



ICJL 2008 Judicial Candidate Questionnaire

1. What steps do/would you, as an elected judge, take to maintain your independence from campaign contributors and special interest groups? Do you impose any limits beyond those required by law on contributions?

Although the state disclosure laws do not require individual contributors be named when they give less than \$150, I personally have my treasurer keep track of all donors of any amount of money and/or time to my campaign. This list is compiled so that if I am fortunate enough to win my election, I will be in a certain position to announce in open court whether any party appearing in front of me is or has been a contributor to my campaign. I will make this announcement with full disclosure between the parties of the amount received in money or time to my campaign and give any party the option to have me recuse myself for cause, keeping open the option to substitute the next judge under the right to substitution.

As a candidate for county resident judge in a county with a population of less than 40,000 I am fortunate to know all of my contributors personally. My largest contributor will be my political party precinct committee and they have already been informed of my earnest commitment that a judge does not represent a person, a party or a cause. To me a judge represents the written letter of the law and I would perform the judicial duties in an impartial and unbiased manner.

2. Illinois currently has a mixed system of selecting judges. Most are elected by voters, some are appointed to fill vacancies, and others (associates) are selected by other judges. Is this the best way to select judges and to ensure the highest quality judiciary? Are there specific reforms in the judicial selection process that you would like to see? What are the pros and cons of merit selection of judges vs. election? Should sitting judges run for re-election rather than retention?

Judges are rightly elected by the voters of their political subdivisions and I agree that judges should be retained rather than reelected, however, I believe judges should be retained every four years, instead of every six years. The basis for my position on retention versus reelection is that, as referenced above, judges must perform their duties without any appearance of impropriety or favoritism. To insure that judges do not rule based upon their necessity to get reelected means to offer the judge the opportunity to avoid the adversarial process of a contested election and, instead, demonstrate to the public that the judge is performing as well as or better

than expected. In doing this, the judge is encouraged to seek the truth and apply the law equally in all cases, irrespective of the parties involved and the claims presented. The basis for my position on retention every 4 years is to keep the judges active in their legal and civic communities with involvement in the justice system, advancing the interests of justice, and the community in general, demonstrating a concern for the judge's community and civic activities. A six year term between retention offers the opportunity for a judge to become complacent in judicial and community duties and would not be an encouraging factor in compelling the judge to serve the bench in earnest, in full, everyday.

3. What would you say to a frustrated voter faced with a ballot with dozens of judicial candidates, almost all of whom are unknown to the voter, about how to cast an informed ballot?

Typically, those individuals running for judicial office have served as attorneys for a fairly long period of time prior to running. Although there are exceptions to that statement, the remainder of my answer requires that the candidate have secured a reputation for excellent and respectable legal work in the community, which in my county, can be ascertained by speaking with one's neighbor, with an acquaintance in the grocery store aisles, or with a customer at any restaurant in town. I would encourage any frustrated voter to ask their friends about the candidates reputations as lawyers and as citizens of the county in which they live. Do the candidates give back to their legal community? Do they serve their general community by volunteering time and money to worthwhile community events? If so, the candidate's respectable and solid reputation will precede their candidacy. If not, the frustrated voters are left only with what the candidate says about herself/himself in the campaign literature. In my opinion, if the only judgement of a candidate can be made by reviewing the candidate's own literature, and the other candidate has earned a respectable and good reputation in the community, the frustrated voter is left with one clear choice, voting for the candidate whose reputation for fairness and good legal work in the community is well-known.

4. Has the recent Supreme Court decision on the First Amendment rights of judicial candidates altered your views on and/or approach to "campaigning" for judicial office?

I tend to follow Justice McMorro's writings on the judicial candidate's rights and responsibilities in campaigning for office. Although as a judicial candidate I am permitted to support other candidates for political office, attend their fund raising events, et cetera, I do not permit myself personally to do these things for ethical and judicially prudent reasons. My words and my actions make clear to the public that I will serve the office of judge in a non-partisan manner and to prove it, my campaign will serve just as earnestly in that objective.

5. In close cases, judges (particularly appellate judges) often have choices to make as to the direction in which they believe the law should go. In those circumstances, some of the greatest judges have been activists, others have practiced restraint, and others have followed no particular philosophy about the place of the judiciary in our system of separate branches sharing power. Which of these

approaches/philosophies best captures your views of the proper role of judges in society?

