.<sup>26</sup> DePaul also has several legal clinics which allow students to gain litigation experience under the guidance of a faculty member. DePaul's six legal clinics include Asylum/Immigration, Community Development, Criminal Appeals, Death Penalty, Disability Rights, and Technology/Intellectual Property.<sup>27</sup> Finally, in keeping with its Vincentian character, DePaul is host to the Public Interest Law Initiative, which sponsors spring and summer public interest internships for Chicago area law students.<sup>28</sup>

### 3. *The Faculty at DePaul: Premiere Scholars in a Variety of Fields*

The members of DePaul's faculty are among the finest scholars in the country, providing an education equal to, and surpassing in many ways, that of higher ranked law schools. The faculty at DePaul are authors of casebooks, numerous law review articles, and are often cited and used as experts by the media.<sup>29</sup> Some of the more promi-

---

recognition when considering who is highly qualified to become a federal judge. *See* DePaul University College of Law Admissions Information, at <http://www.depaul.edu>. (visited Feb. 12, 2001).

24. *See id.* The Intellectual Property and Health Law programs are ranked in the top ten in the country by U.S. News & World Report. *Id.*

25. *See id.* DePaul is also proposing the addition of other joint degree programs to complement the intellectual property program, including information technology and e-commerce, with DePaul's School of Computers, Telecommunications, and Information and the Kellstadt Graduate School of Business. *See* DePaul University College of Law, *Intellectual Property at DePaul*, 14 *DIALOGUE* 1, 4 (Winter 2001).

26. *See* DePaul University College of Law Admissions Information, at <http://www.law.depaul.edu> (visited Feb. 12, 2001).

27. *See id.* In March 2000, the DePaul Legal Clinic received an award for excellence in public service from the United States District Court for the Northern District of Illinois at the Second Annual Awards for Excellence in *Pro Bono* and Public Service. *Id.*

28. *See id.*

29. *See* DePaul University College of Law Faculty, at <http://www.law.depaul.edu/faculty> (visited Feb. 12, 2001).

ment members of the faculty include Professor Mary Becker, a leading feminist scholar and one of the authors of the *Feminist Jurisprudence* casebook. Professor Patricia Gerstenblith is a leading scholar on cultural property and editor-in-chief of the *International Journal of Cultural Property*. In 1999, Professor Gerstenblith was also appointed to the Cultural Property Advisory Committee by President Clinton. Professor M. Cherif Bassiouni, a 1999 Nobel Peace Prize Nominee, is internationally recognized for his human rights work, and his extensive work in the creation of the International Criminal Court. In addition to boasting such impressive scholars as faculty members, DePaul's faculty are easily accessible and provide extensive support and mentoring to the students.

At DePaul, professors and students regularly interact with one another outside the classroom, creating a unique situation where students are continuously learning and engaged by the faculty. Whether the student has a question or simply wants to further discuss a point raised in class, DePaul's faculty always invites thought provoking discussions with students. For example, recently, while the Presidential election was still undecided, the faculty held an informal, brown bag lunch discussion on the issues raised by the election. This type of direct student-faculty interaction is the hallmark of a DePaul education.<sup>30</sup>

---

30). When I describe this type of interaction, I think I must go further to relate its impact. I am reminded of a discussion I had with a faculty candidate I recently interviewed for a position at DePaul. He talked about obtaining a judicial clerkship and the process of obtaining professor recommendations. He had attended Georgetown Law School and clerked in the Fifth Circuit Court of Appeals. In the course of our conversation he said that the judge he clerked for noticed the glowing recommendations he received, and that he had never *personally spoken* to any of the professors, outside of requesting the recommendation, who recommended him to this judge. In fact, he said that he had spoken only one time in one of the professor's classes. Yet, this professor, according to him, wrote this glowing recommendation about his abilities. I nearly fell on the floor laughing at the absurdity of this proposition, particularly since I had just recently applied for a federal judicial clerkship. However, unlike this professor candidate, I knew each one of my recommending professors, had spoken with them repeatedly out of class, and worked as a research assistant for each of them. To me, this story further demonstrates the outright bias and absurdity of the federal judicial clerk selection process. Students who went to higher ranked schools receive recommendations from professors they never meet or speak with, and yet they are given clerkships as soon as the editors for the law reviews are announced. That these recommendations carry any weight is laughable, and simply demonstrates the true nature of the selection process. Where you went to law school is all that matters.

