

**DIANE M. SHELLEY**

**Candidate for Judge of the 5<sup>th</sup> Judicial Subcircuit  
IVI-IPO JUDICIAL SUBCIRCUIT QUESTIONNAIRE – Page 1**

DATE January 12, 2004

CANDIDATE FOR 5<sup>th</sup> SUBCIRCUIT Jacqueline Cox VACANCY PARTY Democrat

NAME DIANE M. SHELLEY

VOTING ADDRESS 4949 SOUTH VINCENNES CHICAGO, ILLINOIS 60615

HOME PHONE 773 373 4078 BUSINESS PHONE 312 751 6569

E-MAIL Shelley4judge@Aol. WEB SITE \_\_\_\_\_

CAMPAIGN ADDRESS 1507 East 53<sup>rd</sup> Street #142

CAMPAIGN PHONE 773 506 4545 FAX \_\_\_\_\_

CAMPAIGN MANAGER \_\_\_\_\_

NUMBER OF PETITION SIGNATURES FILED approx. 2,000 NUMBER REQUIRED 500

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

**None**

Other elective offices for which you have been a candidate.

**Commisioner of the Metropolitan Water Reclamation District of Greater Chicago, 1994**

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

**I have been an attorney with the Metropolitan Water Reclamation District of Greater Chicago for the past twelve years. Presently I am in charge of the litigation division, which handles personal injury lawsuits and construction/contract complex litigation. Although I am responsible for the management of this section, I still maintain a caseload of my own. I personally handle and dispose of multi-million dollar contract disputes and environmental claims.**

**My civic activities have centered on my community in the recent years. Approximately nine years ago I purchased a home in an inner city neighborhood where I lived and grew up twenty-five years prior.**

The majority of my civic activities since then have been directed to the revitalization of the area. I have provided pro bono legal services in the preparation, defense and placing of referendums on the ballot to vote problem areas dry, and successfully organized community support in the passing of one such referendum. Also, I am an active participant in the neighborhood community policing program and block club beautification efforts. I have sat on neighborhood overview committees for the construction and occupancy of new affordable housing. I am the neighborhood organizer of the city's annual clean and green initiatives. I have been noted as one of the "People in the Neighborhood."

During this period of time I have consistently attended professional seminars and classes in order to stay abreast of the law. Following is a partial list of those seminars:

<u>ICLE</u>	<u>Killer Cross-Examination</u>	<u>October, 2003</u>
<u>ICLE</u>	<u>Art of Effective Speaking</u>	<u>October, 2003</u>
<u>Nita</u>	<u>PowerPoint for Litigators</u>	<u>May, 2003</u>
<u>Lorman</u>	<u>Construction Contracting for Public Entities in Illinois</u>	<u>April, 2000</u>
<u>University of Ill.-Mirz Foundation</u>	<u>Professional Trial Advocacy</u>	<u>2000</u>
<u>ICLE</u>	<u>Trial Evidence</u>	<u>October, 1999</u>
<u>United States of Agriculture</u>	<u>Construction Conflict Resolution</u>	<u>September, 1999</u>

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

Please refer to the above list of seminars, and also my attached resume regarding my academic background and employment history. I have practiced law for over twenty years. Furthermore I am committed and have tried throughout my life to be a just, fair and honorable person, admittedly sometimes falling short, but always moving to correct errors and improve my understanding in order to avoid such in the future. I believe that a well judicial system is dependent on a judiciary that understands the law and its legal and statutory application, and also the concept of compassion and fairness. During my life I have been the recipient of kindness and the victim of unfairness; therefore, I understand the dynamics of both.

Also, I am not afraid of hard work. While raising a child I put myself through law school, opened a law practice and was socially active. Most of the time I was able to strike a well-rounded balance in my life. I have academic, professional and practical life experience.

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

I became involved in political campaigns while in highschool. I worked on the campaign for state's attorney and several aldermanic elections. I was involved in Harold Washington's second run for mayor (the first time I was not in the city), the aldermanic and congressional campaigns of Bobby L. Rush and the election of State Representative Lou Jones. From 1984 until 1995 I worked as a trouble shooter and election judge. During this period I did trouble shooting for the IVI-IPO. See following bio for additional information.

As concisely as possible, state why you feel you should be endorsed over the other candidate(s). What goals for the office you seek are most important to you personally?

