

In Chambers

Sterba finds more variety in new job

By Pat Milhizer
Law Bulletin staff writer

Moving from the Cook County bench to a seat on the Illinois Appellate Court, Justice David P. Sterba knows that it could be the last time litigants have their case heard.

"I recognize that this, for the most part, is most parties' last review. The Supreme Court takes less than 5 percent of the cases, so this is likely their last opportunity, generally speaking, to have their case looked at by the judiciary," Sterba said. "And I'm very mindful of that, and I take the work very seriously.

"It may be one of many cases I have, but it may be their only case."

There's also a physical difference between the appellate court and circuit court. The appellate court is a quiet place.

"This is somewhat of a monastic environment," Sterba said.

"It's very quiet up here; you don't have a lot of contact with the outside world until you go to lunch. I spend the vast majority, if not all of my day, right here in my chambers — reading and writing and consulting with my clerks."

Sterba, 53, is on the appellate court by assignment, a job he started this year after 15 years as a circuit judge.

It's one of several jobs he's held in the court system.

"I like to turn the page from time to time," Sterba said. "I don't want to get stale in one area."

While attending night classes at The John Marshall Law School in the early 1980s, the Alsip native worked as a deputy sheriff in the Markham courthouse and the now-closed courthouse in Oak Lawn.

After he earned a law degree, Sterba joined the Cook County state's attorney's office and was soon prosecuting felonies.

He left the office in 1990 to handle criminal defense and personal-injury cases as a sole practitioner.

"And I married a court clerk," he said about his wife, Patricia.

Voters elected Sterba to the bench in 1996, and he started his judicial career in the 5th Municipal District in Bridgeview. There, he presided over traffic matters and misdemeanors for two years.



Natalie Battaglia

David P. Sterba

Illinois Appellate Court Justice

Appointed: 2011.

Career highlights: Cook County assistant state's attorney, 1985-1990; sole practitioner, 1990-96; Cook County circuit judge, 1996-2011.

Age: 53.

Law school: The John Marshall Law School, 1984.

Interests: Reading biographies and spending time with family.

Next, he handled felony trials in Bridgeview for 10 years. When Tom Carmody died in 2008, Sterba became the acting presiding judge and, eventually, the presiding judge of the 5th Municipal District.

One lawyer — who tried cases with, against and in front of Sterba — said the judge demonstrates a work ethic and temperament that puts him in an elite class.

"He is so controlled and in control of the

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courtroom,” said defense attorney Michael D. Ettinger of Ettinger, Besbekos & Schroeder P.C. in Palos Heights.

“When he speaks, you know what he means, and attorneys respect him. There’s some judges that will rule, and the attorneys will argue again. And you don’t do that with him. ... Everyone is treated with dignity. And temperament is so important in my opinion, both for the public’s view and us practicing.”

For any judges who want to preside over a division at some point in their career, Sterba said they must learn how to manage people.

“The operation of the courthouse is not a difficult task. Ensuring the efficient flow of the cases is not a particularly difficult task. The thing that you have to be able to really do is to work with people well, including judges,” Sterba said.

In April, the Illinois Supreme Court promoted Sterba to his current job as a justice of the 1st District Appellate Court.

“It gives me an opportunity to fully immerse myself in various areas of the law. When I was a trial judge, I sat in the criminal courts for 10 years, so that’s what I was exposed to, just the criminal law. In the appellate court, there’s a vast variety of

legal issues to address,” Sterba said, noting that the cases he’s already addressed have included a personal-injury lawsuit, a consent decree in tobacco litigation and a child custody dispute.

One prosecutor who used to try cases in front of Sterba said the judge’s trial courtroom skills will be an asset during appellate oral arguments.

“He’s always prepared. That guy was always up on the issue and when you were in there, you knew he was going to be asking you questions about the case. It wasn’t demeaning; he was just trying to get to the issue,” said Assistant State’s Attorney Michael J. Deno. “So I’m sure that demeanor is going to carry over and he’s going to be fantastic on the appellate court.”

Sterba offered some advice to lawyers who will appear in front of a panel that he sits on during oral argument.

“Be thoroughly well-versed in the facts and the applicable law. Because I will be. And the other justices will be. That part of this job was the easiest for me to transition into — entertaining oral arguments — because I’ve done that for 15 years,” Sterba said.

Sterba has three children, ranging in age

from 14 to 22.

His oldest daughter, Lisa, is enrolled at The John Marshall Law School. His other daughter, Ashley, is a senior at Illinois State University. And his son, Brian, is a sophomore at Marist High School.

Cook County Associate Judge Frank Castiglione pointed out that the court system has promoted Sterba twice — first as a presiding judge and next as an appellate court justice.

“His manner and method of running his courtroom probably was noticed,” Castiglione said.

“He has a reputation of being very quietly effective. He’s not the kind of loud, scolding type of judge that you sometimes hear about. In fact, quite the opposite. What you find is that kind of style demands even more respect from the litigants because you can see that his words are very carefully chosen. His tone is serious, and that commands attention.”

For Sterba, the appellate assignment is an honor.

“I find the work very challenging and stimulating,” he said. “My colleagues are exceptionally bright, and it’s an honor to be associated with them.”