



Candidate: Joanne F. Fehn

Cook County Circuit Court, Kelley Vacancy

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

I have been a licensed attorney since 1993, and have practiced law in Cook County for fifteen (15) years. My temperament, fairness and resolve are well suited for the bench. I have the objectivity and willingness to reserve judgment; important characteristics to be a just and impartial judge.

My career began litigating license and building violation cases. I have worked for small and large corporations. For the last nine years I have served as corporate general counsel where I am in charge of the management of, all legal affairs, litigation and protecting interests.

I work extensively with building coalitions for my community and neighboring communities to give them opportunities to be heard. I work with Not-For-Profit organizations assisting them in moving their platforms forward in providing and serving public needs. I travel to jails to represent clients to protect their civil rights.

By giving freely of my time I continue to work as the 30th Ward community liaison and the historic preservation contact between the landmarked Villa district and the City of Chicago Department of Landmarks.

My 2009 toy drive with La Villa restaurant provided many toys to Austin Peoples Action Center as well as financial contributions to Tabitha House.

I served as President for many years for an Association that served men and women recovering from addictions. And I was on the board of directors for a Not-for-Profit corporation that runs and manages a halfway house for women recovering from alcohol and drug addictions.

I have been involved in advocating real estate tax reform as a member of Tax Reform Action Coalition.

Having broad, well- rounded legal experience allows me to represent clients in their transactional and litigation needs with the ability to balance goals and objectives. As a corporate lawyer with litigation experience I am not married to one side of an argument and this will allow me to be a fair and impartial arbiter; hearing all sides equally.

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: I have built my career on integrity. This means being honest, truthful, honorable, and reliable. I have the integrity needed to serve on the bench and promote confidence in the judiciary.

Impartiality: My commitment is to serve the people of Cook County, honestly, justly and in an unbiased manner while working diligently to uphold the integrity of the judicial office. I anticipate doing this by making factual determinations from competing arguments and positions; analyzing legal issues to reach reasoned legal judgments by applying the judicial standard to all laws within the plain meaning of any statute followed by the intention of the drafters and applying the law as interpreted by the Illinois Appellate Court and the Illinois Supreme Court. And through these functions, providing patience, regard, open mindedness, courtesy, tact, and compassion to those appearing before me.

Legal Ability: I have worked for small and large corporations. I continue to represent companies and individuals in their respective transactional and litigation needs balancing competing interests and goals. Practicing for 15 years gives me broad experience with expanded perspective which will aid me in serving the people of Cook County.

Temperament: I can see each side of an argument openly, fairly and without bias. I have been told and I believe I have a good temperament.

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

I am proud of most of my work as a lawyer. However, I assisted a young adult male accused of a crime who, was arrested and held in custody without any clarity of impending charges pursuant to a purported investigative report. I went to the jail in the middle of the night to provide support, advice and did demand his release for lack of probable cause. I was denied and he was held overnight. On the following day I returned to work diligently to protect his civil rights holding firm that personal seizure is unacceptable except for appropriate probable cause or a warrant. I also used my skills and legal knowledge to ascertain if prejudice was involved in the decision to detain and successfully negotiated his release.

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

Make the Illinois court system more accessible and user friendly to the ever increasing pro se litigants especially with the extreme economic downturn where litigants are financially unable to afford retaining counsel. The Cook County Circuit Court needs to modernize with making technology based systems available, especially to attorneys. For example implement an electronic filing system which would effectively eradicate standing in long lines to get documents filed.

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?

When the concept of civil litigation reform is discussed, invariably much of the focus seems to be with tort reform and damage caps. That is only the tip of the iceberg. One such area needing addressing is the ever increasing number of cases and the costs related thereto and this pertains to both civil and criminal litigation. Reform initiated by the legislature would have to be able to pass constitutional muster. Any reform enacted should look at making the system operate more effectively and efficiently as well as promoting the public confidence in the judicial system.

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

There are mechanisms in place pertaining to frivolous litigation that does penalize – for example Illinois Supreme Court Rule 137 or malicious prosecution claims. It is questionable whether there is a sufficient deterring effect. Potentially narrower definitions as to what exactly amounts to frivolous litigation may prove helpful. Any analysis must contain a discussion of the distinct interest to prevent frivolous litigation from clogging and taxing the system vs. having litigants be given their right and opportunity to redress wrongs or seek justice.

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 Illinois Constitution provides for the right to a certain remedy, Article I section 12; as well as a right to a jury trial, Article I section 13.

The case Best v. Taylor Machine Works 179 Ill. 2d. 367 noted that the Illinois Constitution is not a grant but a limitation on legislative power. In the Best case the court concluded that a section to legislation violated the Separation of Power clause and impeded on the judiciary to reduce excessive verdicts; expressly noting “the courts are constitutionally empowered, and indeed obligated, to reduce excessive verdicts where appropriate in light of the evidence adduced in a particular case”. The Best case further noted that there are legislative limits “upon certain types of damages may be permitted, such as damages recoverable in statutory causes of action”.

There is litigation currently pending before the court in Illinois and therefore according to the judicial canons, I am unable to discuss my views or opinions. I will follow the law as a judge.