

IVI-IPO COOK COUNTY CIRCUIT COURT QUESTIONNAIRE

DATE January 2, 2004

CANDIDATE FOR Judge of the Circuit Court, Cook County
Judicial Circuit, 12th Judicial PARTY Republican
Subcircuit to fill the vacancy of the
Hon. James G. Fitzgerald Smith

NAME Roger G. Fein

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NUMBER OF PETITION SIGNATURES FILED 2,140 NUMBER REQUIRED 500

**ROGER G. FEIN RESPONSES TO BACKGROUND INFORMATION
REQUESTS IN IVI-IPO COOK COUNTY CIRCUIT COURT QUESTIONNAIRE**

1. Elective or appointive public and/or party offices previously held including dates.

Answer. Member, Board of Education, School District No. 29, Northfield, IL, 1977 to 1983 and President, 1981 to 1983. Former Member, Appeal Board of the Illinois Law Enforcement Commission, 1980-1983. Judge, Circuit Court of Cook County, Illinois; unanimously appointed by the Illinois Supreme Court on December 31, 2002, effective January 10, 2003, and terminating on December 6, 2004.

2. Other elective offices for which you have been a candidate.

Answer. Judge of the Appellate Court, First Judicial District, to fill the vacancy of the Hon. Thomas R. Rakowski. Democratic primary, March 2002.

3. Principal business, educational, professional and civic activities of the past ten years.

Answer. Business Activities: Since January 10, 2003, and currently, Judge, Circuit Court of Cook County, Illinois, assigned to the First Municipal District.

From January 1, 1992 through January 9, 2003, an attorney with the law firm of Wildman, Harrold, Allen & Dixon LLP, 225 West Wacker Drive, Suite 3000, Chicago, IL 60606.

Education:

High School: University City Senior High School, University City, MO; graduated 1958
College: University of California, Los Angeles; Degree: B.S. in Business Administration, 1962

Law School: Northwestern University School of Law, Chicago, Illinois; Degree: J.D. (Juris Doctor), 1965

Graduate Business School: American University, Washington, DC; Degree: MBA (Masters in Business Administration) in Financial Management, 1967

Civic, charitable and community activities of recent years:

Past Member, City of Chicago, Public Vehicle Operations Citizens Advisory Council. Formerly, Vice Chairman, Chicago Regional Board, Anti-Defamation League, and Co-Chair, Public Affairs Committee.

Past Chairman, Muscular Dystrophy Association's Lawyers Committee For Annual Telethon.

Former member, Board of Directors, Northfield Community Fund, Jewish National Fund, and Chicago Chapter, American Friends of the Hebrew University, Inc.

Member, Executive Committee, Anti-Defamation League, Greater Chicago/Upper Midwest Region, and Associate National Commissioner.

Past Director, Alumni Association of Northwestern University School of Law.

Member, Board of Directors, Temple Jeremiah.

Professional Activities:

Chairman Emeritus, Illinois Securities Advisory Committee to the Illinois Secretary of State, since 1994, and was Chairman for 14 of the prior 20 years of service on the Committee; spearheaded the Committee's successful efforts with regard to, and was a principal draftsman of, the amendments to The Illinois Securities Law which changed Illinois' securities regulation philosophy from so-called merit regulation to full disclosure; since 1983 participated in the drafting of all principal amendments to that Law and the Regulations thereunder; and has been one of the principal commentators on Illinois securities law matters.

Member, the new Illinois Securities Advisory Council, which advises the Illinois Secretary of State on securities law matters, from 2002 and until January 2003.

Formerly, Special Assistant Attorney General, State of Illinois, for 24 years.

Formerly, Special Assistant State's Attorney, Cook County, Illinois.

ILLINOIS BAR FOUNDATION: President, 1984-86; Member, Board of Directors, 1978-88; Past Presidents Advisory Committee, Chairman, 1988-92; Member, Advisory Committee, 1988-1996; Chairman, Committee on Establishment of The Fellows of the Illinois Bar Foundation; Chairman of the Committee, the recommendations of which resulted in the establishment at all Illinois law schools of the Law Student Research Fellow Program.

