

U.S. Magistrate Judge Gabriel A. Fuentes - Biography

U.S. Magistrate Judge Gabriel A. Fuentes was appointed to the bench by the U.S. District Court for the Northern of Illinois on May 31, 2019, after 25 years as a practicing lawyer and seven years as a professional journalist. In his legal career before joining the bench, the judge helped clients navigate complex and unique problems with societal import, in some of the most challenging adjudicative venues.

A 1986 graduate of Northwestern University's Medill School of Journalism, Judge Fuentes began his journalism career as a night police beat reporter with the City News Bureau of Chicago and learned that "if your mother says she loves you, check it out," the CNB credo that would stay with him for the rest of his career. As a reporter at the Chicago Tribune, the judge covered the TWA Flight 847 hostage taking, breaking news including the tragic bus crash that took the lives of seven teenagers on their way to a Bruce Springsteen concert at Soldier Field, and the making of campaign contributions to Cook County elected judges from lawyers with cases before those judges. Judge Fuentes spent the last four years of his newspaper career at the Los Angeles Times, covering clashes land developers and wilderness preservationists, the approval of the sprawling Porter Ranch development by the City of Los Angeles, and crime and courts, including the investigation and trial of prominent murder cases in the Superior Court of the State of California in and for the County of Los Angeles.

At the Northwestern University Pritzker School of Law, Judge Fuentes served on the Northwestern University Law Review, argued for the Philip C. Jessup International Law Moot Court Team, and helped clinical professors represent accused delinquent minor children in the Juvenile Division of the Cook County Circuit Court. After graduating cum laude from the law school in 1993, the judge served as law clerk to Chicago U.S. District Judge John F. Grady, one of the nation's most storied trial judges. Judge Grady imparted that courage is the one thing a person needs the most to be a successful judge.

Judge Fuentes joined the Chicago law firm of Jenner & Block, where he spent 20 years, becoming a partner in 2001 and returning as a partner from 2006 to 2019. At Jenner & Block, Judge Fuentes litigated complex class, commercial, and government disputes, obtaining the dismissal with prejudice of a class action complaint by an Illinois municipality against a major public utility over electrical service interruptions that the Illinois courts ruled were more properly within the exclusive administrative jurisdiction of state commerce regulators, not circuit courts across the state's 103 counties. He conducted an investigation and lawsuit that uncovered a \$42 million civil fraud and money laundering scheme directed at Chicago's LaSalle Bank, freezing \$7 million of the funds and paving the way for the successful federal criminal prosecutions of the two perpetrators. He won the dismissal of a misguided civil action against a group of Park Ridge, Illinois, residents who were named as defendants because they spoke out against a zoning-change proposal at a public meeting, in a case that led to the reform of an Illinois statute that seemingly required developers to name as defendants everyone who spoke at public meetings about the disputed project.

The judge's corporate and individual criminal defense practice included virtually single-handedly persuading federal prosecutors to reverse their felony charging decisions against a Fortune 100 international corporation and two individuals in separate complex antitrust and securities fraud investigations. He later won the release of a Chicago man in a wrongful perjury prosecution that non-profit Injustice Watch called "unprecedented and horrendous public policy" designed to "chill truthful recantations" of previous false testimony used to secure criminal convictions in Cook County. In a case documented by a CNN series titled "Footsteps in the Snow," he secured the exoneration of a man wrongfully convicted in DeKalb County, Illinois, of a 1957 murder that had been dubbed – incorrectly – the oldest "cold case" ever to be "solved" in the United States. As a member of the Federal

Defender Panel, the judge won acquittals on six of 14 counts in a legendary 2010 trial in which the U.S. Court of Appeals for the Seventh Circuit said it was forced to intervene by writ of mandamus to head off what the court of appeals called a probable “groundless acquittal.”

The judge’s pro bono criminal defense practice also challenged government use of invalid or unreliable expert testimony based on junk forensic science and beat back efforts to discredit other experts who dared to question the junk science orthodoxy. Judge Fuentes made the first comprehensive challenge in the Northern District of Illinois to fingerprint “matching” testimony since the 2009 National Academy of Sciences report stating that only nuclear DNA evidence could reliably “individualize” an identification to a single person. He won the appeal of a Kane County, Illinois, murder conviction procured through the prosecution’s use of an expert’s inadmissible “criminal profiling” opinions and crime-scene analysis testimony that the Illinois Appellate Court ruled was “not scientific,” effectively banishing these improper forms of expert testimony from future Illinois criminal trials. The judge then waded into a war among experts over the integrity of forensic science, successfully defeating an attempt to stop a renowned forensic dentist from continuing to offer expert testimony that opinions individualizing bite marks to particular persons were unscientific and unreliable. After defending the dentist at a trial-type professional ethics hearing that The Washington Post called “absurd,” “surreal,” and “far short of any reasonable conception of fairness or due process,” the judge persuaded the American Academy of Forensic Sciences board of directors to reverse, unanimously, the dentist’s expulsion from the AAFS on bogus ethics allegations intended to disqualify him as an expert witness in future criminal trials. The dentist was one of two experts the judge successfully defended against rival experts’ baseless ethics complaints to the AAFS.

