



Illinois Civil Justice League

## ICJL 2012 Judicial Candidate Questionnaire

**Mary Jane Theis**

**Supreme Court Justice – First District – Fitzgerald Vacancy**

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

**The Illinois Supreme Court decides the most difficult, most challenging cases. The Court also administers the entire legal system. It is essential that the people who sit on the Court have the experience and qualifications to do this important work.**

**I have been a judge for over 28 years, serving at every level of the Judiciary in the State of Illinois. As an Associate Judge in the Circuit Court of Cook County, I heard misdemeanor trials and preliminary hearings. In 1988, I was elected to the Circuit Court, where I was assigned to both the Criminal and Chancery Divisions until 1993, when I was appointed to the Appellate Court, First District. I was elected to the Appellate Court in 1994, where I served for 17 years. When Chief Justice Thomas R. Fitzgerald retired in 2010, the Supreme Court appointed me to fill his vacancy on the Court. My performance as a judge has been evaluated many times by the bar associations and I have consistently received the highest ratings available. Recently, the Chicago Bar Association, Chicago Council of Lawyers, Illinois State found me highly qualified to retain my seat on the Illinois Supreme Court.**

**Throughout my judicial career I have been a leader of the bench and bar. I was Committee Chair of both the Committee on Judicial Education and the Committee on Judicial Conduct of the Illinois Judicial Conference, and a member of the Supreme Court Rules Committee. I was President of the Appellate Lawyers Association and the Illinois Judges Association, as well as President and founding member of the Illinois Judges Foundation. I have been a member of the Board of Governors of the Illinois State Bar Association and the Board of Managers of the Chicago Bar Association and am a member of the Women's Bar Association of Illinois. As chair and member of the Committee on Judicial Education, I have developed hundreds of seminars for Illinois Judges.**

**I have also taught numerous judicial education programs, as well as conferences and seminars for the CBA and ISBA, and at Loyola University School of Law, Northwestern University School of Law, and the John Marshall Law School.**

**The length and breadth of my judicial career, especially my criminal court experience including my legal experience as an assistant public defender, set me apart from other candidates.**

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.

**Numerous bar associations have examined my qualifications and this is what they have said:**

***“Judge Theis is considered to have outstanding legal ability...She is praised as a scholar who both teaches and publishes. Her integrity is unquestioned and has an excellent temperament.”***

**–Chicago Council of Lawyers (2012 Evaluation)**

***“Justice Mary Jane Theis is ‘Highly Qualified’ for the office of Justice of the Illinois Supreme Court...Justice Theis is highly respected for her legal knowledge and experience, outstanding temperament, and unquestioned integrity. Justice Theis is intelligent, thoughtful, and dedicated to the law and our justice system.”***

**-Chicago Bar Association (2012 Evaluation)**

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

**In People vs. Stanley Wrice, 2012 IL 111860(Feb 2, 2012), I authored the unanimous decision holding that police torture can never be harmless error.**

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

**There are many areas where our processes can be improved, but a most pressing concern is the limited use of e-business in Illinois.**

**Chief Justice Thomas Kilbride has announced initiatives to bring 21st Century efficiencies to the way our courts do business. The challenge has stemmed from the fact that Illinois lacks a unified court system. The state is composed of 102 counties which are contained in 23 Circuit Court jurisdictions and five Appellate districts. Both the state and the counties provide financial resources for the operation of the courts. Complicating the matter further is that there are at least 12 different Circuit Court management software systems operating in the various jurisdictions.**

**At the May Term of the Court, we decided to move away from a top-down model, and formed a Special Committee to develop guidelines and protocols so that the various jurisdictions can interface with one another.**

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?

**Access to justice is the cornerstone of our system of justice, but study after study has shown that many people cannot afford legal representation. In the past this issue has centered on the unmet legal needs of the poor. But I believe we are at a point in our society where many people in the middle class have the courtroom door shut to them as well.**

**As a member of the Supreme Court Rules Committee I wrote Supreme Court Rule 756(f) which requires all Illinois lawyers to report the number of hours of free legal services they have provided each year. The purpose of the Rule is to serve as an annual reminder that pro bono legal service is an integral part of a lawyer's professionalism. Since the Rule was adopted in 2006, the number of hours of volunteer work has risen each year. Last year Illinois lawyers reported providing 2.3 million hours of free legal services.**

**But pro bono work and financial support for organizations that provide legal services to people of limited means are not enough to solve this problem which undermines faith in our system of justice. Many states, and many countries around the world, have an Access to Justice Commission. These groups provide helpful information to self-represented litigants and look for creative ways to reduce legal fees through limited representation agreements.**

**If I retain my seat on the Illinois Supreme Court, my first priority will be to create an Access to Justice Commission for Illinois and to continue to encourage the bar to embrace pro bono work.**

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

**Supreme Court Rule 137 requires a lawyer filing any pleading to certify that after reasonable inquiry, the pleading is grounded in fact and law. If the pleading violates the Rule, the court can sanction the lawyer and client, including an order to pay costs and attorney fees. This is a powerful deterrent to unfounded 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?

**Judicial independence is the bedrock of the American Rule of Law. Judges have the freedom to make difficult and sometimes unpopular decisions when citizens have confidence that the judge has embraced the ethical standards of integrity and impartiality.**

**Supreme Court Rule 67 provides that a judicial candidate shall not make statements that commit or appear to commit the candidate with respect to cases, controversies, or issues within cases that are likely**

to come before the court. Although this questionnaire respectfully requests that the respondents avoid citations to Rule 67, the Rule is the law of this State and is binding on me and all judicial candidates. I am legally and ethically required to follow its language.

This issue may arise before the Illinois Supreme Court. Therefore, answering this question may be inappropriate because of Illinois Supreme Court Rule 67.