AMERICAN BAR ASSOCIATION: Member, House of Delegates, 1981-85. Member, Section of Business Law; State Regulation of Securities Committee, and its Subcommittee on Liaison with Securities Administrators and the NASD (Chairman, 1998-2003) and former Liaison of that Committee for the state of Illinois. Former liaison to the Merit Standards Committee of the North American Securities Administrators Association.

ILLINOIS STATE BAR ASSOCIATION: Member, Board of Governors, 1976-80; Assembly Member, 1976-88; Secretary of the Association, 1977-78. Chairman, Bench and Bar Committee, 1982-83, Bench and Bar Section Council, 1983-84, Committee on Bar Elections Supervision, 1987, and Assembly Committee on Hearings, 1987-88.

CHICAGO BAR ASSOCIATION ("CBA"): Chairman, State Securities Subcommittee of Securities Law Committee, 1977-79. Chairman, Consumer Credit Committee, 1977-78, and Land Trusts Committee, 1978-79. Member, Task Force on the Delivery of Legal Services, 1978-80. Member, Securities Law and Corporation and Business Law Committees.

LECTURER: On land trust financing, to Illinois Bankers Association, Illinois Land Trust Council, Chicago Mortgage Attorneys Association, and at CBA and Illinois Institute For Continuing Legal Education ("IICLE") programs; on consumer credit at CBA Program; on the 1983 amendments to The Illinois Securities Law to the CBA

Securities Law Committee and at an IICLE Securities Law Update Program; and on exemptions from registration under The Illinois Securities Law at an IICLE Securities Law Seminar.

Representative professional representations include:

I have represented publicly held and privately owned entities, financial institutions, investment banking, insurance and securities firms, governmental units and individual entrepreneurs, investors and executives, principally in connection with corporate, securities, corporate finance, banking, commercial, insurance and regulatory matters, in addition to a broad range of other general practice, litigation and complex matters.

As general counsel for 12 years to Bliss & Laughlin Industries Inc. (a manufacturer of cold finished steel bars; the common stock of which formerly traded on The Nasdaq Stock Market), represented it with regard to diverse general corporate and securities matters, including among others, day-to-day general counseling; the negotiation and documentation of many transactions, including a management leveraged buyout in connection with a spinoff from AXIA Incorporated, a conglomerate, the securities of which formerly traded on the New York Stock Exchange; its initial public offering; a transaction involving the acquisition of a major Canadian business unit from one of the largest steel companies in Canada and the issuance of a large block of stock to an affiliate of that Canadian company, including in connection therewith, a complex right of first refusal and standstill agreement among the company, the new 40% stockholder and the company's management group, an acquisition and sale agreement, and an extensive proxy statement; and a \$55 million merger with Bar Technologies, Inc., involving cash plus assumption of debt, including in connection therewith, original and amended merger, stockholder escrow, stock option and confidentiality agreements, a complicated merger proxy statement, and a myriad of miscellaneous agreements and documents; and, in addition, counseling in connection with, negotiation and/or preparation of numerous complex loan, employment, stock option, supply, sales and a variety of other agreements; its numerous SEC filings (e.g., stock ownership reports, periodic reporting forms, and proxy soliciting material); press releases; board of directors minutes, issues and meetings; various friendly and hostile proposals to acquire the company; investment bank engagement and confidentiality agreements; and supervision and monitoring of shareholder lawsuits and other litigation.

Counseled an integrated real estate company on the formation of a real estate investment trust (REIT) and represented it in connection with its 50-state initial public offering of various securities. The \$560 million offering, which became effective in 1999, was the second largest (in dollars) initial public offering of a REIT, and the eleventh largest (in dollars) initial public offering of all types of companies, filed with the SEC in 1998. Provided counsel in connection with its continuing stock offering, and board of directors, general corporate, regulatory and federal and state securities matters.

As Illinois counsel, coordinated the efforts in Illinois of Farmers Insurance Company, a California based insurance company, to defend against a nationwide hostile billion dollar takeover.

Served as court-appointed Trustee in the Allstate PIP class action lawsuit, which involved thousands of policyholders with millions of dollars in claims against one of the largest insurance companies in the United States.

