



Office of the Mayor
Laurel Lunt Prussing

400 S. Vine Street
Urbana, IL 61801
(217) 384-2456
Fax (217) 384-2426
llprussing@urbanaindinois.us

November 1, 2012

TO: Urbana City Council Members Brandon Bowersox-Johnson, Eric Jakobsson, Robert Lewis, Diane Marlin, Dennis Roberts, Charlie Smyth and Heather Stevenson

FROM: Laurel Lunt Prussing

RE: Appointment of City Attorney

I am pleased to recommend for your approval the appointment of James L. Simon as City Attorney.

My recommendation is based on careful consideration of his qualifications as well as reviews by city department heads.

James has an impressive work history as shown on the attached resume. Therefore, it is with great pleasure that I am recommending to the Council the appointment of James L. Simon to the position of City Attorney.



JAMES L. SIMON

Attorney at Law

1154 Dartmouth Lane, Deerfield, Illinois 60015

(847) 317.1948 • james_l_simon@sbcglobal.net

July 22, 2012

Honorable Laurel Prussing
Mayor
City of Urbana
400 South Vine Street
Urbana, IL 61801

VIA E-MAIL: lprussing@urbanailinois.us

Re: City Attorney.

Dear Honorable Prussing:

I am responding to your posting for applications for the position of City Attorney which currently appears on the City of Urbana website. I have been periodically checking the website inasmuch as I applied for the then open assistant attorney position. As noted in my previous application, my wife and I are planning to move to the Champaign-Urbana area since our daughter and her fiancé live in the general area and our daughter will be teaching in Urbana School District 116.

As an attorney with significant experience handling and managing all phases of diverse, routine and complex litigated and transactional matters, I will be extremely valuable as your next City Attorney. In addition to having represented units of local government in diverse matters, I also have significant civil litigation experience, including trial experience, representing not only local government clients but also commercial enterprises and national healthcare not-for-profit organizations in state and federal trial and appellate courts and before administrative bodies. While your requirements for the City Attorney position are brief, allow me to demonstrate how the breadth of my experience will be a valuable asset for the City of Urbana.

Requirements:

James L. Simon's Qualifications:

At least 10 years of progressive experience in professional legal practice.

30+ years of professional experience including 25+ years of file-management responsibility handling routine transactional, compliance, and litigated matters.

Five years supervisory responsibility.

20+ supervising associates, law interns, and summer directing, supervising, coordinating, and mentoring their work. 8 years of teaching and mentoring law students at DePaul University College of Law. Managed outside legal counsel on behalf of national lending and equipment leasing organizations. Managed small law firm.

Litigation experience.

Significant experience handling all phases of litigation including counseling, pleadings, discovery, pre-trial motion practice, trial, post-trial, and appeals in state and federal trial and appellate courts. Matters have included risk exposure between \$25K to well in excess of \$750MM. Clients have included five special library districts. Litigated matters for governmental clients have included administrative, annexation, employment,

Requirements:

James L. Simon's Qualifications:

Experience representing governmental units in various matters.

inter-governmental mandamus, *quo warranto*, and zoning disputes.

Advises City Departments, Boards and Commissions.

Experience includes handling litigation for and providing general counsel to special library districts in matters involving accountant/auditor malpractice, administrative, annexation, breach of contract, condemnation, defamation, discrimination, employee discharge, employee embezzlement, FOIA, general corporate, harassment, inter-governmental, mandamus, Open Meetings Act, *quo warranto*, and zoning issues and disputes. Have drafted numerous operating resolutions.

Prepares and reviews various contract document, resolutions and ordinances.

Extensive experience counseling and advising governing boards, department-heads, committees and CEO's of special library districts, national healthcare organizations, medical centers, community hospitals, and private closely-held business entities on diverse and complex matters.

Alternative dispute resolution experience.

Significant experience negotiating, drafting, reviewing and analyzing contract documents, regulations, rules and procedures.

Licenses to practice.

In addition to extensive litigation experience, have received mediator training and have served as neutral in diverse disputes as well as panel chairman in over 100 small-case arbitrations for court annexed arbitration program.

Licensed to practice in State of Illinois; admitted to practice before the U.S. Sup. Ct.; 7th Cir. Ct. of App.; U.S. Dist. Court for N.D. Ill. (federal trial bar member). Have practiced *pro hoc vice* before federal courts in CA, IL, IA, IN, MI, NJ, NY, OH, and TX and in the Cir. Ct. of App. for the 3rd, 6th and 7th Cir.