I was born in the 5<sup>th</sup> judicial subcircuit, raised in the 5<sup>th</sup> judicial subcircuit, and my grandparents migrated from the south and moved into the 5<sup>th</sup> judicial subcircuit in the early 1900s. The subcircuits were designed to allow the voters from the subcircuit to select one of their own to sit on the bench. I have a passion for public service, and the legal experience to do the job. My entire professional career has been in the courtroom.

As stated elsewhere, the most important goal for me is to create a just and compassionate environment for people appearing in court but always adhering to the law. This creates a even playing field and gives everyone the benefit of the doubt. This is my concept of justice.

Please state any evaluation ratings you have ever received for any judicial office by any bar association. List the office and the 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>
1998	Associate Judge	Chicago Bar	Not recommended due to jury trial experience

## DIANE M.SHELLEY'S, CANDIDATE FOR THE 5<sup>TH</sup> JUDICIAL SUBCIRCUIT, RESPONSE TO PART 2 OF IVI-IPO JUDICIAL SUBCIRCUIT 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's major strength is that although most likely the largest circuit court system in the country, it is able to function. Overall there is an excellent interfacing between the clerk's office and the judiciary. I believe that the voters should elect the Clerk of Court. However, the function of the office is not to act as an independent agency, but as a support network for the court system. Over the past several years this goal appears to have been exceeded.

However, there is tremendous room for improvement. I feel strongly that the system must provide information to the populace so that they can access, maneuver through and utilize the system. Unfortunately there has been a shroud of secrecy as far as procedure. Every clerk should be required to provide detailed direction to those attempting to use the system. Pre-printed handouts with information regarding filing locations, the affect of certain rulings and referral services should be present in every courtroom. Clerks should be trained to be more service oriented.

Judges as a practice should announce at the commencement of each court call the procedure to be followed. In addition, I would love to see more outreach programs to underserved communities, advising them about the system. Quarterly public meetings should be held to distribute information and receive complaints. The location of these meetings should be rotated throughout the system.

A major problem for the system is the appearance of the lack of professionalism. The Clerk's offices and judges' courtrooms should embody professionalism, which sometimes is ignored. Something as simple as wearing nametags and appropriate attire would help. In order to create deference to the system, the system must have the respect of its users. Fairness, kindness and professionalism would help to achieve this goal.

Lastly, the system needs to computerize. Internet connections should be available in all courtrooms so that attorneys and litigants can use their laptops and other technology.

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

### ANSWER:

I believe that judges should select the Chief Judge by a majority vote. The Chief Judge should not be subject to popular selection by the voters. It is a sensitive position that requires the cooperation and respect of the judiciary. He or she is the team leader, the motivator, the facilitator and the face of the entire system. I strongly believe that the populace should have input, and this is done so by having judges, who have been selected by the voters, select their leader; and therefore the voter actually has input in the choice.

I understand that some may take issue with this position, but I have practiced law for twenty years and have seen the ravishes of favoritism and bias. I would hate to think that the Chief Judge could be subject to special interest groups by being forced into running and campaigning for the position through at large voting.

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

**ANSWER:**

I believe that when making assignments, a judge's prior area of practice should be taken into consideration, but should not be the determinative. Comprehension of an area of law, temperament, and general personality traits should be considered. Just as attorneys are required to have an understanding of all of the state's laws, judges are elected or appointed to the entire circuit court, sit for the entire system and should be well versed in all of the state's laws. Therefore a judge sitting in the criminal division should be able on an emergency basis to hear a case from the divorce division.

Rotation of judges to avoid corruption may sound good, but there is a problem with this approach. Rotation is good in order to familiarize a judge with the entire system and to avoid complacency. However, regular rotation may undermine a judge's ability to become proficient in certain areas of the law. While the rules of evidence may touch all divisions, the criminal code of procedure rarely comes into consideration in the chancery division where one must be more astute regarding theories of mandamus and injunctive relief. Consequently I believe that a judge should be allowed to remain in a division for a period of time because the expertise developed and the ability to follow certain cases would directly benefit the populace.

Because I have extensive experience in motion practice and civil matters, I would like to be assigned to one of the civil divisions. I am comfortable with the review of multiple pleadings, and would welcome such a workload.