Counsel to several banks in connection with, among other things, day-to-day counseling, dealing with a major defalcation and resulting litigation, regulatory matters, the sale of control, the sale of stock, the negotiation of complex loan agreements and with respect to troubled loans.

As co-counsel, represented an out-of-state investment adviser in connection with the state court supervised receivership of an Illinois trust company that acted as trustee or custodian for the accounts of hundreds of the investment adviser's clients.

Served as underwriters counsel with regard to the public offering of \$185 million of general obligation bonds of the City of Chicago.

Represented a national restaurant chain in acquiring a landmark Chicago restaurant, entering into a restaurant management agreement with Chicago's premier restaurant operator, and entering into an agreement with that operator regarding the development of chains of new restaurants.

Involved in miscellaneous public and private multi-million dollar merger and acquisition type transactions, including among others, an approximately \$200 million leveraged buyout of a conglomerate; a cash sale of stock of a precious metal refiner; a stock merger of a steel warehouse and steel processing businesses; a stock merger of a mobile home manufacturer; a cash merger of a photographic developer; and cash tender offers for the outstanding stock of a national bank and of an insurance company which eventually became part of one of the most successful insurance operations in the United States.

Successfully represented all of Cook County's over 100 taxing districts (except the County of Cook) in challenging Cook County's policy regarding the allocation of the interest earned on collected tax dollars and, as a result, these taxing districts continue to reap the benefit of the interest earnings.

Served as an expert witness on behalf of a real estate syndicator in a legal malpractice case against a law firm relating to services rendered in connection with a securities offering; my opinion that malpractice occurred led to a favorable settlement in the multi-million dollar case.

Represented an agency of the State of Illinois in challenging legislative and other governmental efforts to eliminate the status of certain of its property as exempt from real estate tax assessment.

Organized a franchiser in the fast food business and prepared its related franchise agreements.

Represented in Illinois a national family of mutual funds facing regulatory concerns and potentially staggering mutual fund and securities claims.

As a Special Assistant State's Attorney, represented the County of Cook and the Cook County Hospital relating to their attempt to acquire the long-term right to use the University of Illinois Hospital and in connection with the re-negotiation of a complex computer service contract.

Represented the Office of the Special Deputy Receiver, Illinois Department of Insurance, in connection with the liquidation of an Illinois casualty insurance company and an Illinois life insurance company, which involved marshaling the assets of these companies and pursuing recovery against officers and directors for mismanagement and misuse of assets.

Drafted, negotiated and obtained amendments to national uniform, state and municipal laws.

Represented a regional investment banking firm in connection with an equity and debt investment in a Chicago based company and provided general counseling to its chairman.

Successfully negotiated for the plaintiffs a substantial settlement of an antitrust lawsuit that had been pending for a decade.

Represented an automobile finance company in establishing a \$100 million commercial paper program and in connection with several \$100 million loan agreements.

Participated in many private and public securities transactions, including initial public offerings, for a variety of companies and individuals.

Represented a closely-held corporation and the estate of a major shareholder thereof in connection with the redemption of a major block of stock from the estate and a complex estate tax return involving valuation of shares in two closely-held corporations.

Organized, among other corporations, partnerships and limited liability companies, insurance companies and small business investment corporation and handled their regulatory approvals and general corporate and securities matters.

Have dealt with governmental regulatory authorities on behalf of individuals and entities in connection with alleged securities, insurance, banking and environmental law violations.

Negotiated a complex settlement agreement with the City of Chicago on behalf of an industrial client to resolve long standing regulatory and litigation issues.

Lobbied various federal, state and local public bodies and officials on a variety of issues.

Court appointed trustee for unborns, guardian ad litem and counsel to receivers in a wide variety of cases.

Resolved client disputes with former legal counsel.

Supervised and monitored complex lawsuits on behalf of both plaintiffs and defendants.

Successfully negotiated for the service provider a food service contract for McCormick Place and a beverage supply contract for football games held at Soldier Field.