The way I would approach problems in the law would be the way I've approached problems or dilemmas in my life. I have always sought to do the right thing in community and business even though my decision may not be best for me, but the best decision for the group represented. I'm sure it is debatable whether I have always done the right thing, I know that I've put aside personal belief to insure that a group I represent is given full weight for its opinions. I've never tried to influence someone by using my position of authority just to get them to my side of a deal. That isn't my way of doing things, though I know it happens everyday. As an example, as Board Chair of Sauk Valley Community College, I am commended frequently by my board members for my ability to serve impartially and to ask the entire board for opinions and suggestions on matters of great importance. This leads to a consensus voting method without my opinion even being known in some circumstances. My philosophy and approach to college board governance has earned the respect of the board and their nomination of me to be unanimously elected board chair for three consecutive two year terms, totaling six years as chair. I care about the opinions of others and those opinions of representative government. I believe a judge should not be an activist, but only an interpreter of what has already come before the bench through the process of representative government.

6. It is often said that because the judiciary neither commands the sword nor the purse, its power and legitimacy rest on the persuasiveness of its opinions. Yet a large number of cases -- even cases worth large sums of money and presenting significant and/or novel legal issues -- are resolved in the Circuit Courts of Illinois through the issuance of one line orders that fail to give even an inkling of the Court's reasoning. Do you see this as a problem for the judiciary? If so, do you have any ideas on how to remedy the problem? How should orders -- particularly those subject to appeal -- be written? As a prospective circuit judge, do you believe the parties are entitled to the basis of your ruling including the findings of fact and your application of the law to those findings of fact? If an appellate candidate, please offer your thoughts.

"One line Orders" are absolutely unacceptable and clearly not in the interests of justice. I believe that any judge who issues such unexplained and unsupported orders should be critically reviewed for that person's failures or inadequacies in the written word. Opinions from the bench should mostly, if not all of the time, be written or dictated with complete thoroughness of thought and supported by appropriate and copious legal precedent. All parties have a right to know the judge's critical thinking process when arriving at a decision and the appellate courts must demand that such opinions are made in that regard.

7. Recently proponents of "Sunshine in Litigation" have sought legislation to eliminate or severely restrict the judicial entry of protective orders in litigation between private parties involving products that may be considered dangerous to the public. Opponents of these efforts argue that protective orders are necessary to ensure privacy, protect trade secrets and foster settlements. What is your view of the role which protective orders serve in the efficient resolution of private litigation?

Do you agree that judges should have broad discretion to enter such orders when appropriate? How would you respond to each side of the debate?

Judges should have some discretion, perhaps not broad discretion, in entering protective orders in litigation when there is a compelling and overriding privacy or trade secret interest involved. The standard for this should be determined by Supreme Court Rule.

8. Are there civil litigation reforms that you would like to see enacted to remedy particular problems that you have detected, either as a practicing lawyer or as a sitting judge? Are there reforms that would benefit the civil justice system? What needs to be changed? Should the enactment of any such changes be the province of the legislature, the Supreme Court or by Constitutional amendment?

Even though my response may be in accordance with certain opinions of the Illinois Civil Justice League, disclosing my personal opinions on your very specific question here would call into debate the public's perception of my fairness and objectivity, personal traits that have made me a successful attorney in my circuit. As judge, I will not dictate policy or law from the bench if I am elected to serve. I will not let personal opinion on what laws are or should be enacted influence my decision in upholding those same laws. We have a solid form of representative government and those offices sought in our nation's general assemblies and legislatures have the authority and the directive to seek to answer your questions more specifically.

9. Do you feel that our judicial system adequately deters and penalizes frivolous litigation? If not, what reforms would you like to see?

Other than my response in Question Number 8, above, I am confident in our current justice system and believe that, while all systems of justice have room for improvement, Illinois' courts adequately deter and/or penalize frivolous litigation. Judges are charged with overseeing the litigation before them and are granted authority to dismiss the frivolous claims and proceed with those claims that are meritorious.

10. Do you believe the Illinois Constitution precludes legislative establishment of limitations on civil damages? Are there or should there be distinctions among economic, non-economic and punitive damages?

A public's confidence in its judiciary can only be supported and emboldened when the public not only perceives, but embraces its judges as fair, unbiased and thoughtful in every decision made.

I believe that a judge who does not seriously contemplate each issue presented, whether it be social, financial or involving liberty interests of an individual, should not serve on the bench. To commit a specific answer to this question would indicate a bias on my part toward a disposition of a case, which would violate my own ethics as well as Supreme Court Rule 67.

11. The so-called "English Rule," where the loser pays, seems to be a popular concept among Illinois citizens. Do you believe that a "loser pays" requirement in civil cases would help reduce the number of frivolous civil lawsuits filed in Illinois? Are there reasons why Illinois should/should not consider such a rule?

Specifically responding to this question would call into question my ability to be fair and impartial. I am, and intend to be as judge, fair and impartial and thus cannot reply.

12. (For current sitting judges) What do you consider to be the most serious obstacle or detriment to you as a judge in fulfilling your duties? Has the problem been getting worse or has it been lessening in the past few years? How do you deal with this problem now, and what changes would you like to see to alleviate the problem in the future?