



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?

I have asked my Committee to neither solicit nor accept contributions from attorneys that may appear before me as a Judge. We simply need to remove the appearance of impropriety that comes from asking for and taking money from those that may be the beneficiaries of judicial decisions. Obviously, I would recuse myself from any case where even the appearance of impropriety may exist; however, I believe that true independence in the judiciary must start in the campaign for office. Particularly in a sub-circuit race, you can campaign without huge expense to get your message out to voters.

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?

I do not object to running for election and asking to be the people's choice. This provides a level of judicial accountability. It is certainly far more pleasant to simply get appointed to a position and avoid public scrutiny and dialogue, however, the appointment process has its own set of corporate politics that is not immune from choices made based upon who you know instead of what you stand for and what you have done. I favor sitting judges running for retention not re-election.

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?

I would urge them to take time to read the candidate profiles that are, like this site, unfiltered and respond to good questions. I would also urge them to attend forums whereby they could personally see the candidates and hear them respond to questions of concern by the citizens asking them. There are opportunities to get to know the candidates: questionnaire's in newspapers, public forums, web sites, flyers. In my case you can also email or call with questions or requesting information and I encourage all to do so.

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?

Not really. There is a true lack of clarity following that decision as to what can or cannot be said by a judicial candidate. While I may remain free to express my personal views on issues, care has to be taken to remain and appear to remain fair and impartial on any issue that may appear before me as a judge.

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 judicial branch is not a lawmaking branch. You take an oath to follow the constitution and laws of the United States and the State of Illinois. You are not at liberty to follow only the laws with which you happen to agree. If that occurs our three branch system breaks down into the rule of people and not law.

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? Yes

If so, do you have any ideas on how to remedy the problem? Require findings of fact and at a minimum the general legal basis for the decision.

How should orders - particularly those subject to appeal be written? They should require findings of fact and at a minimum the general legal basis for the decision.

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?

Yes.

If an appellate candidate, please offer your thoughts. NA

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? To balance the private interests of the litigants (including privacy interests) with any potential harm that its failure to disclose would harm the public.

Do you agree that judges should have broad discretion to enter such orders when appropriate? Yes

How would you respond to each side of the debate? A judge could maintain private matters between private parties in a way that can protect the public and consider the public interest in an open court system. A factor in some cases would be the judges determination that the offending party or parties have taking the necessary remedial steps to insure that no other persons would be subjected to the same wrongs that may have been found in the private litigation.

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?

There are many changes that could be made but are left up to the legislators and need to be discussed by the legislative candidates.

Should the enactment of any such changes be the province of the legislature, the Supreme Court or by Constitutional amendment? The legislature is the body that should make public policy, not the judiciary.

9. Do you feel that our judicial system adequately deters and penalizes frivolous litigation? No If not, what reforms would you like to see? Legislation that adequately compensates a person or entity from having to waste time and money defending truly frivolous actions.

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? I am uncertain I can answer this question and remain in compliance with 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? Yes

Are there reasons why Illinois should/should not consider such a rule? Yes

Are there reasons why Illinois should/should not consider such a rule? No, the legislators should consider the pros and cons of this issue and determine an outcome that is in harmony with their role as defining our state's public policy.

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?