4. **What subjects have you studied and what experience have you had which will be most helpful to you in the office you seek.**

Answer. My 37 years of diversified and extensive professional experience prior to becoming a judge will be most helpful to me in the office I seek. I have represented all types of clients from individuals to small business to publicly held companies to governmental units. My broad based practice, crossing many areas of the law, has afforded me the opportunity to represent all sides of transactions. It has taught me how to deal effectively with people to render decisions in a fair manner.

My experience as a Judge of the Circuit Court of Cook County since January 10, 2003, will be invaluable to me in continuing in the office I now hold by appointment.

I have engaged in substantial legal writing, authoring or co-authoring 14 published articles or treatises. My work has been cited in decisions in the U.S. Court of Appeals for the Seventh Circuit, U.S. District Court, Northern District of Illinois, Illinois Supreme Court and Illinois Appellate Court.

I can and will learn about any area of the law as needed. No judge, when first elected, is expert in all areas of the law. I submit that no one has worked harder than I have, and no one will work harder than I will to become proficient in any area in which I lack proficiency. Since becoming a judge, I have attended weeks of diverse judicial education seminars.

5. **Please detail your prior political activity, if any. Give positions held, dates, organizational memberships, role you played in political campaigns.**

Answer. At various times over the past 20 years (but not in the past five years) I have served on the finance committees for various candidates for public office. In late 2001 and through mid March 2002, I was very active in all aspects of my campaign for election in the March 2002 Democratic primary as Judge of the Appellate Court, First Judicial District.

6. **As concisely as possible, state why you feel you should be endorsed over the other candidates. What goals for the office you seek are most important to you personally?**

Answer. Having been a Judge of the Circuit Court of Cook County since January 10, 2003, I am the only candidate for the office I seek that has judicial experience. If elected to the office I seek, I will have had approximately two years of judicial experience when my new term of office commences.

My record proves that I have unselfishly served as a judge, and I pledge to always serve, with integrity, dedication, independence and distinction.

I have always had a sense of public service. My 37-year legal career started in public service in 1965 as an attorney with the U.S. Securities and Exchange Commission in Washington, D.C. While there, at night I went to graduate business school and obtained a Masters in Business Administration in Financial Management. Those studies helped me understand the practicalities faced daily in the business world.

My dedication to public service continued in private practice. For over 30 years, I was extremely active in bar association and bar foundation activities, and have held various offices in those groups. I have devoted hundreds of hours to charitable and civic endeavors, including being president of a school board. Fortunately, I was rewarded well by the legal profession. I am desirous of continuing to give something back to the profession and to the public, and utilizing the level of professional and judicial experience I have obtained, by rendering dedicated public service as a judge.

I believe that I possess the appropriate attributes to be a good judge. I know that I am a fair-minded and compassionate person who is a good listener and who will not be partial and will base my decisions on the facts and the law applicable to the facts. I have no prejudices or biases because that is the way I was reared, taught my children, and have lived my life. In fact, through my extensive work over decades with the Anti-Defamation League I have fought to defend democratic ideals, to safeguard civil rights, and to combat prejudice, bigotry and discrimination in society. Whoever comes before me as a judge will get a "fair shake," whatever shall be their race, religion, ethnicity, gender, sexual orientation, national origin, disability, age, or socio-economic status.

My integrity is unquestioned as evidenced by my colleagues choosing me to chair the dissolution of my prior law firm that I loyally served for 24 years. Further, I have been honored to serve as President of the Illinois Bar Foundation, the first chair of the Fellows of the Illinois Bar Foundation, and Secretary of the Illinois State Bar Association.

I have substantial legal writing experience as shown by the 14 published articles or treatises that I have authored or co-authored. My publications have been cited in decisions of several courts. In addition, I have prepared many persuasive documents, including an extensive and reasoned analysis that led to the 1983 amendments to the Illinois Securities Law. Further, I have participated in the preparation of several appellate level briefs. I believe that I have substantial legal knowledge based on the excellent legal education I received at Northwestern University, my seasoned professional background, as shown by my being found by my peers to be expert in my chosen fields of concentration, and by my interest in continuing legal and judicial education.

