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## Gino L. DiVito

### Partner

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Gino L. DiVito co-founded the Chicago law firm of Tabet DiVito & Rothstein LLC in February 2001. Since his retirement from the judiciary on August 1, 1997, he has concentrated in trial and appellate advocacy in all types of cases, primarily focusing on commercial and complex civil litigation. Licensed to practice law in Illinois since 1963, he has represented individuals, corporations, and governmental entities, as both plaintiffs and defendants, in trial courts throughout the state, and in appeals in the Illinois Supreme Court, the Illinois Appellate Court, and the Seventh Circuit Court of Appeals. He is a member of the Trial Bar of the United States District Court for the Northern District of Illinois. He has been named an Illinois Super Lawyer, as well as a Leading Lawyer in civil appellate law and in alternative dispute resolution.

DiVito served as a judge for more than 20 years (May 1977 to July 1997). For the last eight of those years (April 1989 to July 1997), he was a justice of the Illinois Appellate Court. During that time, he served as the presiding justice of the First District's second division, as a member of the court's executive committee, and as the chairman of the court's computer and information committee. For the preceding 12 years (May 1977 to March 1989), he served as a trial judge in the circuit court of Cook County, presiding over trials and other court proceedings in both civil and criminal cases.

After his retirement from the bench and until he co-founded Tabet DiVito & Rothstein (August 1997 to February 2001), he was a partner with the law firm then known as Quinlan & Crisham Ltd. Before his service as a judge, he served as a Cook County assistant state's attorney (December 1963 to May 1977), initiating the screening of felony cases (in February 1972) and participating as the lead attorney in more than a hundred felony jury trials. For the last three of those years (April 1974 to May 1977), he served as the state's attorney's chief of the criminal division, supervising more than 330 attorneys involved in every aspect of criminal prosecutions – from the screening of felony cases, through preliminary hearings and grand jury presentments, and through trial and the appellate process.

Upon his retirement from the bench in 1997, DiVito and other retired judges founded Judicial Dispute Resolution, Inc. ("JDR"), an alternate dispute resolution company, for which he provided mediation and arbitration services for many years. Concurrent with representing parties in trial and appellate courts, he serves as a mediator and an arbitrator in cases involving a wide range of subject areas, without current affiliation with any ADR company. He is certified as a mediator under Circuit Court of Cook County Local Rule 20 in the Law Division Major Case Court-Annexed Civil Mediation Program and, under Local Rule 21, in the Chancery Division Court-Annexed Mediation Program. From 1998 until 2009, he served as a member of the Board of Directors of the Association for Conflict Resolution—Chicago Chapter ("ACR-Chicago," formerly known as the Society of Professionals in Dispute Resolution ("SPIDR")). He currently serves as a member of the Board of Directors of the International Academy of Dispute Resolution. The Leading Lawyers Network has identified him as a Leading Lawyer in alternative dispute resolution in the areas of Commercial Litigation, Employment, Personal Injury, Commercial Real Estate, Construction, and Environmental Law.

He has provided expert opinion reports and deposition testimony in numerous cases.



Gino L. DiVito  
Partner

Subject matters include legal malpractice, the reasonableness of attorney fees, the existence of probable cause to arrest, and issues related to *Gerstein v. Pugh*, 420 U.S. 103 (1975).

DiVito graduated in 1955 from St. Ignatius College Prep, where he fulfilled the requirements for the classical honors curriculum, which included four years of Latin and two years of Homeric Greek. He attended Loyola University of Chicago, majoring in philosophy with a minor in Latin, and was accepted into law school before completing 11 elective degree hours. He received his juris doctor degree from Loyola University of Chicago School of Law in 1963. A member of Loyola's adjunct faculty since 1979, he holds the faculty position of adjunct professor. In that capacity, he plans and teaches each semester's course in Advanced Trial Advocacy while also assembling and supervising the other members of the faculty for that class. Since 1982, he also has taught an annual weeklong course in trial advocacy at Willamette University College of Law in Salem, Oregon. Active throughout his service on the bench in planning courses and teaching a variety of subjects at the Judicial Conference and at the Appellate Judges Seminar, he has taught judges at the annual seminar for new Illinois judges (1986-2000) and at the National Judicial College in Reno, Nevada (1990-94). He also has taught lawyers for the National Institute of Trial Advocacy, the Illinois Institute for Continuing Legal Education, and the Court Practice Institute.

DiVito currently serves (since 2008) on the Special Supreme Court Committee on Illinois Evidence. The Committee's proposals for the codification of rules of evidence for Illinois, officially designated as the "Illinois Rules of Evidence," were approved by the supreme court on September 27, 2010, and became effective on January 1, 2011. He has lectured judges and lawyers on these evidence rules, and has authored a [color-coded guide for the new rules](#), regularly updated and accessible from his law firm's website at [www.tdrlawfirm.com](http://www.tdrlawfirm.com).

