



**Candidate: Ann Jorgensen**

**Appellate Court, Second District, Callum Vacancy**

1. State the qualifications and experiences that make you qualified to serve on the bench in Illinois.

**In July of 2008, the Illinois Supreme Court appointed me to fill a vacancy on the Appellate Court - Second District. I was qualified for appointment and I am qualified to hold the office of Judge of the Illinois Appellate Court – Second District based on my experience and accomplishment.**

**I have been a judge for 20 years. I practiced law in both the public and private sectors. My experience includes civil and criminal cases as well as alternative dispute resolution. I have decided disputes between pro-se litigants in small claims court and presided over some of our most serious criminal cases, argued by highly trained attorneys, qualified to litigate in capital cases. I have been a presiding judge. As the Presiding Judge of the Felony Division I used my authority to legion support to create the DuPage County Drug Court where I volunteered to serve as the first presiding judge. I was elected by my peers to serve as the Chief Judge of the second largest court system in the state to oversee the operations of the 18<sup>th</sup> Judicial Circuit Court, its 43 Circuit and Associate Judges, Department of Probation, Court Reporters, court employees and 20 million dollar budget.**

**In addition to these responsibilities, I have been an author and frequent lecturer. I am an active member of the bar and served as President of the Illinois Judges Association 2002 -2004.**

**My career began in the DuPage County State's Attorneys Office where I prosecuted cases from traffic violations to homicide. I also practiced on the other side. In the private sector I defended clients accused of committing criminal offenses from traffic violations to homicide, and learned to appreciate the litigation of a criminal case from all perspectives with my former partner John F. Donahue (firm now known as Donahue Sowa & Magana).**

**I have a wide breath of judicial experience and perspective. In 1989 I was one of the youngest persons ever appointed to serve as an Associate Judge in the 18<sup>th</sup> judicial Circuit; I was 34 years old. My judicial career started in small claims court where I found myself in the midst of a dispute over a Nolan Ryan rookie year base ball card. This seemingly routine case attracted national media attention and landed in me *Sports Illustrated*. I learned first-hand the important role local and national media play in the interaction between ongoing court proceedings and the information disseminated to the public.**

Between 1991 and 1994, I oversaw the DuPage County Mandatory Court Annexed Arbitration Program, a program designed to allow the parties to by-pass traditional litigation in favor of a less costly and timelier resolution of a civil dispute. As a result of this experience, I have come to appreciate the role of alternative dispute resolution in our trial courts to foster resolution of both civil and domestic relations cases.

In 1994 I was elected by the voters of DuPage County as a Circuit Judge. I served the next eleven years in the Felony Division hearing some of our most serious criminal cases. In 1997 I was appointed presiding judge of the Felony Division. As the Presiding Judge, I saw an opportunity to address the cycle of addiction and crime. With the cooperation of other county offices I started the DuPage County Drug Court Program, and served as the first Drug Court Judge from 2000 to 2007. Drug Court offers non-violent, drug addicted offenders rigorous treatment, intense supervision and rehabilitation. The goal is to achieve sobriety and return to productive citizenship. The program has been successful and I am very proud of that legacy.

In 2005 my fellow circuit judges elected me to serve as the Chief Judge in DuPage County. As Chief Judge I oversaw a multi-million dollar budget and the operations and management of the 18<sup>th</sup> Judicial Circuit, including 43 Circuit and Associate Judges, the Public Defender, Department of Probation & Court Services, Youth Home, Court Reporters and court staff. I also had the privilege to participate in the Conference of Chief Judges.

During my term as Chief Judge, much was accomplished in the 18<sup>th</sup> judicial circuit through the collaboration between the Office of the Chief Judge, judges and lawyers of the 18<sup>th</sup> Judicial Circuit and other county offices. For example, with cooperation of the Sheriff, Clerk of the Circuit Court and divorce lawyers we opened Domestic Relations Night Court which allowed people to handle their ongoing divorce matters without losing a day of work. DuPage County Bar Association lawyers volunteered to assist pro se litigants in drafting an order that properly reflected the ruling of the court. With the support of the DuPage County Bar Association and DuPage Association of Women Lawyers, the Clerk of the Circuit Court and Family Shelter Services created an internet program which allowed DuPage County to become one of the first circuits in the state to offer on line assistance in obtaining an Order of Protection *with an online tutorial* to guide the pro se petitioner. Former DCBA President Fred Spitzer and I chaired a committee of lawyers and judges in DuPage County to draft a Code of Professionalism for our circuit. I was very gratified by our ability and willingness to work together to increase access to the courts and improve its operation.