I have had some experience in all branches of government which will help me understand and deal with various governmental issues that will be faced as a judge. My 37 years of legal practice gave me a diversified and extensive professional experience which will assist in the variety of cases that I will have to deal with as a judge.

As a judge, I have and will continue to disregard partisan political interests and act independently. This is not new to me as shown by my spearheading, about 20 years ago, a bipartisan group to have the Illinois securities law amended, and by my friendships over the years with leaders from both sides of the aisle. For example, my prior public service has included serving on a *pro bono* basis on the Secretary of State's Securities Advisory Committee for 20 years and chairing the Committee under Democratic and Republican Secretaries of State. I have a keen sense of justice and will take a stand on an issue if I believe it to be correct despite the fact that it might be publicly unpopular.

Upon becoming a judge, political party affiliations should be irrelevant because a judge must impartially dispense justice fairly. To do that, a judge must disregard partisan political interests.

I can relate to both sides in a dispute because I have had the experience of representing and advocating the positions of both sides of transactions, and as a result, I understand how each side views the importance of their respective positions. I know how to deal with people as I have negotiated many things throughout my career and I have brought people together on numerous occasions to resolve disputes in a fair and open manner. My representations have run the gamut from individual entrepreneurs, investors and executives, to small businesses, to publicly held companies, financial institutions, investment banking, insurance and securities firms, and to governmental units.

I have always held the judiciary in the highest regard and have long aspired to seek an appropriate judgeship when I felt that I had acquired the requisite experience to be qualified as a member of the judiciary. That time has come.

7. Please state any evaluation ratings you have ever received for any judicial office by any bar association. List the office and date of the election for which the evaluation was made. Please use the following format:

<i>Date</i>	<i>Position</i>	<i>Bar Association</i>	<i>Rating</i>
January 10, 2003 Appointment	Judge of the Circuit Court, Cook County Judicial Circuit, 12 th Judicial Subcircuit, to fill the vacancy of the Hon. James G. Fitzgerald Smith	Chief Justice Mary Ann McMorrow Screening Committee	Eligible for appointment, with no dissenting vote
March 19, 2002 Primary Election	Judge of the Illinois Appellate Court, First Judicial District, to fill the vacancy of the Hon. Thomas R. Rakowski	Chicago Bar Association ¹ Illinois State Bar Association Women's Bar Association of Illinois Asian American Bar Association Cook County Bar Association Decalogue Society of Lawyers Hispanic Lawyers Association of Illinois Lesbian and Gay Bar Association of Chicago Northwest Suburban Bar Association Puerto Rican Bar Association Black Women Lawyers Association of Greater Chicago Chicago Council of Lawyers	* * * * * * * * * * * * **

¹ "Roger G. Fein is qualified for the office of Judge of the Appellate Court. Mr. Fein was admitted to practice law in 1965 and is highly regarded for his integrity, knowledge of the law and extensive experience in handling complex matters. Mr. Fein is diligent and possesses outstanding demeanor and temperament."

-- Chicago Bar Association
February 2002

* Rated "Qualified" or "Recommended" by these eleven bar associations.

** Found not qualified for the Appellate Court because of a then perceived lack of trial and appellate experience. The Council stated that Mr. Fein was "an intelligent and well-respected transactional lawyer" and that attorneys contacted by the Council had "high praise regarding his legal ability and diligence." In addition, the Council noted that Mr. Fein "has had experience in working together with litigators to develop strategy and to counsel clients" and "has had experience in helping to settle matters, and he has assisted litigators with a few bench trials."

<i>Date</i>	<i>Position</i>	<i>Bar Association</i>	<i>Rating</i>
March 16, 2004 Primary Election	Judge of the Circuit Court, Cook County Judicial Circuit, 12 th Judicial Subcircuit to fill the vacancy of the Hon. James G. Fitzgerald Smith	All relevant bar associations	Pending

**QUESTIONS AND ANSWERS OF ROGER G. FEIN
TO INDEPENDENT VOTERS OF ILLINOIS-
INDEPENDENT PRECINCT ORGANIZATION
COOK COUNTY CIRCUIT COURT QUESTIONNAIRE**

1. **What do you believe are the major strengths and weaknesses of the Circuit Court? Would you change the manner in which the Circuit Court functions?**

Answer: The Circuit Court of Cook County has made great strides toward effective and efficient disposition of lawsuits and, generally, does admirably in administering and resolving thousands of cases annually. Regretfully, some courthouse employees lack appropriate personal initiative and work ethic, which hampers further progress. Because of the volume of cases filed, circuit court judges sometimes quickly render decisions even in complex litigation. The volume of cases that must be handled has the potential of putting a strain on the quality of justice dispensed.