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

**ANSWER:**

Overall this is a difficult question, and the answer is complicated because of the dynamics and politics of our society. Consequently very often the most qualified and dedicated are not given the opportunity, because they have not followed the popular way of doing things. Sometimes following principals and being more concerned with substance than appearance becomes an albatross. Nonetheless these attorneys must be given access to the bench and given an opportunity to serve. The populace should have a voice. They should select judges. The people in neighborhoods should be able to place people on the bench who look like them and come from similar cloth.

In actuality there is a hybrid system in place. A judge in Illinois can be elected county wide or from a subcircuit which gives voice to smaller groups and ensures diversity on the bench. Also, associate judges are appointed through a selection process whereby sitting judges vote upon candidates that have been screened by the various professional bar

associations. Lastly, there is a process whereby the Justices from the Supreme Court can make appointments to fill vacancies that may occur. None of these are perfect selection processes and there are obvious check and balances that need to be put in place on each process, but it is the combination of these processes that arguably create some balance.

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:**

To your own self be true. If the question is too close to home recuse yourself. If you cannot maintain an impartial attitude, then you should not hear the case. Nonetheless given the scope of your duty, you must strive to separate your personal beliefs and personally correct them when they are wrong. The focus must be on the facts and the law. If it involves an area of the law that allows for discretion, then discretion should be exercised with care, caution and compassion. As always the simplest way to handle such a situation is to adhere to the letter of the law.

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

**ANSWER:**

An indicted judge should not remain on the bench. However, an indictment is not a determination of guilt, and therefore the judge should not be forced to resign or take a leave of absence. A judge in this situation should be assigned to administrative duties until a determination is made. This is the only rational way to handle such a situation. If found guilty, the judge should immediately be removed. If vindicated during the appellate process, the judge can be returned to the bench and compensated for loss pay, but the position is too sensitive to allow a guilty judge to judge others.

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

**ANSWER:**

I am strongly against mandatory sentencing. I believe in sentencing guidelines, but judges must have some discretion to consider the circumstances of a crime. History has shown that a felony does not always equal a felony. Being a passenger in a stolen car can be a felony under certain circumstances and so is murder. Should they be treated the same. Should someone who makes an error in judgment be treated with the same vengeance as someone who commits

heinous crimes? I believe not. Mandatory sentencing does just that, and there is overwhelming evidence that society does not benefit from following this standard. I believe that mandatory sentencing does not work.

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

**ANSWER:**

This is such a slippery slope. I strongly believe that there are not adequate support services involved in the process. I concede that there could be instances where a minor should be charged as an adult, but this should never occur without extensive psychological and sociological evaluations. When does a child's bad conduct constitute an intentional act that merits no consideration of his or her youth? Specific guidelines should be put into place for directing judges. A technical professional task force should formulate these guidelines. Absent such protections, I question the wisdom in treating a minor as an adult.

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

**ANSWER:**

The maturity of the minor and the circumstances of the pregnancy. I believe that everyone should have control over their body, but there are instances when a child needs the input and support of a parent. Should a nine year old who has been a victim of rape, and is simply afraid and ashamed be allowed to waive notice to her parents? On the other hand, a sexually active sixteen year old who fears being kicked out of the house and not being able to finish school probably should be allowed to make this decision regarding her body and continue with her life.

I believe a judge's decision should be controlled by the factual circumstances giving substantial difference to a person's right to choose.

## BIOGRAPHY OF DIANE M. SHELLEY

## Candidate for Judge of the 5<sup>th</sup> Judicial Subcircuit

**Diane M. Shelley** obtained a degree in Political Science with a minor in Economics from the University of Illinois at Chicago, and graduated from the University of Iowa School of Law where she worked with the Prisoners' Rights Clinic; and went on to work for the Florida Rural Legal Service providing free legal assistance to indigent and migrant workers in rural Florida. While there she handled a case of first impression resulting in an indigent physically handicapped child obtaining transportation so that she could attend school.

Diane returned to Illinois and was admitted to the Illinois State Bar and the Federal Northern District Court of Illinois in 1984. She became active in the New Chicago Committee, a group of young African-American professionals interested in local political and social issues; and also became an active member of the 2<sup>nd</sup> Ward Democratic Organization as its legal counsel. She opened her law office handling contested divorce and child custody cases, allotting a substantial portion of her time to pro-bono work. In 1990 the Cook County Bar Association named her volunteer of the year.