He has served (2003-10) as a member of the Special Supreme Court Committee to Study Rule 23. Effective January 1, 2007, on the Committee's recommendation, the supreme court vacated the administrative order it had entered in M.R. No. 10343 on June 27, 1994, thus removing all limitations on the number of published opinions permitted in each appellate district, as well as the limitations that had been imposed on the length of published opinions and dissents. On September 13, 2010, the court adopted the Committee's recommendation to publish orders that were previously unpublished under Supreme Court Rule 23. As of January 1, 2011, those orders are now published on the supreme court's website, thus making them available for public review.

DiVito currently serves as a member of the Board of Directors of the Illinois Judges Foundation (since 2007) and as a member of the Alumni Board of Governors of Loyola University of Chicago School of Law (since 2008). He also currently serves as the chairman of the statutorily created Illinois Sentencing Policy Advisory Council (SPAC), (*see* 730 ILCS 5/5-8-8), after having been appointed by Governor Patrick Quinn in December 2009 and having been elected chairman by its members. By virtue of that office, he coordinates with two other state entities created by the Illinois Crime Reduction Act of 2009 (*see* 730 ILCS 190/1 *et seq.*): the Risks, Assets, and Needs Assessment Task Force (RANA) and the Adult Redeploy Illinois Oversight Board. He also is a member of the Illinois Judges Association, the Appellate Lawyers Association, the Seventh Circuit Bar Association, the American Bar Association, the Illinois State Bar Association, the Chicago Bar Association, the Women's Bar Association, the Justinian Society of Lawyers, and the American Judicature Society.

He has served as the president of the Illinois Judges Association (1993-94), the president of the Appellate Lawyers Association (2002-03), the president of the Markey/Wigmore Inn of Court (1992-93), and the chairman of the Illinois chapter of the American Judicature Society (1999-2002). He served as a member of the Illinois Supreme Court Committee on the Rules of Evidence (1975-79) (a predecessor of the current supreme court evidence committee) and the Illinois Supreme Court Planning and Oversight Committee for a Judicial Evaluation Program (1998-2006) which, pursuant to Supreme Court Rule 58, was charged with implementing and

administering a program for judicial performance evaluation. Effective March 1, 2011, the supreme court amended Rule 58, renaming the Committee the "Judicial Performance Evaluation Committee," and authorized it to implement and monitor a program of mandatory judicial performance evaluation, "for the purpose of achieving excellence in the performance of individual judges and the improvement of the judiciary as a whole." Rule 58(c).

DiVito also has served as a member of the governing Boards of the Illinois Judges Association (for many years and at various times), the Chicago Bar Association (1993-95), the Illinois State Bar Association (1984-90), the Chicago Bar Foundation (1994-95), the Appellate Lawyers Association (1997-2004), the Lawyers' Assistance Program (1996-98), and the John Howard Association (1997-2001).

For approximately 25 years, he authored and annually updated a guide related to sentencing under Illinois law. He provided free annual updates of the guide to Illinois judges, state's attorneys, public defenders, and law school professors, and to the Illinois State Bar Association for its marketing to the other members of the Bar. In August 2010, LexisNexis Matthew Bender began publishing and marketing the guide, entitled *Illinois Sentencing and Disposition Guide*, now co-authored by Peter G. Baroni.

With former Governor James R. Thompson, he co-chairs the Criminal Law Edit, Alignment and Reform (CLEAR) Commission which, after two years of deliberations, submitted to the Illinois General Assembly significant legislative revisions to the Criminal Code of 1961 as well as to the Unified Code of Corrections. Most of CLEAR's suggested revisions have already become law, with the remainder expected to be approved soon by the General Assembly. DiVito is a frequent speaker and author on a variety of topics related to trial and appellate advocacy and issues of concern to judges and the justice system.

At its gala dinner in 2008, the Illinois Bar Foundation honored DiVito with its Distinguished Award for Excellence. In 1995, Loyola University of Chicago School of Law awarded him the Loyola Medal of Excellence, and in 2007 it honored him with its Distinguished Jurist Award. In 1997, St. Ignatius College Prep presented him its Award of Excellence in the Field of Law. In 1997, he received the Justinian Society of Lawyers Award of Excellence. In 2002, he received the Illinois Judges Association's Lifetime Achievement Award. In 2000, he received the Illinois State Bar Association's Board of Governors' Award and, in 1999, its Virgil E. Tipton, Jr. Publications Award. The eldest of four children of Italian immigrants, in 2005 he received the Leonardo da Vinci Award for Excellence in Jurisprudence from the Order Sons of Italy in America. He has received numerous other awards and certificates of appreciation.

DiVito enjoys reading, playing tennis, skiing, and time with his family. He and his wife of 41 years reside in Glenview, Illinois, where he serves on the Fire and Police Commission. They are the parents of three near-perfect daughters, a lawyer, a physician, and a nurse; the parents-in-law of three super sons-in-law, a lawyer, a physician, and a doctor of veterinarian medicine; and the grandparents of seven perfect grandchildren.