Many non-legal participants in a lawsuit, namely, the parties, witnesses and jurors, will never have been in a courthouse other than for the case at hand. Therefore, judges should be required to clearly explain to those participants and to legal counsel the basics of what they should expect as the proceedings evolve and what is expected of each participant. An articulate and concise education of these participants will go a long way toward fostering greater understanding and respect for the judicial system. These participants then may become good spokespersons for educating others as to our judicial system.

2. **How should the Chief Judge of the Circuit Court be chosen?**

Answer: The current system of having the sitting judges elect the Chief Judge is fair and effective. I would not change that procedure. The elected and appointed judges are well-positioned for choosing the person who will set policy, administer the court system, and be ultimately responsible for the operation of the court. The Chief Judge also represents all the judges as the principal spokesperson for the court in the media and at numerous public functions. He also performs a major role in selecting from hundreds of applicants those to be voted upon for election as associate judges. The sitting judges know best who among their ranks can best fulfill all of these significant responsibilities. The Circuit Court of Cook County is fortunate to have the Honorable Timothy C. Evans as its Chief Judge.

I would oppose having the Chief Judge elected by the public or on any other partisan basis.

3. **How should judges be assigned to the various division of the Court? If you are elected, to what division would you like to be assigned and why?**

Judges should be assigned to the various divisions of the court by the Chief Judge. As the chief executive officer of the court, the Chief Judge should have the ability and responsibility to assign and reassign judges as appropriate from time-to-time. It is assumed that in assigning judges the Chief Judge endeavors to place the best person in each position so as to enhance the overall performance of the court. Obviously, this entails consideration of the experience and knowledge of the judge as compared to the demands of the particular division.

In view of my background, experience, knowledge, and preferences, I would like to be assigned to the Chancery Division, have a commercial calendar, handle property tax appeals, or hear civil trials. Additionally, in view of the goals associated with the creation of judicial subcircuits in Cook County, I would be pleased to be assigned to either of the courthouses located within the 12th Judicial Subcircuit.

4. **What is your position on how judges are selected and/or elected? Please explain.**

Answer: Often, the public is not familiar with judicial candidates. Therefore, voters do not vote for judicial candidates, or if they do vote, vote only for names to which they can relate, never considering the experience and qualifications of the candidates. Such uninformed voting or failure to vote is clearly not the best system to elect the highest quality judiciary. Until merit selection becomes a reality, better education of the public as to the experience and qualifications of judicial candidates would be beneficial in providing the electorate with the opportunity to become informed prior to voting.

As a former officer of the Illinois State Bar Association, and former member of its Board of Governors and Assembly, I have followed with great interest the debate that surrounds the issue of the election versus the appointment of judges in Illinois. It is likely that a different system of judicial selection, such as a merit selection procedure, could provide the laudable goal of a higher quality judiciary, although there is no guarantee. Reaching that goal would depend on who decides who merits selection and how does the investigative and decision-making process operate. Thus, critical aspects of a good system would depend on, among other things, the experience, diversity and quality of the persons who provide the initial list of possible selectees and whether true merit was the basis upon which such persons were initially selected; how extensive of a background investigation is made by impartial and well-trained investigators; whether those making the evaluations and recommendations have impeccable credentials; and the quality, independence and objectivity of the person who has the authority to make the final decision among the contestants. If experience, honesty, integrity, legal scholarship and temperament are not evaluated as important aspects of the

evaluation process, then the so-called merit system would not necessarily be any better than the current system. States that utilize some form of merit selection have experienced problems of individuals from the large and more affluent law firms getting preferential treatment in getting appointed to the bench, or of political connections interfering in the process. The concept of merit selection has great appeal.