I was elected President of the Illinois Judges Association in 2002 and served an 18 month term. As President I was one of two named plaintiffs who filed a class action suit against Governor Blagojevich in 2003 opposing an unconstitutional action by the Governor. The Illinois Judges Association honored me with its Lifetime Achievement Award in 2005. I continue my active participation in the association and currently serve as a member of the Illinois Judges Association Foundation.

I am an active member of the Illinois State Bar Association. I have had the opportunity to serve as Chair of the Criminal Law Section Council, Alternative Dispute Resolution and am a current member of Bench and Bar. I have attended

multiple *Allerton* Conferences and spoken at two. *Allerton* Conferences address a single issue regarding the court system. I spoke at one conference dedicated to the jury trial process, specifically *voir dire*, and at the most recent conference which focused on civility in our profession. I am also an active member of the DuPage County Bar Association. I have authored articles, spoken at seminars, and served on committees. The association recognized my contribution and named me as *Lawyer of the Year* in 1999 and honored me with the *Ralph A. Gabric Award for Professionalism* in 2008. Ralph Gabric is one of the most revered past presidents of both the DuPage County Bar Association and Illinois State Bar Association and receiving an award for professionalism in his name was a humbling honor. Finally, I am a founding member of the DuPage Association of Women Lawyers and in 2003 was the recipient of their *Glass Ceiling Buster Award*.

The Lawyers Assistance Program, a not-for-profit organization designed to offer assistance to impaired lawyers, honored me with the *John Powers Crowley Award* in 2008 for my work with drug and alcohol addiction. The Illinois Crime Commission recognized my work with their *Excellence in the Judiciary Award* in 2007.

Throughout my career in the circuit court, it has been my commitment to promote the efficiency and effectiveness of our courts and to assist those who come to the courts for resolution and justice. As an Appellate Court Judge, I will continue to work to enhance our courts, preserve the rule of law and foster the principles of fairness and integrity which are the hall mark of our justice system.

I am seeking the Republican nomination in DuPage, Lake, McHenry, Kane, DeKalb, Kendall, Boone, Winnebago, Stephenson, Jo Daviess, Ogle, Lee and Carroll Counties to fill the Appellate Court – Second District vacancy of Thomas E. Callum.

2. One prominent Illinois judicial evaluation survey asks attorneys to evaluate candidates on Integrity, Impartiality, Legal Ability and Temperament. Critique yourself in these four areas as to how they make you qualified to serve on the bench.

**Integrity is a quality that includes honesty, truthfulness and honor. It should be an integral part of the character and work ethic of every judge. Without integrity, even outstanding knowledge and ability pale. Impartiality means fairness, independence and neutrality. Impartiality, the ability of the parties to receive a fair trial before an impartial judge, is the cornerstone of our justice system. Legal ability is paramount, but is often tempered by the ability of a judge to listen to the evidence and arguments and thus apply the law to the correct set of facts. Finally, temperament is the characteristic most remembered by those who appear before a judge. It is the litigant's belief that the judge heard what they had to say and gave them their attention.**

**I believe that I have always conducted myself with the highest regard for these principles. I have integrity, both in my decision process in the courtroom and in my role in the administration of the courts. I know that my rulings were made with utmost impartiality. My decisions are based on the evidence and the law presented.**

**I believe that I have a strong legal ability which continues to be a work in progress. I am always learning and widening my understanding of substantive law and procedure. Issues evolve and new questions arise with the passage of**

time. It is one's recognition of new issues and ability to appreciate the evolving law that is the hall mark of a judge who has the strongest legal ability.

I believe that I have very polite temperament in court. I listen to people and look at them when they speak to me. I hope every person believes that they and their case had my full attention and careful consideration. The public should always be treated with respect and patience by every member of the judiciary. I believe I have met this objective.

