

ICJL 2008 Judicial Candidate Questionnaire

CANDIDATE FOR: 5th Subcircuit, Court of Cook County VACANCY: **Bernetta Bush**

PARTY: **Democrat**

NAME: **Furmin D. Sessoms**

WEB SITE: **www.electjudgesessoms.com**

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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?

As a sitting judge, having a campaign committee that solicits campaign donations on behalf of my campaign works well to maintain my independence. I have not imposed limits but, in practice, it seems that judicial races do not attract large contributions.

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?

The selection of judges using the current three distinct methods is working well. The individuals I have met are all highly intelligent, diverse and collegial. The so-called merit selection process is an oxymoron. As a minority, one understands “merit selection” means what and whom the majority deems appropriate. For years only members of certain ethnic groups were selected. The subcircuits were created to address this issue.

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?

Voters should use sources such as the ICJL Web site. In addition, I and other judicial candidates have Web sites that set forth our qualifications.

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?

No, it has not.

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?

Restraint and activism can be both good and bad depending on circumstances. During the Jim Crow era many judges practiced “restraint.” As a result Blacks were denied the rights to which they were entitled. As more activist judges were elected and appointed, they moved the civil-rights agenda forward through their decisions. Today, activist judges with conservative views are trying to restrict gains made in civil rights.

All judges should have a philosophy and approach that takes into consideration doing what is right based on the law and the facts. Fairness, equity, compassion, justice should all guide judicial decisions.

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.

There are many cases where the judge should articulate the reasoning supporting their rulings. But often, a short answer is sufficient.

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 wide discretion to enter protective orders. However, such discretion must be used only where the public would be protected from dangerous products covered within the agreement.

- 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?

Driver's license lists should be used in addition to voter registration lists to increase the number of minorities included in the jury pool.

The use of preemptory challenges in the jury selection process must be studied. It seems that Blacks, women and other minorities are routinely eliminated and kept off juries, especially in cases where the plaintiff is a minority.

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

***Pro se* litigants produce many of the frivolous lawsuits. It is difficult to deter the *pro se* litigant, and their lawsuits do serve an important purpose – “finality.” Having access to the courts is the hallmark of a civil society. It is better to have some so-called frivolous litigation to resolve disputes, than the prospect of people resorting to violence or other measures to resolve their differences.**

- 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?

There should be no limit on civil damages because the people seeking recovery are the uninsured and the underinsured. The companies sued can best pay for the damage they are determined to have caused. This is a better result for society than the injured parties becoming a burden on the public.

- 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?

In my career I have been concerned about guaranteeing the equal protection of the law to all people. In my opinion, the “English rule” may have a chilling effect on people of lower economic status seeking legal redress through the courts. It is not a good idea.