I would like to see eliminated the necessity of judicial candidates raising campaign funds from attorneys, as it poses a potential for conflict of interests and appearances of impropriety, despite the safeguards included in the Code of Judicial Conduct.

5. **As a circuit court judge, how would you balance any moral or ethical/philosophical disagreements that you may have with any existing statutes or legal precedents?**

Answer: If a judge is to impartially dispense justice fairly, there is only one way for a judge to balance any moral or ethical/philosophical disagreements with existing statutes or legal precedents. A judge must carefully listen to the evidence and after studying the statute, ordinance and legal precedents involved, then decide if the evidence is sufficient to prove the allegations, to order the action requested, or to convict of the pending charges by the standard of proof applicable to the particular case. A judge must follow that procedure despite how morally repugnant the allegations or evidence might be. For decades, I have been an advocate for safeguarding civil rights and combating prejudice, bigotry and discrimination, principally through my work with the Anti-Defamation League.

6. **If a sitting judge were indicted, should the judge remain on the bench, resign or take a leave of absence? Please explain.**

Answer: If a sitting judge were indicted, the judge should not interface with the public as a judge until the indictment is resolved. Accordingly, the judge should not hear any cases during that period of time. This will require the judge, at a minimum, to take a leave of absence and/or to be assigned to perform only administrative or ministerial duties off the bench. Depending on the nature of the allegations in the indictment and the facts, a resignation might be appropriate. The appearance of impropriety or the lack of credibility of the judge as a result of the implications of violating the law, could clearly affect the judge's ability to be effective in performing his or her duties.

7. **What are your views concerning mandatory sentencing for criminal offenses?**

Answer: Mandatory sentencing was the political response to a canard set in motion thirty years ago by the federal government and state governors that the courts were soft on criminals and there was a need for the Congress and state

legislatures to mandate specific jail terms for offenses. Beginning with mandatory sentencing for Class X felonies, a sentencing system was adopted in Illinois. Consistency in sentencing may be a laudable goal. The criminal or potential criminal should know how he or she will be dealt with upon violation of criminal laws. However, this has resulted in judges losing flexibility in proscribing sentences that fit the offense; an unprecedented rise in the state prison population; and growth of a bartering system that favors the state over an accused in making plea agreements. I prefer a system that gives sentencing judges the ability to weigh the state's case against a defense that may include extenuating circumstances in connection with the offense or the defendant.

8. What are your views concerning treating minors as adults for criminal offenses?

Answer: I do not believe minors should be charged with adult criminal offenses except for cases involving a heinous crime. Even in that situation, I would favor treatment of minors by social and medical professionals instead of solely by incarceration in a penitentiary. Generally, I favor punishment for minors being appropriately determined within the juvenile system.

9. What do you consider the most important aspects of a judge's decision in handling a petition by a minor for waiver of parental notice with the intent to have an abortion?

Answer: Because some parental notification laws have been found unconstitutional, my response assumes that the parental notification law is constitutional. Based upon that assumption, the most important aspects of a judge's handling of a minor's petition for waiver of the notice requirement should be based on a totality of circumstances, including, but not limited to:

- a) Recognition by the judge that a woman, minor or not, under current law has a legal right to abortion without undue interference from the state;
- b) That the petition must be handled as expeditiously as possible;
- c) The minor should have representation if she chooses;
- d) The petitioner should be able to file her petition without being identified by name (using initials or a pseudonym), and all papers and records should be kept confidential and not subject to public disclosure;
- e) The proceedings should take place in the least intimidating setting possible;

- f) Notwithstanding the parents' interests or the state's interest in encouraging family communication, the best interests of the health (physical and emotional), safety and welfare of the minor should be of paramount consideration;
- g) Substantial weight should be given to the minor's reasons why notice to her parent or parents might compromise her health, safety and welfare; and
- h) The minor should be allowed to show that she possesses the maturity and information to give informed consent to the proposed abortion, or that an abortion without notice to her parents would be in her best interest.