## II. DISTINGUISHED DEPAUL GRADUATES WOULD BRING SOME MUCH NEEDED CULTURAL DIVERSITY TO THE FEDERAL JUDICIARY

### A. *Adding Cultural Diversity to the Federal Judiciary*

The attitude of some federal appellate judges,<sup>31</sup> as revealed by the statement by Judge Newman that most state judiciaries are “pedestrian,” is that many cases are too simplistic for federal judges.<sup>32</sup> Such a comment should not come as a surprise, considering that the federal judiciary tends to be filled with graduates of only the most prestigious and elite law schools.<sup>33</sup> Schools which rank in the top ten, according to U.S. News & World Report, dominate the federal judiciary in dramatic disproportion to their actual numbers as members of the bar.<sup>34</sup> The selection of federal circuit judges from less than twenty schools, out of more than one hundred fifty American Bar Association (ABA) accredited law schools, results in an utter lack of school diversity within the circuit courts of appeals. “Diversity” in the federal judiciary should not simply be based upon appearance.<sup>35</sup> Diversity of the

---

31. For example, one of the primary arguments raised by opponents of adding judgeships and circuits is the cost. *See Richman & Reynolds, supra* note 1, at 304-07, nn. 155-63 (noting that, at present, the federal government spends less than three-tenths of one percent of the budget on the courts and that the cost of a single stealth bomber is nearly as much as is spent on the whole federal judicial system). As Richman and Reynolds point out, these same opponents have no trouble requesting lavish federal courthouses and offices be constructed. *Id.* “Requests for extras such as operating windows, terrazzo floors, private bathrooms, showers and kitchens, English gardens, French doors, custom lighting fixtures, English oak paneling, a public boat dock, and a design by world-famous architects put the projects hundreds of millions of dollars over budget.” *Id.*

32. “At a size of 3,000 to 4,000, its quality would be indistinguishable from the most pedestrian of state judiciaries.” *Id.* at 188. “The idea seems to be that penny ante federal question cases, while unworthy of federal courts, are fine for state courts.” *Id.* at n. 283. “[A]s the docket is ‘dumbed-down’ by an overwhelming number of routine or trivial appeals, judges . . . mental and organizational flexibility, so vital for the performing of the federal courts’ classic tasks of defending the Constitution and harmonizing federal law, inevitably suffers.” *Id.* at n. 281. *See also infra* notes 31 and 34.

33. The United States Supreme Court has four graduates of Harvard, two from Stanford, one each from Yale, Columbia, and Northwestern. *See LEADERSHIP DIRECTORIES, INC., JUDICIAL YELLOW BOOK*, vol. 6, no. 1, (Fall 2000). The circuit courts considered the most “prestigious,” the First, Second, and D.C. Circuit, also lack nearly any school diversity. The First Circuit, with six active judgeships, has five Harvard graduates, two from Yale, two from Boston University and one from Columbia. *Id.* The Second Circuit, with thirteen active judgeships, has five Yale graduates, three from Michigan, and one each from Harvard, NYU, Columbia, Virginia, and Georgetown. *Id.* The District of Columbia Circuit, with twelve active judgeships, has five Harvard graduates, two from North Carolina, and one each from Michigan, Pennsylvania, and the University of Chicago. *Id.*

34. Among the three circuits listed in the previous footnote, there are fifteen graduates from Harvard Law School alone. *See supra* note 33.

35. Diversity comes in a variety of ways. The more obvious types of diversity are based upon appearance. In that category, DePaul has a diverse student body with the current entering class



federal bench should include diversity of culture and thought. The best way to carry out such a program is to select federal judges from a variety of law schools.<sup>36</sup>

The elite law schools have similar selection standards, and tend to attract and select similar applicants.<sup>37</sup> These similar applicants, because they are educated at the same schools, tend to approach legal issues in a comparable manner. There are many differences between schools, not the least of which is the culture within a school. Some schools have high amounts of intra-student competition, and others have a more collegial atmosphere among students. How students are taught and, in part, how they think and feel about the law is a product of where they went to law school. For example, it would be difficult for a student at the University of Chicago to avoid exposure to the theory of law and economics. Similarly, it would be difficult for a stu-

---

comprised of twenty-seven percent minorities, and fifty-four percent women. See DePaul University College of Law, Application for Admission (2000) (figures for the Class of 2003). However, this essay is concerned with other types diversity, the type that is not based on appearance. Cultural diversity, including social economic background and diversity of thought (ways in which people think as well as frame ideas and problems are shaped by their education) affect how they will act as lawyers and judges.

