



Illinois Civil Justice League

ICJL 2012 Judicial Candidate Questionnaire

Joy Virginia Cunningham Supreme Court Justice – First District – Fitzgerald Vacancy

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

My thirty-years of legal experience span a breadth and depth of practice, which touches on almost all areas of legal and judicial practice.

The Illinois Supreme Court is the ultimate safety net for the judicial system, and, therefore, for the people of Illinois. A justice of this court should have the necessary breadth and scope of experience and credentials to meet the court's significant responsibility for decision and policy making. I believe that good judges are those who consistently exercise good judgment: the ability to hear both sides of an issue and develop opinions based on the facts and the law. Good judgment results from excellent credentials and broad experience in the law.

My legal experience makes me qualified to serve on the Illinois Supreme Court. It covers business experience, the public sector, active trial work, legislative activity, administrative experience, and legal education to highlight a few. My private sector work includes service as Loyola University's Associate General Counsel and Chief Counsel for Health Care and a tenure as Senior Vice President, General Counsel, and Corporate Secretary for the Northwestern Memorial Healthcare System. My judicial experience covers both the circuit court and the appellate court levels. My experience as President of the Chicago Bar Association speaks to my administrative, legal, and legislative abilities.

As the first African American woman to serve as President of the Chicago Bar Association, I helped to establish a framework for capital punishment legislation and offer a platform for discussion of this subject.

My tenure as President of the CBA also helped to set the stage a comprehensive review of Cook County's juvenile system establishing more accountability and leading to reforms that improved the system.

Diversity among our justices in terms of race, gender, life, and professional experience is a critical check and balance on our court system. Diverse experience supports sound judgment, thus paving the way for a more representative, more impartial judicial system. I

am the only candidate who brings significant business experience to the bench.

It is the composite of these attributes, experience, and credentials that sets me apart as the best and most qualified candidate to fill the current vacancy on the Illinois Supreme Court.

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.

I will address each characteristic in turn.

Integrity

Integrity is the cornerstone of judicial qualifications and is the one quality, which the public expects judges to embody and exhibit. It is a central underpinning of the other characteristics and credentials, which are required for effective judicial performance.

Impartiality

Impartially is a synonym for fairness in the execution of judicial duties in a society where the rule of law governs our behavior. A judge should be impartial, and, therefore fair in his or her dealings with everyone who comes before the court.

Legal Ability

Legal Ability is the basic tool by which a judge performs the essential elements of judicial duties in resolving legal issues. It is paramount that judges maintain a high level of legal acumen and ability in order to perform their duties in an effective manner.

Temperament

An individual judge represents the judicial system as a whole. The temperament of individual judges is imputed to the judiciary as a whole. Ordinary citizens have minimal interaction with the judicial system. Thus, in order to maintain the confidence of those served by the judiciary, it is important that judges be even tempered, even handed, and exhibit good temperament at all times.

Every bar association to which I have submitted my credentials has found me to be above reproach in the four areas discussed. I am proud of those evaluations.

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

In defining this question to mean my "work" as a lawyer, I have had a great deal of satisfaction over the course of a successful career. However, one of my proudest moments as a lawyer was the establishment of the Northwestern Memorial Insurance Company - a wholly owned subsidiary of Northwestern Memorial Healthcare

System. The establishment of that company required significant, complex, legal work, development of business relationships, as well as, demonstrable evidence and metrics to establish that it was good for the organization.

Within two years of its inception, the insurance company had a measurable, positive impact on risk exposure for the entire Northwestern Memorial Healthcare System, including its physicians and the hospital.

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

Since the office I am seeking is that of an Illinois Supreme Court Justice, I will focus on a change involving the Supreme Court that can benefit the Citizens of Illinois.

Currently, the Supreme Court hears cases in Springfield and only occasionally in Chicago. However, the state is divided into five judicial districts for purposes of our courts of review. Since the Supreme Court is a court for all of the people of Illinois, I believe it would be beneficial to have the court take turns holding sessions throughout the State of Illinois; in all five districts and open those sessions to students and the community. This would help to educate the population about the work of the court and its importance, and allow the people to see the court in real time.

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?

All three methods can be used to change the civil justice system. However, the process by which each may be utilized is different.

Supreme Court Rules have the force and effect of law. Enactment of Supreme Court Rules and legislative statutes to address changes in the civil justice system would be easier to accomplish than trying to achieve the same result by way of constitutional amendment. Rules, such as those governing discovery and case management, are all matters that can be, and often are, governed by Supreme Court Rules.

In my view, this method allows the court discretion to make changes and improvements to the rules governing the judicial process in a manner reflecting the current needs, circumstances, practice behaviors, and other factors.

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

Litigation itself can be a self correcting process. There is the Illinois Code of Civil Procedure and rules enacted by the Supreme Court of

Illinois that are in place to govern the litigation process in all its facets.

These rules can deter and penalize attorneys and litigants. The question is whether the rules, which are already in place are uniformly enforced. If they are uniformly enforced, then we likely have an adequate system of checks and balances already in place.

On discretionary matters, judges use their judgment and experience to shape a resolution. The Illinois Supreme Court can set the tone to encourage trial judges to enforce existing rules, which would make for an orderly judicial system.

The Illinois Supreme Court's Committee on Education, could include a review of rules governing litigation in the portfolio of education offered to Illinois Judges.

In addition, the Illinois Supreme Court's Judicial Performance Evaluation Committee, which is responsible for evaluating the performance of all Illinois State Court Judges can include information regarding procedural rules. This can help to ensure uniformity in the manner in which judges interpret and follow the rules governing litigation.

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?

As a sitting Judge, I am bound by judicial and statutory constraints to refrain from answering this question, which govern the conduct of judges.

That being said, I will note that a judge is bound to follow the law.