These qualities are difficult to measure. However, they can be observed by those who see a judge at work. It is in the context of a courtroom that lawyers and litigants see whether a judge has integrity and whether decisions are impartial. The quality of your rulings and the temperament with which you conduct the business of the court and deliver rulings is clearly evident in the courtroom. In 2006 lawyers were asked about my integrity, impartiality, legal ability and temperament. I earned an overall 98% approval rating from members of the Illinois State Bar Association in a number of the categories, including judicial integrity, impartiality, legal ability, temperament and court management. In addition, the DuPage County Bar Association conducts an extensive investigation into the qualifications of a judicial candidate including the qualities you addressed and personally interviews the candidates. Following the review, I was "Highly Recommended" by the DuPage County Bar Association for the Illinois Appellate Court Second District.

3. Describe the case in which you are most proud of your work as a lawyer.

I am very proud of my profession and of my work both as a prosecutor and defense counsel. I was involved in hundreds of criminal cases in my career as an attorney. They are difficult, emotional cases often with tragic life altering consequence for the victim and offender. I am proud of my work with those cases because I fulfilled my role in the criminal justice system to the best of my ability. I honored the constitutional rights of the offender, protected the rights of the victim and regardless of whether I was prosecuting or defending, I argued for the most appropriate sentence allowed under the law. The most difficult case for a criminal attorney is the case where he or she represents a truly innocent client.

In 1984 I was defense counsel for a young man charged with multiple counts of rape. He was dubbed the "Burlington rapist" because the assaults occurred at or near the Burlington station. Our client had confessed to the crimes and been identified in a line up by three of the victims. In addition, he smoked Marlborough cigarettes and butts of that brand had been found at the scene of the crimes. His facial features matched the composite sketch of the offender. Our client thought he looked like the composite and went to the police. He agreed to speak with the detectives and ultimately confessed. He was arrested and held in custody pending trial.

In his defense, he told us he didn't do it and his alibi for at least one of the times in question was intact. He offered no explanation for why he'd confessed. However, a psychological evaluation found he was indeed so susceptible to suggestion that it was possible he would confess to crimes he did not commit. In the mean time, another attempt assault was reported with similar characteristics to the Burlington rapist. However, it was unknown whether this was the real rapist or a copy cat.

Another young man Randy Dukes was arrested for an unrelated crime. Mr. Dukes bore an incredible resemblance to our client, but there was a large discrepancy in their height. Anticipating an alibi defense, the state asked for an additional line up with our client and Dukes both in the lineup. This was a difficult position, if we agreed and our client was identified again it would be virtually impossible to prevail at trial or obtain a favorable plea agreement. On the other hand if we resisted we might give up the best chance to prove he was not the offender. We agreed. At the line up, all three women who had previously identified our client now identified the real offender. Our client was released and Dukes was convicted. This case is extraordinary for many reasons, including the fallibility of eye witness identification and a seemingly voluntary confession. I am proud of my involvement in this case and that in the end, justice was done and the right offender was convicted.

4. Name one change you would make in the Illinois court system.

**The one change would be to reduce delay.**

5. 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?

**One of the perennial complaints with civil litigation is the time and cost expended in reaching a resolution of the case. Alternate Dispute Resolution programs have addressed many aspects of these concerns. During my tenure presiding over civil litigation, I had the unique experience to serve as the Supervising Judge of the Mandatory Court Annexed Arbitration Program in 18<sup>th</sup> Judicial Circuit, DuPage County. With the aid of mandatory arbitration I was able to resolve most of the arbitration eligible cases\* within months, far less than the two years it had taken prior to the inauguration of the mandatory arbitration program. The program preserved the right to a jury trial, yet significantly reduced the time and cost of dispositions. Civil Mediation can also resolve major civil cases with less cost and less time. In addition, resolutions reached through mediation are not bound by the constraints of the court. Parties can agree to conditions that the court could not impose.**

**I believe that alternate dispute resolution, can continue to benefit the civil justice system, through expansion of mandatory court annexed arbitration programs and growth of civil mediation.**

**\*Arbitration eligible cases at the start of the program sought money damages over \$2500 but less than \$15,000. That ceiling amount has now been raised to \$50,000.**

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

**Yes. I believe that Supreme Court Rule 137 addresses the issue of frivolous pleadings and gives the court authority to address violations of the rule and impose appropriate sanctions, including payment of costs and attorney's fees.**

7. 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?

**The issue of limitations on civil damages, and the distinction between economic, non-economic and punitive damages is currently before the Illinois Supreme Court. As the matter is pending, it would be inappropriate for me to comment on the issue or the case.**