In 1991 Diane joined the Legal Department of the Metropolitan Water Reclamation District of Greater Chicago and began working on urban environmental issues. She was promoted several times, and presently holds the position of Head Assistant Attorney, the first African-American female to hold the position, focusing on personal injury and multi-million dollar construction contract claims. Her emphasis has been on motion practice resolving cases on summary judgment and through favorable settlements for the taxpayers. In 1994 Diane ran for Commissioner of the Metropolitan Reclamation District.

She has one son who is a graduate of Northwestern University's Medill School of Journalism, and she is presently a homeowner in the historical Bronzeville community of the 5<sup>th</sup> Judicial Subcircuit where her grandparents migrated to in the early 1900s; and where as a young adult she participated in community activities, the first free breakfast for children program and free busing to prisons program. Upon returning she became active in the community's revitalization by placing referendums on the ballots to vote problem areas dry, neighborhood beautification, community policing, and the restoration of the area to the grandeur of her youth.

She has over two decades of legal experience and believes that justice and kindness are the ingredients for a well judicial system.

### ***LEGAL EXPERIENCE***

**1991 - present**

#### **METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO**

##### **HEAD ASSISTANT ATTORNEY 1999 - PRESENT**

Responsible for the trial and supervision of complex contract, construction and personal injury cases in state and federal court; and preparation of legislation, resolutions and

ordinances. Render legal advice to District officers and staff. Supervise and pass on the preparation of opinions, pleadings briefs, releases, contracts, specifications, resolutions, Board Orders and other legal documents. Supervises work of Principal and Senior Assistant Attorneys and other staff.

**PRINCIPAL ASST. ATTY. 1994-1999**

Trial Attorney for complex construction, contract, commercial and personal injury matters.

**SENIOR ASST. ATTY. 1991-1994**

Handled workers' compensation claims and dispute resolution for wastewater treatment facilities and related support operations and environmental issues.

1990-1997

**ARBITRATOR FOR MANDATORY ARBITRATION**

**CIRCUIT COURT OF COOK COUNTY**

Acted as member and Chairperson of Arbitration Panel  
Over personal injury matters for claims of \$50,000 or less.

1985- 1991

**LAW OFFICES OF DIANE M. SHELLEY**

General Practitioner: Owner and manager of small law firm with several associate attorneys and support staff. Strong emphasis in contested domestic relations, child support and custody cases. Extensive litigation experience, including jury trials and appellate work

1989-1991

**CITY OF CHICAGO DEPARTMENT OF REVENUE**

Hearing Officer: Presided over parking enforcement hearings, Administered oaths, heard testimony, ruled on evidentiary issues, and made agency determinations of fact. Participant in the formulation and drafting of initial ordinance.

1984-1985

**E. DUKE McNEIL & ASSOCIATES**

**Staff Attorney:** General litigation

**Assisted and handled own caseload.** Emphasis in domestic relations.

1982-1983

**FLORIDA RURAL LEGAL SERVICES**

Certified Legal Intern

Hearings before administrative agencies and appellate review on behalf of migrants farm workers and indigents. Successfully presented case of first impression regarding access of handicapped child to public education. Oversaw and monitored enforcement of consent decree against county jail regarding treatment of pre-trial detainees.

**Other Employment**

1983-1984

**CITY OF CHICAGO-DEPARTMENT OF REVENUE**

Bond Research Specialist

Oversaw the issuance of government tax-exempt bonds for development of multi-unit housing and commercial development

1980-1981

**UNIVERSITY OF IOWA, IOWA CITY, IOWA**

Student Financial Aid Counselor

Reviewed and approved student's applications for financial assistance, and provided financial counseling

1974-1976

**CONTINENTAL ILLINOIS NATIONAL BANK**

Report Analyst-Worked on computerization, data retrieval and software development for large metropolitan bank. Involved in commercial international money transfers

**EDUCATION**

1979-1982

**University of Iowa, College of Law**

Iowa City, Iowa  
Juris Doctorate, 1982

**1976-1979**

**University of Illinois at Chicago**  
Chicago, Illinois  
Bachelor of Arts, Political Science  
Minor in Economics