36. The Seventh and Ninth Circuits are slightly more diverse in the number of schools represented than the First, Second, and D.C. Circuits. See *supra* note 33. On the Seventh Circuit, in addition to graduates from Harvard, Yale, Chicago, Virginia, and Northwestern, there are graduates from Chicago-Kent, DePaul, Indiana, Illinois, Marquette, Notre Dame, Texas, and Wisconsin. See JUDICIAL YELLOW BOOK, *supra* note 33. The largest federal circuit, the Ninth Circuit, is also the most diverse. *Id.* The Ninth Circuit has graduates from Arizona State (2), Boalt Hall (3), Chicago, Harvard (4), Georgetown, Idaho, McGeorge, Michigan, Montana, Northwestern, Stanford, UCLA (2), USC, and Yale (3). *Id.*

37. Based on "academic criteria," including GPA and LSAT scores, the applicants appear similar. The selection process at almost all law schools is dominated by the LSAT. See, e.g., William C. Kidder, *The Rise of Testocracy: An Essay on the LSAT, Conventional Wisdom, and the Dismantling of Diversity*, 9 TEX. J. WOMEN & L. 167, 178-198 (2000). Unfortunately, the LSAT only attempts to predict performance in the first year of law school. *Id.* The key point is that the LSAT, the primary selection criteria for most law schools, can, at best, only attempt to predict performance as a student. *Id.* The LSAT cannot, and does not, predict success as a lawyer and judge. What the LSAT does not do, and cannot do, is measure other traits and skills which make for a good lawyer, such as motivation, interpersonal communication, and creativity. *Id.* Yet, the LSAT, by deciding who attends which school, has in part selected who will become a federal circuit judge. Those students who have a high LSAT score can potentially attend Harvard and thereby have an excellent opportunity to become a federal judge. According to a number of articles, the law school selection process is fundamentally biased and flawed. See David B. Wilkins, *Rollin' on the River: Race, Elite Schools, and the Equality Paradox*, 25 LAW & SOC. INQUIRY 527 (2000); Abiel Wong, Note, "Boalt-ing" Opportunity?: Deconstructing Elite Norms in Law School Admissions, 6 GEO. J. ON POVERTY L. & POL'Y 199 (1999). This essay does not seek to further expand upon this argument, instead this essay uses this example of the LSAT to note the imprudent way in which federal circuit judges are continually selected from a handful of law schools. The ridiculousness of this idea is that a test, that is designed to select law students and not lawyers, ends up dictating who is most likely to become a federal circuit judge. An odd result.

dent at DePaul to avoid exposure to some type of feminist or critical theory. Thus, students from the same law schools, while not thinking exactly alike, have a similar legal frame of reference based on their education at that school. In order to culturally diversify the federal bench, an effort should be made to appoint judges from schools which are currently under-represented.<sup>38</sup> Considering that only one DePaul graduate is a federal circuit judge, and a senior judge at that, DePaul is an under-represented law school.<sup>39</sup>

*B. Ten DePaul Graduates, Who are Well Qualified to be Federal Circuit Judges*<sup>40</sup>

The following are ten distinguished DePaul graduates, and law review alumni, who have the experience and credentials necessary to become federal judges.<sup>41</sup> Over half of the ten are already judges on the state and federal bench, with proven records of excellence. The other distinguished alumni are noted attorneys and leaders among their peers in the legal community. It is impossible, in an essay, to cover the entirety of these distinguished alumni's impressive careers, however, highlights of their many significant achievements are contained in the following paragraphs.

United States Magistrate Judge Martin C. Ashman has had a distinguished career in private practice and public service which clearly demonstrates he has the experience necessary to become a federal circuit judge. As a Illinois Circuit Court Judge, Ashman initiated the first individual calendar of large commercial cases outside New York.

38. In addition to cultural diversification, appearance diversification could also be accomplished at the same time because DePaul has a higher minority enrollment than many of the elite law schools. See *supra* note 35; U.S. News & World Report, Law School Rankings, at <http://www.usnews.com/usnews/edu/beyond/gradrank/law/gdlawt1> (visited Feb. 12, 2001).

39. The Honorable William J. Bauer is currently a Senior Circuit Judge in United States Court of Appeals for the Seventh Circuit. Judge Bauer has had a distinguished career, he has served as the DuPage County State's Attorney, a federal prosecutor, a federal district judge, and chief judge of the Seventh Circuit.

40. Since this essay was written in honor of the Fiftieth Anniversary of the DePaul Law Review, the pool of candidates reviewed was limited to former members of the law review. However, as outlined in Part I of this essay, the DePaul curriculum prepares all its graduates for any potential legal position, including that of a federal circuit judge. For various reasons, mainly the shortness of time in being able to compile profiles of potential candidates, this essay limited the number of profiled candidates to ten. However, it is worth mentioning that there are five other DePaul graduates, who are currently federal judges, who would also make excellent circuit judges (A. David Mazzone, D. Mass; William J. Hibbler, N.D. Ill.; Arlander Keys, Magistrate Judge, N.D. Ill.; Edward A. Bobrick, Magistrate Judge, N.D. Ill.; Joel Gerber, U.S. Tax Court). In addition to these judges, there are a number of other DePaul Law Review alumni who would make superb circuit judges.