The judge as a private practitioner was a stout defender of press freedom, successfully representing student journalists at two Chicago-area high schools and Western Illinois University against school administrators’ wrongful attempts to squelch their reporting. In his last year at Jenner & Block, the judge resisted a Cook County judge’s order imposing an unlawful prior restraint on a national media organization and led a team of media lawyers in a pitched legal battle against court secrecy in the high-profile “16 Shots” murder prosecution of a Chicago police officer in the death of teenager Laquan McDonald. In the “16 Shots” case, Judge Fuentes wrote the petition that persuaded the Illinois Supreme Court to issue a rare supervisory order commanding the trial court to grant press and public access to the improperly sealed trial court file. His diligent efforts to make the necessary Circuit Court record, over opposition from the trial judge, triggered a series of bizarre orders that the Chicago Tribune called “unprecedented,” including an order directing a court reporter to stop transcribing his statements. Three Illinois Supreme Court justices later voted for reversal through yet another supervisory order. While at Jenner & Block, the judge received local and national pro bono service awards and co-chaired the law firm’s top-ranked national pro bono program. He also served as president of the Chicago Council of Lawyers, a commissioner of the American Bar Association’s Commission on Youth At Risk, and a national board member of the Mexican-American Legal Defense and Educational Fund. He currently is a board member of the Federal Bar Association, Chicago Chapter.

Before his return to Jenner & Block in 2006, the judge tried cases and argued appeals as a federal criminal prosecutor in the general crimes, narcotics, and organized crime sections of the U.S. Attorney’s Office for the Northern District of Illinois for five years. As an assistant U.S. attorney, Judge Fuentes prosecuted white-collar frauds, led the successful investigation and prosecution of a sophisticated and violent ring of professional armored car robbers, convicted international drug traffickers including an organized crime cell’s personal link to Mexico-based suppliers of tons of cocaine being trucked into Chicago from the southern border, and engineered the rare return of three

U.S. citizen children held unlawfully in the Kingdom of Jordan, a non-Hague Convention nation, in a complex international parental kidnaping prosecution.

The judge brought his wide range of professional and human experience to the bench in 2019, and since then, he has presided over hundreds of civil and criminal cases, several bench and jury trials, and hundreds of successful mediations. His published opinions have addressed the breadth and limits of discovery relevancy and proportionality under Federal Rule of Civil Procedure 26(b)(1), the sanctity of attorney work-product in pre-filing class action lawsuit investigations, the inability of employers to block federal workplace safety enforcement through motions to quash administrative search warrants before their execution, and the absurdity of the Social Security Administration's reliance on a more than 40-year-old list of obsolete jobs – such as “nut sorter” and “pneumatic tube operator” – to deny Social Security disability benefits by asserting that thousands of these obsolete jobs were available in the national economy. In the criminal law realm, the judge's opinions have protected the Fourth Amendment privacy rights of innocent bystanders whose location information is captured in government “geofence” surveillance warrants, the Sixth Amendment right to counsel of persons negotiating guilty pleas before the filing of formal charges, and the statutory rights of immigrant defendants against prolonged pre-trial criminal detention as a result of federal immigration “detainer” requests in the face of release orders entered lawfully under the Bail Reform Act of 1984. He has lectured at Federal Judicial Center national workshops for magistrate judges.

Judge Fuentes is an adjunct faculty member at the Northwestern University Pritzker School of Law and the University of Illinois Chicago School of Law, teaching trial practice and mediation skills. He has been a frequent speaker and writer on a variety of legal issues including the limits of permissible forensic expert testimony in criminal cases, the subject of an article for which he won a Burton Legal Writing Award. He is an avid reader, a follower of Chicago history and politics, and an ice hockey goaltender. A native Chicagoan, he lives in the Chicago area with his wife, who is a public school teacher. They are the parents of three adult children.