Enclosed please find my resume and writing samples for your careful review. I look forward to exploring with you how my experience will be of value to the City of Urbana. Feel free to contact me during the day at 847-217-1948 and in the evening at 847-317-1948. *I would appreciate you keeping this application strictly confidential.*

Sincerely,
James L. Simon

City Attorney – City of Urbana

Professional Experience:

Professional experience is highlighted by years of handling, managing, supervising, and counseling clients in complex and routine commercial litigated and transactional matters, mediation (neutral and advocate), and small-case arbitration (as panel-chair).

- Experience includes representing special library districts, national healthcare organizations, national trade associations, regional medical centers, community hospitals, commercial enterprises, and individuals in diverse litigated and transactional matters.
- Represented and counseled special library district in diverse matters including accountant/auditor malpractice, administrative, annexation, breach of contract, condemnation, defamation, discrimination, employee discharge, employee embezzlement, general corporate, FOIA, harassment, inter-governmental, mandamus, Open Meetings Act, *quo warranto*, and zoning issues and disputes.
- Have represented special library districts in state court and before state administrative agencies.
- File management responsibilities for pre-litigation counseling, pleadings, discovery, motion practice, trial, post-trial, and appellate phases of litigation involving complex and routine matters in state and federal courts at trial and appellate levels.
- Trial experience includes:
 - second chair 8-week anti-trust jury trial (U.S. Dist. Ct. N.D. Ill.);
 - first chair 7-week anti-trust bench trial (U.S. Dist. Ct. N.D. Ill.);
 - first chair 6-day mineral lease/royalties dispute bench trial (Cir. Ct. of Cook Cty.);
 - first chair 4-day competing annexations bench trial (16th Jud. Cir.);
 - first chair two-day breach of contract bench trial (19th Jud. Cir.);
 - first chair several 1-day breach of contract bench trials (Cir. Ct. Cook Cty.);
 - first chair 1-day theft of trade secrets bench trial (Cir. Ct. Cook Cty.);
 - first chair 3-day breach of residential sales contract bench trial before magistrate (U.S. Dist. Ct. N.D. Ill.).
- Successfully defended 11 federal anti-trust suits in seven federal district courts and three federal appellate courts with combined risk exposure well in excess of \$750MM.
- Successfully defended suit involving mineral lease rights and royalties with a risk exposure in excess of \$10 million.
- Negotiated, drafted, reviewed, and analyzed contracts involving diverse and complex substantive matters.
- Extensive experience counseling clients in connection with corporate governance, compliance, and contractual matters.
- Member of the DePaul University College of Law adjunct faculty teaching *Negotiations*.
- Lecturer on negotiation strategies and skills and mediation.
- Received mediator training (40 hours) and served in mediated disputes as neutral and advocate.
- Panel-chaired 100+ small-case arbitrations in court-annexed arbitrations.
- Served as General Counsel for life settlement investment company with assets exceeding \$25 million.

Academic and Court Credentials:

- Admission to practice before: United States Supreme Court, Illinois Supreme Court, United States District Court for the Northern District of Illinois (trial bar member), United States Court of Appeals for the Seventh Circuit.
- Have represented clients in federal courts in CA, IL, IN, IA, MI, NJ, NY, OH, and TX as well as U.S. Courts of Appeals for the Third, Sixth and Seventh Circuit.
- Member of judicial task force for the 19th Judicial Circuit charged with analyzing viability of instituting a mediation program for foreclosure actions and developing rules and procedures for instituting such program.
- Doctor of Jurisprudence *magna cum laude*, DePaul University College of Law.
- *Pi Gamma Mu National Social Science Honor Society* honors.
- Recipient of several American Jurisprudence Book awards for outstanding scholarship.
- Published –
 - *The Case for Mandatory Mediation in Foreclosure Matters: Can It Work for the Circuit Court of the 19th Judicial Circuit*, The Docket (LCBA Journal), Vol. 19, No. 3 (Mar. 2012).
 - *The Role of Mini-Trial in Negotiation and Mediation – Two Cases*, The Docket (LCBA Journal), Vol. 9, No. 6 (Jul. 2012).
- Published articles on nursing and the law for nurse anesthetist journal, healthcare informed consent for IILCE.

Career History:

- | | | |
|--------------------------------|---------------------------------|--------------|
| • Of Counsel | Lakelaw | 2010-Present |
| • Adjunct Faculty | DePaul U. Coll. of Law | 2004-Present |
| • General Counsel | LifeCycle Investments, LLC | 2007-2010 |
| • Attorney/Partner/Shareholder | Roberts, Simon & Even, Ltd. | 1989-2007 |
| • Attorney/Partner/Shareholder | Schuyler, Roche & Zwirner, P.C. | 1978-1989 |
| • Attorney/Associate | Hinshaw & Culbertson | 1977-1978 |

Applicant requests that this application be held in strictest confidence.