41. Numerous other DePaul graduates have the qualifications to become federal judges. However, such an extensive list would transform this from an essay into a full-blown article.

As corporation counsel for the Village of Morton Grove, Judge Ashman drafted and later successfully defended the constitutionality of a village ordinance banning the sale and possession of handguns. United States Magistrate Judge Ian H. Levin has had a notable public service career since graduating *cum laude* from DePaul as the valedictorian in 1966. Judge Levin was a law clerk to Illinois Supreme Court Justice Daniel P. Ward, Chief of the Appeals Division for the Cook County Public Defender, and a judge in the Circuit Court of Cook County. United States Bankruptcy Judge Lee M. Jackwig has a similar, exemplary, record of public service. Judge Jackwig has been an Assistant Attorney General for the State of Iowa, Deputy Industrial Commissioner for the State of Iowa, and Assistant United States Attorney in the Southern District of Iowa.

A veteran of the United States Marine Corps, United States Bankruptcy Judge Donal D. Sullivan, like his fellow DePaul graduates, was drawn to public service. Judge Sullivan clerked in both the Oregon Supreme Court and the United States District Court for the District of Oregon. After his Oregon Supreme Court clerkship, Sullivan became a Deputy District Attorney in Portland Oregon, an Assistant Attorney General for the State of Oregon, and finally, First Assistant United States Attorney in Portland. Cook County Court Circuit Judge Richard E. Neville, recently retired after thirteen years of service in the law and criminal divisions. Judge Neville had previously caused some controversy by arguing in favor of legalizing drugs in order to remove them from the street trade and reduce violence. Judge Neville, an independent thinker, challenged Illinois lawmakers to open a dialogue on the issue.

Theodore B. Atlass, listed as one of the "Best Lawyer's in America," is a estate planning and tax attorney as well as the founding partner of his own firm, Atlass P.C., in Denver, Colorado. Mr. Atlass is a noted attorney in the tax and estate planning field and has been a fellow at both the American College of Trust and Estate Counsel and the American College of Tax Counsel. Mr. Atlass is also the author of numerous Colorado bar journal articles on estates and taxes. Mr. Atlass has also been an adjunct professor and lectured at the University of Denver College of Law on tax and estate matters. Robert A. Clifford, of Clifford Law Offices, is a noted trial attorney and author of over one hundred articles championing plaintiff's rights. Mr. Clifford also writes a column, Clifford's Notes, in the monthly legal magazine, *Chicago Lawyer*. Mr. Clifford has chaired numerous panels and committees on various litigation issues for the ABA, Illinois State Bar

Association (ISBA), Inns of Court, and American Trial Lawyers Association (ATLA).

John B. Simon, who is now a partner at Jenner & Block, is another distinguished alumnus with a career which began in public service and later shifted into private practice. Mr. Simon participated in the Attorney Generals Honors Program and was an Assistant United States Attorney for the Northern District of Illinois. He later became Deputy Chief and then Chief of the Civil Division and was also Special Counsel to the Administrator of the Drug Enforcement Administration. Mr. Simon has also served in various executive capacities on the Chicago Bar Association, including the Presidency from 1993-1994. Richard A. Ungaretti, a founding partner of Ungaretti & Harris, a full-service law firm employing over ninety attorneys, has over twenty-five years of experience in private practice. Mr. Ungaretti practices transactional and real estate law involving complex and highly valued deals, and his firm has given an unprecedented written guarantee of satisfaction to its clients. Paul H. Vishny, member of the international law firm of D'Ancona & Pflaum, is a experienced international corporate and telecommunications lawyer. Mr. Vishny has also served as chair of the Committee on Telecommunications Development of the United States Department of State, and as United States representative to the Centre for Telecommunications Development, International Telecommunication Union, Geneva Switzerland. The many significant achievements of these distinguished graduates clearly demonstrate that they have the experience and qualifications necessary to become federal circuit judges.

### III. CONCLUSION

In order to handle the current and future case loads assigned to them by Congress, the federal circuit courts are in need of more judges, and potentially more circuits.<sup>42</sup> This essay has listed ten exemplary DePaul law graduates, and law review alumni, in an effort to demonstrate that the argument that there are not enough qualified applicants to fill these new judgeships is completely without merit.<sup>43</sup> DePaul's educational environment and curriculum provide its graduates with the cognitive and practical skills necessary to become federal circuit judges.<sup>44</sup> Finally, it is clear that DePaul graduates have the experience and credentials necessary to become federal judges and

---

42. See *supra* note 1.

43. See Part II.B. *supra*.

44. See *supra* notes 12-30 and accompanying text.

should be considered highly qualified applicants to fill current and future federal circuit court vacancies.