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In Chambers

Judge tries to show fairness on job

By Jerry Crimmins
Law Bulletin staff writer

The best part about being an administrative law judge for the city and the county, and a hearing officer for the Illinois Tollway, according to Judge Denis E. Guest, is “being fair.”

“Being fair, actually administering justice, ruling on the evidence and the facts and the law,” is what Guest likes “because it shows that society works, that the courts work when we have fair judges.”

That doesn’t mean it’s easy, and there are some parts of the job, Guest said, that are very difficult.

Administrative law judges hear lesser violations of the law. They don’t preside over major criminal trials or multi-million dollar lawsuits.

Nevertheless, Jack R. Weinrauch, director of Cook County’s new Department of Administrative Hearings, who knows Guest well, said if the opportunity arose, he would recommend him to be a judge on the Circuit Court, or a federal district court or the U.S. Court of Appeals.

“He is perhaps the most dedicated law judge we have currently,” Weinrauch said. “He demonstrates that” through his regular attendance in courses offered by The National Judicial College in Reno, Nev.

Guest pays for those courses himself.

“He seems to be totally dedicated to the idea of adjudication,” Weinrauch said.

Guest, age 45, was raised in the Beverly neighborhood and played defensive end for winning Mount Carmel High School in the city championship Prep Bowl in 1981. When he was a sophomore on the team, Guest said Mount Carmel won the state championship.

His father was a detective in the Chicago Police Bomb and Arson Unit.

“When he would come home, I would ask him questions as if he was on the (witness) stand and I was a lawyer,” Guest recalled. “Perhaps I got it from TV. He humored me. He would answer the questions.”

Guest said he started thinking about being a lawyer “as far back as I can remember..., a lawyer that made a difference.”

“I didn’t specifically know where I would end up.” But he said he wanted to be “a lawyer who has an impact on society, a positive influence.”

After graduating from the law school at Creighton University in Omaha in 1992, Guest’s



Denis E. Guest

Administrative Law Judge
Cook County Department of
Administrative Hearings

Chicago Department of Administrative
Hearings

Hearing Officer, Illinois Tollway

Appointed: Cook County, 2009; City of
Chicago, 1996; Illinois Tollway, 2003

Career highlights: Assistant Cook
County Public Guardian, 1993 to 1996;
sole practitioner, 1996 to 1997

Age: 45

Law school: Creighton University School
of Law, 1992

Interests: Classes on being a judge

first paying law job was with the Cook County
Public Guardian’s Office, then run by Patrick T.
Murphy, the original Cook County Public Guardian.

There, Guest said, he represented abused and
neglected children in two roles, one as their
lawyer, and second as their guardian ad litem.

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In the first role “we have to do what our clients tell us to do,” he said. In the second role, he recommended to the court whatever was in the best interests of the child.

The children ranged from newborns to 18 years old.

Guest was an assistant public guardian, a “tough job,” for three years, he said. “We didn’t have many kids that excelled under those conditions. You take home a lot. It was a 24-7 job, no question.”

He then worked about nine months as a sole practitioner in an office at 111th Street and Kedzie Avenue. At that point, he applied for a job as a judge with the Chicago Department of Administrative Hearings and was hired in 1997.

CDAH is a court that hears violations of the Chicago municipal code.

Some of these violations are parking tickets. Some are also building code violations, environmental violations, health code violations, for instance as found in some restaurants, also police cases like disorderly conduct or drinking of alcohol on a public street, and others.

Guest also hears cases in which someone’s car has been impounded because the driver was under the influence of alcohol or marijuana or the driver was engaged in soliciting prostitutes.

He said this can be a difficult part of the job.

“Oftentimes we have an innocent ... grandmother or mother or wife who is busy at work and they end up loaning their car to somebody, a family member,” and that person gets arrested and gets the car impounded.

“So when the innocent, hard working citizen comes in front me and says, ‘I wasn’t there. I was at work,’ or ‘I was asleep after working two shifts,’” and they want the car released, “I can’t rule in their favor even though it seems unfair that their car was impounded when they didn’t give the party who had the car permission to drive

drunk or solicit a prostitute.”

The impoundment stands until the owner in most cases pays a \$1,000 fine plus a \$150 towing fee, plus storage fees, which can rapidly get very expensive, Guest explained.

“Some of these people don’t have a thousand dollars any more than I don’t have a million,” he said. “And they need the car to get themselves to work or to take relatives who have special needs to medical attention, or kids to school.”

Guest said he has no authority to rule on the principle of fairness.

“Our power source stems from the law” that created administrative judges, he said.

Circuit Court judges, he said, have “inherent powers” and can rule “in equity. If they feel that something is just plain unfair, they don’t have to enter a court order they think is unfair.

“But as a law judge in our court, we deal with what’s called strict liability, which means intent is not an element of the prosecutor’s case. He doesn’t have to prove intent.”

Another difficult part of the job, Guest noted, is that most of the time, the citizens have no lawyers. “So in a sense, we have to guide the respondents procedurally, which is something Circuit Court judges don’t usually have to do.”

Guest also hears similar violations of the codes of Cook County as a law judge for the Cook County Department of Administrative Hearings. And he hears tollway violations as a hearing officer for the Illinois Tollway.

He works for Chicago almost every Saturday. On the weekdays, he works for whichever of the three court systems wants him.

The city has nice courtrooms, he said, similar to courtrooms Circuit judges have in the Daley Center.

The county’s Department of Administrative Hearings is very new and has to turn office rooms into courtrooms with plas-

tic chairs and an ordinary work desk for the judge rather than an elevated bench.

“I usually work six days a week, at least five, but usually six.” For all this, he makes about \$90,000 a year.

All these jobs have mandatory training programs, but Guest is not satisfied with those. He has taken eight courses in The National Judicial College at Reno, Nev., at his own expense. Each ranges from \$500 for an online course, to \$3,000 in tuition, room and board when he was to go to Reno. He is pursuing his masters degree in judicial studies.

“My hobbies are taking classes at the judicial college and keeping up on the law. It seems to be where I spend my free time.”

“I take this position very seriously. I’m not just sitting on the bench. I understand the importance of the role that I play for the courts as a judge.”

Guest “is one of our valued hearing officers,” said Michele A. McSwain, head of the municipal hearings division for the Chicago Department of Administrative Hearings. “He exercises good judgment, good judicial demeanor. He is able to handle multiple calls.”

She added that Guest “is used by all the divisions because he does such a great job.”

“Dennis definitely is a professional,” said Joseph Chico, also an administrative law judge for the city. “I’ve never seen him lose his temper. ... He goes that extra mile to make sure the respondents understand what’s going on in the courtroom ..., to make sure the respondents are dealt with with dignity and respect.”

“Dennis doesn’t ever really want to stop learning,” said Michael J. Dudek, a third administrative law judge for the city.

To Guest, Dudek said, the law “seems to be more a way of life than a profession.”

Guest said his goal is to be a federal administrative law judge. “My goal is to end up on the federal bench as a federal law officer.”